

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 15, 2015, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by Mayor Kingseed and the Pledge of Allegiance. Mayor C. Mark Kingseed presided. Council Members and City Staff present were as follows:

Deputy Mayor	Brooks Compton
Council Members	John Beals
	Paul Gresham
	Belinda Kenley
	John Palcher
	JoAnne Rau
Clerk of Council Debra James	
Acting City Manager Steven Hinshaw	
City Planner Andrew Rodney	
Economic Development Administrator Nathan Cahall	
Public Works Director Douglas Spitler	
City Engineer James Brinegar	
Assistant to the City Manager Jennifer Wilder	
Assistant to the City Manager Kristen Gopman	
Community Resources Coordinator Maureen Russell Hodgson	
Municipal Attorney Scott Liberman	

The minutes of the following meetings had been distributed prior to this meeting:

Council Meetings -	May 18, 2015.
Special Council Meeting	June 01, 2015.
Special Council Meeting	June 08, 2015.
Work Session Meetings -	May 18, 2015.
	June 01, 2015.
	June 08, 2015.

Mr. Beals made a motion to approve the minutes as distributed. Mr. Palcher seconded the motion. The motion passed with seven ayes. Mrs. Kenley abstained from the vote on the minutes of the meetings held May 18, 2015 and June 8, 2015, and Mrs. Rau abstained from the vote on the minutes of June 1, 2015 as they both were absent on those dates.

Mrs. James announced that Martin Land Development Company had withdrawn its Record Plan request from the Agenda. The applicant is making some changes and will be resubmitting an application to the Planning Commission.

Mayor Kingseed welcomed Mr. Jack Lohbeck, President, for an update on the Centerville-Washington Foundation, a community partner for corporate and individual charitable giving and a partner of the Dayton Foundation. Mayor Kingseed stated that the Foundation has done a tremendous amount of good work by contributing to many worthy causes over the years. Foundation money stays in the community for local charitable purposes.

Mayor Kingseed honored the Centerville-Washington Township Historical Society as the winner of the 2015 Board of Architectural Review's Preservation Award for excellence in

stewardship. He presented a framed artwork and a certificate to Mr. Steve Feverston, President of the Historical Society, for the group's efforts in preserving the buildings and the grounds of the Walton House Museum, Aaron Nutt Cottage and the Asahel Wright House. The Historical Society soon will be celebrating its 50th Anniversary.

Mayor Kingseed read the proclamation designating June as Scleroderma Awareness Month in the City of Centerville. Ms. Demeshia Trice, a support group member, and Ms. Wilma Will were present to explain the illness and provide information concerning the support group. Their fourth annual event, the Fun Run Walk and Car Show, is scheduled on August 1, 2015, in Fairborn, Ohio. Ms. Trice also explained that Bill 133 in the Ohio Legislature was a direct result of meeting Sandra Brasington of Governor Kasich's Office at last year's City Council Meeting. The Bill would make June Scleroderma Awareness Month for the State of Ohio.

Mayor Kingseed presented Certificates of Recognition to Ryan Di Misa and Drew Zimmer who had recently completed the requirements for Eagle Scout Awards.

Mayor Kingseed noted the following in the Mayor's Report:

- Council has invited the Sugarcreek Township Trustees to meet to discuss the legal dispute between the City of Centerville and Sugarcreek Township concerning fire service for the Cornerstone Development. The Trustees are meeting on Wednesday morning, July 17, to decide whether they will meet with City Council. The Cornerstone project is going to be a benefit both to Sugarcreek Township and the City. Council is desirous of reaching an agreement.

In the City Manager's Report, Dr. Hinshaw reported the following:

- He gave an update on road construction projects on Wilmington Pike, north of I-675 and the ODOT project under the overpass of I-675.
- Because of the recent storms, he reminded residents that brush drop-off was available at Public Works every Wednesday from 8:00 a.m. to 4:00 p.m. and on every third Saturday of the month from 9:00 a.m. to noon.
- Staff is closely monitoring the state budget. The Senate has proposed to reduce the Local Government Fund further and redistribute some of those funds to townships. The City has already taken a 50% reduction from the Local Government Fund.
- He reminded everyone of the Sunday night concerts at Stubbs Park and the Americana Festivities on July 4th.

Mrs. Gopman outlined property maintenance code violations and resolutions for the month of May, as well as the community calendar for the months of June and July.

