

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 17, 2013, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor Charlie Woodward of Epiphany Lutheran Church and the Pledge of Allegiance with Mayor C. Mark Kingseed presiding. Council Members and City Staff present were as follows:

Council Members Deputy Mayor Brooks Compton
 John Beals
 Doug Cline
 Paul Gresham
 Belinda Kenley
 James Singer

Clerk of Council Debra James
City Manager Gregory Horn
Finance Director Steven Hinshaw
City Planner Steven Feverston
Public Works Director Robert James
City Engineer Douglas Spitler
Assistant to the City Manager Jennifer Wilder
Economic Development Administrator Nathan Cahall
Community Resources Coordinator Maureen Russell Hodgson
Municipal Attorney Scott Liberman

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

Council Meeting - May 20, 2013.

Work Session Meetings - May 20, 2013.
 June 3, 2013.
 June 10, 2013.

Mr. Compton made a motion for approval of the minutes as distributed. Mr. Beals seconded the motion. The motion passed unanimously with Dr. Gresham abstaining from the minutes of the Work Session of June 3. Mr. Cline and Mrs. Kenley abstained from the minutes of the Work Session of June 10, 2013.

Mayor Kingseed explained the Centerville-Washington Veterans Memorial enhancement project. Five bronze medallions, representing the five branches of the military, will be installed on the brick plaza along the pond at the War Memorial at Stubbs Park. He invited sculptor Virginia Hess to the podium, showed one of the bronze pieces and thanked her for all she contributed toward the Memorial project. The total cost for just the installation is \$35,000 for which the City and Washington Township have each contributed \$10,000. A community-wide fundraising effort is now in progress to raise the remaining \$15,000. It was noted that anyone wishing to make a donation could contact the City.

Mr. Cline made a motion to approve Mr. Jon Hazelton as a member of the Community Reinvestment Area Housing Council for a term of three years. Mrs. Kenley seconded the motion. The motion passed with seven ayes. Mayor Kingseed administered the oath of office to him.

Mayor Kingseed invited Thomas Routsong, Paula Harrison and Stephanie Swogger, to the podium to receive the 2013 Board of Architectural Review Preservation Award for Excellence in Stewardship at Routsong Funeral Home at 81 North Main Street. Board members Charles Graham and Jaime Garrett joined the Mayor in presenting a framed pen and ink drawing of the property and a certificate. The Board of Architectural Review presents an annual award in order to encourage owners to preserve the buildings, the atmosphere and the heritage of the downtown area. BAR member Brad Thorp was also in attendance.

Ms. Lisa Tucker of Bill's Donuts and Ms. Shari Kern who is President of the Blue Star Mothers talked about the work they do to support family members in the Armed Services.

Mayor Kingseed presented a Proclamation designating June as Scleroderma Awareness Month in the City of Centerville. Ms. Penny Davis and Ms. Demeshia Trice, who are Dayton Area Support Group Leaders, shared information about the disease and the resources they provide.

Mayor Kingseed recognized the youth group at Morning Star Baptist Church for "A Day of Service" to the City of Centerville. Pastor Andrew Hedges and Ms. Gail Wise helped organize the event and received the certificate of recognition.

On behalf of the City Beautiful Commission Mrs. Jan Prettyman presented plaques to the June Community Pride Award winners – the Aaron Nutt Cottage at 78 North Main Street and the Ashton Glen Apartments at 506 Stonington Circle.

After encouraging residents to nominate residential award winners for July and August, Mrs. Prettyman named the Residential Summer Landscape Award winners for June as follows:

Steve and Jiniffer Harbour
2510 Hingham Lane

Susan and Joe Medsker
7256 Fallen Oak Trace

Hank and Jane McElderry
6220 Brentshire Court

Ted and Jan Frederick
430 Island Lake Court

Bob and Jan Pangburn
1325 Brainard Woods Drive

Kevin and Debbie Round
1599 Olde Haley Drive

Jack Curtis
110 White Birch Road

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

The Americana Festival festivities include a patriotic concert on July 3 at 7 p.m. at Stubbs Park, as well as the parade and fireworks on the Fourth of July. He thanked the Americana Committee for this great event.

Mr. Horn included the following in the City Manager's Report:

He echoed the Mayor's comments with regard to Mrs. Hess, saying that she has generously donated her time, talent and resources, including the funding of the bronze pieces.

