

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *January 24,*20 *11*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 24, 2011, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Mr. Singer and the Pledge of Allegiance to the Flag led by Girl Scout Troop 30870 with Mayor Mark Kingseed presiding. Brownie Girl Scouts from Stingley Elementary introduced themselves, before Troop Leader Liz Cline explained the purpose of the evening at City Hall, the availability of Girl Scout cookies and the possibility of donating cookies to Blue Star Mothers.

Councilmembers and City Staff present were as follows:

Deputy Mayor Douglas Cline
 Councilmembers John Beals
 Brooks Compton
 Belinda Kenley
 James Singer

Assistant Clerk of Council Julia Weaver

City Manager Gregory Horn

Finance Director Steven Hinshaw

Public Works Director Robert James

City Engineer Douglas Spitler

Assistant to the City Manager Jennifer Wilder

Assistant to the City Manager Kristen Gopman

City Planner Steven Feverston

Economic Development Administrator Nathan Cahall

Human Resources Manager Ginger Yonak

Municipal Attorney Scott Liberman

Mr. Singer moved to excuse Dr. Gresham from the Council Meeting of the evening. Mr. Cline seconded the motion. The motion passed with six ayes.

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

Work Session Meetings - December 20, 2010.

January 10, 2011.

Mrs. Kenley moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mrs. Weaver announced the resignation of Mr. Mark Taylor from the Arts Commission.

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

He thanked the Diversity Council for its work on the Martin Luther King, Jr.

Breakfast and for its ongoing work to educate residents concerning the importance of respect for various cultures and religions.

He noted the retirement of Police Chief Stephen Walker after thirty-seven years of service to the community and thanked those responsible for the activities surrounding his departure on Friday, January 14, 2011.

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He expressed appreciation to the Public Works employees for their diligence and hard work during the bitter cold and constant snowfalls of the past weeks. He asked Mr. Horn to pass along the gratitude of the Council.

Council is holding a long-range planning retreat at Benham's Grove on February 5, 2011, with the State of the City Address to follow on February 7 at the Centerville Police Department at 6:00 p.m. He encouraged everyone to attend the State of the City activities.

The Mayor recommended approval of the following list of appointments:

COUNCIL COMMITTEES 2011

NEIGHBORHOOD RELATIONS

Belinda H. Kenley, Chairman
Brooks A. Compton
Douglas C. Cline

ECONOMIC DEVELOPMENT

Douglas C. Cline, Chairman
Brooks A. Compton
Paul M. Gresham

ENVIRONMENTAL COMMITTEE

Douglas C. Cline, Chairman
Belinda H. Kenley
John J. Beals

FINANCIAL AND LONG-RANGE PLANNING

James E. Singer, Chairman
Paul M. Gresham
John J. Beals

INTERGOVERNMENTAL RELATIONS

C. Mark Kingseed, Chairman
Douglas C. Cline
Brooks A. Compton

LEGAL

Brooks A. Compton, Chairman
John J. Beals
Paul M. Gresham

PUBLIC HEALTH AND SAFETY

Paul M. Gresham, Chairman
Brooks A. Compton
James E. Singer

STREETS AND HIGHWAYS

John J. Beals, Chairman
James E. Singer
Belinda H. Kenley

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COUNCIL LIAISONS

	<u>PHONE</u>
<u>BICYCLE COMMITTEE</u>	
Paul M. Gresham	885-3401
John J. Beals	433-6492
<u>BOARD OF ARCHITECTURAL REVIEW</u>	
James E. Singer	433-6922
<u>CENTERVILLE ARTS COMMISSION</u>	
Belinda H. Kenley	434-4877
<u>CENTERVILLE CITY SCHOOLS</u>	
C. Mark Kingseed	885-1865
<u>CENTERVILLE-WASHINGTON TOWNSHIP HISTORICAL SOCIETY</u>	
John J. Beals	433-6492
<u>CENT. PROPERTY REVIEW COMMISSION</u>	
Brooks A. Compton	885-5730
<u>CENTERVILLE-WASHINGTON PARK DIST.</u>	
Brooks A. Compton	885-5730
<u>CITY BEAUTIFUL COMMISSION</u>	
John J. Beals	433-6492
<u>CITY PLANNING COMMISSION</u>	
Douglas C. Cline	438-0257
<u>SISTER CITY COMMITTEE</u>	
Paul M. Gresham	885-3401
<u>WASH.-CENT. PUBLIC LIBRARY</u>	
Belinda H. Kenley	434-4877
<u>WASHINGTON TOWNSHIP TRUSTEES</u>	
C. Mark Kingseed	885-1865