Dr. Hinshaw announced that an agenda item scheduled under the Planning Commission Report had been withdrawn by the applicant, David Alexander. The item was Application P-2015-0024, a replat of the Martin Land Development Company for property at 2601 East Alex-Bell Road.

Mr. Beals announced that, the Centerville-Washington Township Historical Society is sponsoring a presentation by Ed Ross, former President. He and his wife, Susan, live in one of

the Weller homes, and he will talk about Edna Weller and the Weller Farm at 7:00 p.m. at the Hithergreen Center on Tuesday, June 16, 2015.

Mrs. Rau thanked the City Beautiful Commission and the Public Works Department for the beautiful flowers planted and maintained at the crossroads of Centerville (downtown) as well as the landscaping redone at the City Building.

Mayor Kingseed expressed appreciation to State Representative Jim Butler, 41st District, who gave Council an update on happenings in Columbus that impact the City. The Senate and the House in Columbus are in the midst of budget negotiations.

Mayor Kingseed explained that the Consent Agenda contains routine procedural and administrative matters that have been discussed during Work Sessions and have unanimous support. Council Members read the Consent Agenda items into the record.

- A. Resolution Number 32-15, A Resolution Ratifying The Action Taken By The City Manager To Submit Two Applications To The Montgomery County Board Of Commissioners For Community Development Block Grants.
- B. Resolution Number 33-15, A Resolution Granting A Non-Exclusive Easement To ITHKICAN, LLC For The Ingress, Egress, General Vehicle Access And Private Stormwater Infrastructure Over The City Of Centerville Right Of Way Located Along Wilmington Pike.
- C. Resolution Number 34-15, A Resolution Ratifying The Action Of The City Manager Of The City Of Centerville, Montgomery County, Ohio, In Authorizing An Additional \$125,054.00 For The Local Share Of The ODOT Roadway Project On Wilmington Pike (PID NO. 93230, I-675/Wilmington Pike Project).
- D. Resolution Number 35-15, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement With The City Of Bellbrook, Ohio And The Board Of County Commissioners Of Greene County, Ohio For Delivery Of Public Water To The City Of Centerville In Sugarcreek Township.
- E. Resolution Number 36-15, A Resolution Expressing The City's Intent To Negotiate Jointly With Other Cities In The Region On One Price Schedule Under Which Electric Light Services Shall Be Furnished To The Residents Of The City For The Purpose Of Street Lighting.
- F. Resolution Number 37-15, A Resolution Authorizing And Directing The City Manager To Enter Into A Purchase Agreement With AT&T Global Services For A Police Department 911 Phone System Without Competitive Bidding.
- G. Reappointments to be Made as Follows:
Tom Bankston as a Member to the Centerville Arts Commission for a three year term.

Allen Nelson as a Member to the City Beautiful Commission for a three year term.

Mr. Compton recused himself from the vote on Item B, and Mrs. Rau recused herself from the vote on Item E. Dr. Gresham sponsored the Consent Agenda items and moved for their approval. Mrs. Kenley seconded the motion. The motion passed 7-0.

PUBLIC HEARING: ORDINANCE NO. 08-15
AMEND ORDINANCE NO.25-14 APPROPRIATIONS FOR CURRENT EXPENSES

The public hearing was held concerning Ordinance No. 08-15, to make budget revisions for 2015. Dr. Hinshaw presented explanations for the recommended budget revisions. The budget for the Mayor's Court could be removed from the General Fund with the elimination of the Mayor's Court. The \$200,000 ED/GE grant for the AeroSeal expansion needed to be added to the budget. Some funds, such as the Waste Collection fund, Medical Self-Insurance fund, TIF Area Improvements fund and Debt Retirement fund, required amendments.

Mayor Kingseed opened the floor and seeing no one come forward, closed the public hearing.

Mr. Compton sponsored Ordinance No. 08-15, An Ordinance To Amend Ordinance Number 25-14 To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2015, and moved that it be passed. Mr. Beals seconded the motion. The motion passed unanimously.

PUBLIC HEARING: ORDINANCE NO. 11-15
CONSTRUCTION MANAGER AT RISK AGREEMENT WITH OBERER CONSTRUCTION
MANAGERS, LTD. AND CORNERSTONE DEVELOPERS, LTD.
PHASE II INTERIOR PUBLIC IMPROVEMENTS

Dr. Hinshaw explained that a Construction Manager At Risk Agreement had been used for Phase I Public Improvements and now this second agreement was requested for the development and construction of Phase II Interior Public Improvements for Cornerstone of Centerville. The proposed public improvements are in front of the proposed Kroger and Cabela's development at the eastern end of Cornerstone North Boulevard. Oberer Construction Managers, LTD would be required to comply with public bidding processes and prevailing wages. The agreement would enable Oberer Construction Managers to coordinate contractors and expedite the construction of these public improvements, since Mr. Oberer has a commitment to Cabela's to be ready for an opening on a certain date.