He congratulated Sergeant Scott Owsley who was named the 2013 recipient of the John Kalamian Respect for Law Award from the Centerville Noon Optimists.

The Emerald Ash Borer (an ash tree-killing insect) is taking a toll in our community. Numerous trees around the city are dying, especially at Yankee Trace. Outside contractors will be brought in to assist with taking down about three hundred trees on public property. The Public Works crews worked all winter at Stubbs Park and removed 200 to 300 ash trees there. He encouraged residents who have dying trees to have them removed before they become a safety hazard. Code Enforcement will work with residents to give them time to schedule the work because of the unusual expense.

Mr. Cahall gave the statistics on Code violations and corrections for May, before presenting the community calendar for the remainder of June and for July. He reviewed items such as the Farmers Market, Americana Festival details, the art exhibit at the Police Department, the summer concert series sponsored by the Arts Commission, digital photography workshop, Yankee Trace opportunities and events, Public Works activities, recycling resources, prescription drug cards and board and commission openings.

Mr. Brooks Compton recused himself from this portion of the meeting due to a conflict of interest.

In the report of the Planning Commission, Mr. Feverston explained the record plan for the McDonald's Restaurant to be built at 6270 Far Hills Avenue, the former site of Talegators Restaurant. He explained the access and egress and noted the requirement for replatting of the lot. He read the conditions recommended by the Planning Commission of May 28, 2013, and added one additional condition related to recent information about potential changes in easements. The conditions are as follows:

1. The construction plans that are a part of the McDonald's Major Site Plan/Zoning Certificate plan sets for the improvements to Fireside Drive and the traffic signal upgrade at the intersection of Far Hills Avenue and Fireside Drive shall be referenced as a part of this record plat.
2. The sidewalk easement along the Far Hills access road shall be increased to 6 feet in width from 5 feet subject to approval by the City Planner.
3. A ten foot wide sanitary sewer easement shall be provided along Fireside Drive for the existing sanitary sewer subject to approval by the Montgomery County Sanitary Engineer.
4. Execution of a Subdivider's Agreement is required with the City of Centerville.
5. In lieu of construction of the required improvements prior to the recording of the plat, a performance bond is required. The bond amount is based upon the engineer's estimate, which shall be submitted by the developer for approval by the City Engineer. The estimate is for the construction of the required public improvements including earthwork,

storm sewer, pavement, sidewalk, traffic control, and erosion control.

6. The applicant shall provide review and inspection fees in the amount subject to approval by the City Engineer.
7. The final placement of the DP&L and Ameritech easements shall be subject to the approval of the City Planner.

Mr. Beals made a motion to approve the record plan for McDonald's at 6270 Far Hills Avenue subject to the conditions recommended by the Planning Commission and the additional condition of the City Planner. Dr. Gresham seconded the motion. The motion passed with six ayes.

Mr. Compton returned to the meeting at this time.

In Standing Committee Reports, Mrs. Kenley gave a brief update on activities at the Washington-Centerville Library. She noted that Cherry Trees and a Peace Pole were installed as part of the Operation 1000 Cherry Trees Project. She also mentioned the Rotary Club's Presidential Citation, the recent 5 K Walk and the Summer Reading Club. The Friends of the Library have raised over \$60,000 in two years. Passport photos are available at the library and are serving as a fundraiser.

Mr. Cline stated that after a long period of deliberation, he has decided not to seek re-election to the Centerville City Council in the November election. He said, "The past fifteen years that I have served on Council has been an incredible life changing experience for me. As a partner in an investment advisory practice and the father of five children, my most precious commodity is my time. My priority at this time in my life is to spend as much time as possible with my family as our younger children grow into young adults. I look forward to this next phase of my life with great enthusiasm, and I am confident that my departure will create an opportunity for a talented member of our community to step forward."

Mr. Singer also announced that he would not seek re-election to City Council this year. He said, "I have had the pleasure of serving the City on this Council for 40 years. I would like to give the opportunity to somebody new. Thank you all for your support and help throughout the years."