Mayor Kingseed opened and then closed the public hearing when no one came forward.

Mr. Spitler explained the Construction Manager at Risk Agreement with Oberer Construction Managers, LTD, who will be acting as the City representative for this project. The City would have full surety from the Construction Manager and Developer for the improvements. Staff will approve jointly any proposed change orders and attend field/office

meetings. The City's Engineering department would provide oversight even though Oberer Construction Managers were acting on our behalf.

Mr. Compton sponsored Ordinance Number 11-15, An Ordinance Authorizing And Directing The City Manager To Enter Into Construction Manager At Risk Agreement With Oberer Construction Managers, LTD., And Cornerstone Developers, LTD For Construction Management Services For Phase II Interior Public Improvements, and moved that it be passed. Mr. Beals seconded the motion. The motion passed with seven ayes.

PUBLIC HEARING: ORDINANCE NO. 07-15
AMENDING SECTION 1424.01
STANDARDIZED BUILDING AND HOUSING CODES

Mr. Cahall explained this housekeeping measure. The Ohio Board of Building Standards recently updated and recognized a new Electric Code for the State of Ohio. To maintain consistency with State requirements, the City needed to change Municipal Code references from the "2011 Electric Code" to the "2014 Electric Code."

Mayor Kingseed closed the public hearing after seeing no one come forward.

Mrs. Kenley sponsored Ordinance No. 07-15, An Ordinance Amending Section 1424.01, Regarding Adoption Of Standardized Building And Housing Codes, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with a vote of 7-0.

PUBLIC HEARING: ORDINANCE NO. 09-15
ESTABLISHING NEW CHAPTER 1490 PRE-SALE INSPECTION

Mr. Cahall gave background for the ordinance to institute a pre-sale inspection program across the City. For a number of years, the City Council had discussed ways to maintain strong property values across all of our neighborhoods in the community. Pre-sale inspections have been used as tools in three other local municipalities—Oakwood, Englewood and Huber Heights. Centerville would focus on obvious exterior things, such as general property maintenance and zoning violations. Staff met with and will continue to communicate with the Dayton Area Board of Realtors as well as the Miami Valley Land Title Lawyers Association. We have also reached out to the County Auditor and the Recorder to make them aware of this program and its possible implementation.

Mayor Kingseed opened the Public Hearing:

Tom Moore, 1370 Fenway Court, asked how the program would alleviate a situation where a neighbor does not take care of a property at all. He felt it would not solve problems, but rather, put another burden on responsible homeowners. He requested a checklist on the website.

Mayor Kingseed explained that the intent was to encourage property maintenance, a property value protection measure. The goal was not to just cite people; it was to get compliance, rather than convictions through the court process. He advised staff that we may need to look at the general property maintenance ordinances to see if they need to be strengthened.

Mr. Cahall noted that the purpose of this program is that the exterior property both for the structure and land appears to meet all requirements of our zoning code, unified development ordinance and property maintenance code.

Chris Rose, 409 Shawnee Trail, asked why the City was duplicating exterior inspections that are being done in the private sector. She asked about liability for problems not found in the pre-sale inspection. She reported lower fees in Oakwood and Huber Heights.

Jack Kindler, 9719 Greenside Court, felt the program was a step in the right directions to establish consistency in the community. He pointed out problems with absentee landlords with regards to maintenance and upkeep. He agreed that the expectations should be clearly defined and recommended a checklist.

Diane Wysong, 664 Legendary Way, didn't want more government regulation. She preferred to encourage residents to keep their property up while they were living there.

Bob Rose, 409 Shawnee Trail, stated his impression was the City wasn't enforcing the current zoning codes and gave an example in his neighborhood. He spoke against adding a program and a fee because he felt the ordinance would not be enforceable.

Mayor Kingseed closed the public hearing.

After some discussion Mr. Cahall explained that the City's inspection would be for adherence to zoning and property code standards for the exterior of the property only. Standard home inspections found problems, but there was no requirement that they be resolved.

Mr. Liberman commented on the pre-sale inspection program. He pointed out that a checklist would be based on code minimums that the City already had in place. The only new part is that the seller would have to meet the standards or the sale could not proceed unless the purchaser committed to resolving the problems. The pre-sale inspection was a community inspection for the community's benefit. The private inspection would be for the benefit of the purchaser. He did not feel there was competition with a private home inspector.

Mr. Beals made a motion to table Ordinance No 09-15 until the Council Meeting on July 20, 2015. Mrs. Kenley seconded the motion. The motion passed after a roll call vote resulted in seven ayes.

Council members gave staff direction on additional information requested prior the next meeting. Mayor Kingseed asked Mr. Cahall to look again at the fee schedule. Dr. Gresham requested a sample checklist, while Mrs. Kenley wanted to see the brochure staff was putting together. Mr. Compton requested an overview of the procedure by which a complaint or item comes before Sande Heck for consideration and the steps for due process. He asked for current examples in time to drive by to see what you are dealing with. The Mayor agreed that Council needed to have a sense of whether the existing ordinance was broad enough to cover current situations.

ORDINANCE 12-15: MUNICIPAL MOTOR VEHICLE LICENSE TAX UNDER OHIO
REVISED CODE SECTION 4504.172

Mr. Cahall explained the Ordinance for the implementation of a municipal vehicle registration fee or permissive tax, an optional fee that can be levied by the County or a local community on vehicle registrations. In the Ohio Revised Code, there is a \$20.00 limit on added fees per plate. Currently Montgomery County levies three \$5.00 fees so there is the opportunity, if the City elects to do so, to come in to request the fourth \$5.00 fee portion of the registration tax. The use of funds of this revenue includes things such as planning, construction, maintenance, repair of highway streets and related appurtenances, bridges, viaducts, and traffic signals. If passed, this \$5.00 fee would be effective for new vehicle registrations in the City starting January 1, 2016. It is estimated the city would be looking at \$100,000-120,000 per year.

Public Hearing was closed after seeing no one come forward.

After discussion Council concurred to move ahead. State budget cuts have decreased City revenue between \$2-3 million annually, and the money, about \$120,000 annually, would be used to maintain City streets.

Dr. Gresham sponsored Ordinance Number 12-15, An Ordinance Levying An Additional Five Dollar (\$5.00) Municipal Motor Vehicle License Tax Under Ohio Revised Code Section 4504.172, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

EMERGENCY ORDINANCE NO. 13-15
ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF
\$8,880,000

Dr. Hinshaw explained the issuance and sale of bonds in a maximum principal amount of \$8,880,000 for paying the costs of improving the City's transportation system in the area of the Cornerstone Development, Phases 1, 2 and 3. A Tax Increment Financing Program has been established to pay for the annual debt service payments related to this debt issuance.

Dr. Hinshaw explained Tax Increment Financing (TIF), how funds are derived and the general structures. He said our program is contemplating a total of \$25,000,000 in improvements to be paid with City General Obligation Debt, with payments to be covered by the TIF Program. The agreement that we have now with the Bellbrook School District is a 60% TIF – that reduces to 55% if an agreement is reached for Sugarcreek Fire and EMS. What we proposed to the Sugarcreek Fire and EMS was the 55% TIF which would be identical to the Bellbrook School District TIF. The City had no legal obligation to provide TIF funding for Fire and EMS Services, however, the City has made the offer to share that portion of the TIF funding.

Mr. Compton sponsored Ordinance No. 13-15, An Ordinance Providing For The Issuance And Sale Of Bonds In The Maximum Principal Amount Of \$8,880,000 For The Purpose Of Paying The Costs Of Improving The City's Vehicular Transportation System, Including But Not Limited To Feedwire Road, Wilmington Pike And Other New Public Streets, By Constructing, Reconstructing, Extending, Opening, Widening, Grading, Draining, Curbing, Paving And

Resurfacing, And Site Preparation, Installing Lighting, Gas, Electric And Communications Facilities, Sanitary Sewer, Storm Sewer And Water Improvements, Signage And Signalization, Sidewalks And Bikeways, Streetscaping, Landscaping, Irrigation And Aesthetic Improvements, And Acquiring Interests In Real Estate Therefor, Together With All Incidental Work And Related Appurtenances Thereto And Declaring An Emergency, and moved that it be passed. Mr. Palcher seconded the motion. The motion passed with a seven ayes.

There being no further business, the meeting was adjourned. The next meeting of the Centerville City Council was scheduled for July 20, 2015.

Approved: G. Mark Keegan
Mayor

ATTEST: Debra A James
Clerk of Council