Mayor Kingseed explained that the Consent Agenda contains routine procedural and administrative matters which the Council had discussed in Work Sessions. Council Members read the Consent Agenda items into the record, before Dr. Gresham sponsored the following items and moved for their approval:

- A. Ordinance Number 7-13, An Ordinance Declaring The Improvement To Certain Parcels Of Real Property To Be A Public Purpose And Exempt From Taxation; Establishing A Tax Increment Equivalent Fund And Providing For The Collection And Deposit Of Service Payments Into That Fund; Specifying The Public Infrastructure Improvements Directly Benefiting The Parcels; And Authorizing Make-Whole Compensation Payments To The Bellbrook-Sugarcreek Local

School District And The Greene County Vocational School District, be set for Public Hearing July 15, 2013.

- B. Ordinance Number 8-13, An Ordinance Establishing Chapter 844 "Food Vending Vehicles" Of The Codified Ordinances Of The City Of Centerville And Repealing Chapter 836.03 "Restrictions On Street Sales Of Frozen Desserts, be set for Public Hearing July 15, 2013.
- C. Resolution Number 26-13, A Resolution Authorizing The Municipal Attorney To Notify The Board Of Elections Of The Removal Of Submission To A Vote Of The Qualified Electors Of The City Of Centerville A Referendum On Ordinance No. 10-12.
- D. Resolution Number 27-~~12~~^{3 DAG}, A Resolution Authorizing And Directing The City Manager To Enter Into A Pre-Annexation Agreement With FEZCO DLP, LLC For Property Located In Washington Township.
- E. Resolution Number 28-~~12~~^{3 DAG}, A Resolution Authorizing The City Manager To Enter Into A Memorandum Of Understanding With The Ohio Department Of Transportation (ODOT) Regarding Developing A School Travel Plan In The City Of Centerville Pursuant To A Safe Routes To School Funding Grant.
- F. Resolution Number 29-13, A Resolution Accepting The Bid Submitted By J. K. Meurer Corp., Of Loveland, Ohio, For The Yankee Trace Cart Path Resurfacing Project, In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- G. Reappointment of Richard Hoback to the Board of Architectural Review for a term of three years and Frank Masterson to the Personnel Appeals Board for a term of three years.

Mr. Compton seconded the motion. The motion passed unanimously with seven ayes.

**PUBLIC HEARING: ORDINANCE NO. 6-13, REGULATING PEDDLARS, VENDORS,
CANVASSERS AND CHARITABLE SOLICITATIONS**

Mr. Horn gave background on the proposed ordinance repealing the current Chapter 836 and adding a rewritten Chapter 836 to the Centerville Municipal Code. Currently the police department has no remedy when it receives calls about solicitors in Centerville residential neighborhoods, yet solicitation can be a security issue. Research has shown that sometimes ex-felons are included in groups of paid canvassers.

Some neighboring communities have enacted solicitation legislation with registration and photo identification requirements. Council discussed concerns about the identification requirements for non-profit student and Girls Scout fundraisers and signature collection for local government issues. They felt lists of addresses where the residents opted out of any solicitation

would be cumbersome, yet as it is now, the Police Department has no enforcement procedure in place when a citizen makes a complaint.

Council requested more information about how other communities were handling non-profit and political canvassing before Mr. Compton moved to table Ordinance No. 6-13 to the July 15, 2013 Council Meeting, An Ordinance Repealing Chapter 836 "Peddlers And Solicitors" Of The Codified Ordinances Of The City Of Centerville And Enacting New Chapter 836 Entitled "Peddlers, Vendors, Canvassers, And Charitable Solicitations". Dr. Gresham seconded the motion. The motion passed unanimously.

During Citizens' Comments and Concerns the following people spoke:

Demeshia Trice, 46 Pointview Avenue, pointed out the difference between hired canvassers and local solicitors. The canvassers are the ones that go into the cities and recruit individuals with criminal backgrounds to canvas to get petitions signed or sign on utility customers. Hired canvassers are the ones checking out homes for potential crimes. She asked Council to concentrate on the right groups.

Scott Liberman explained the difficulty in balancing the right to privacy and the First Amendment right to free speech. Court cases have allowed the "Do Not Solicit" lists as a tool for doing this.


Diane Wysong, 664 Legendary Way, urged Council not legislate any changes that would impede the ability of citizens to gather signatures for referendum issues. The current ordinance allows citizens who have concerns about things going on in their government to do a referendum without registering.

There being no further business, the meeting was adjourned.

Approved: _____


Mayor

ATTEST: _____


Clerk of Council