CENTERVILLE REPRESENTATION

CENTERVILLE-WASHINGTON DIVERSITY COUNCIL

Gregory B. Horn
Jennifer S. Wilder

DAYTON AREA MANAGERS ASSOCIATION

Gregory B. Horn
Jennifer S. Wilder
Kristen P. Gopman

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DAYTON DEVELOPMENT COALITION

C. Mark Kingseed

FIRST TIER SUBURBS

Paul M. Gresham (Delegate)
C. Mark Kingseed (Alternate)

GREENE COUNTY WATER/WASTEWATER ADVISORY COMMITTEE

James E. Singer

HITHERGREEN SENIOR CENTER OF CENT./WASH. TWP.

Board of Trustees
C. Mark Kingseed (Delegate)
Jennifer S. Wilder (Alternate)
Personnel Committee
Ginger Yonak

MIAMI VALLEY COMMUNICATIONS COUNCIL

James E. Singer (Delegate)
C. Mark Kingseed (Delegate)
Gregory B. Horn (Alternate)

Government Technology Committee
Gregory B. Horn

MIAMI VALLEY REGIONAL PLANNING COMMISSION

John J. Beals (Delegate)
Gregory B. Horn (Alternate)

Technical Advisory Committee
Robert A. James (Delegate)
Steven A. Feverston (Delegate)
K. Douglas Spitler (Alternate)

Transportation Committee
John J. Beals (Delegate)
Douglas C. Cline (Alternate)

The Lower Greater Miami River Basin Council
John J. Beals

MONT. CO. COMMUNITY DEV. BLOCK GRANT

C. Mark Kingseed

MONTGOMERY & GREENE CO. MAYORS & MANAGERS ASSOC.

C. Mark Kingseed
Gregory B. Horn

MONTGOMERY COUNTY OFFICE OF EMERGENCY MANAGEMENT

Countywide Advisory Committee
Gregory B. Horn (Representative)
Kristen P. Gopman (Alternate)

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Gregory B. HornNATIONAL LEAGUE OF CITIES (NLC)NLC Board of Directors
Paul M. GreshamNLC Board Policy and Legislative Committee
Paul M. GreshamNLC Community and Economic Development Policy and Advocacy Steering Committee
Belinda H. KenleyNLC Energy, Environment and Natural Resources Policy and Advocacy Steering Committee
John J. BealsNLC Human Development Policy and Advocacy Committee Board Liaison
Paul M. GreshamOHIO BENEFITS COOPERATIVESteven A. Hinshaw
Ginger YonakSATELLITE JUVENILE COURTGregory B. Horn
Police Chief Bruce RobertsonSOUTH METRO REGIONAL CHAMBER OF COMMERCEBoard of Trustees
John J. Beals (Delegate)SOUTH SUBURBAN COALITION

Douglas C. Cline

SYCAMORE MEDICAL CENTERCitizens Advisory Council
C. Mark Kingseed
Gregory B. HornWASHINGTON TOWNSHIP RECREATION BOARDJohn J. Beals (Delegate)
Brooks A. Compton (Alternate)

Mr. Cline moved to accept the Mayor's recommendations for appointments to Council Committees, Council Liaisons and Council Representations. Mr. Singer seconded the motion. The motion passed with six ayes. The list of appointments will be posted on the website.

During his City Manager's Report, Mr. Horn stated the following:
He thanked the Mayor for his positive comments regarding the efforts of the Public Works employees during recent winter storms.

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He noted that the retirement of Police Chief Walker was a significant event in the history of the City of Centerville that was celebrated with an open house and a dinner. Following Chief Walker's retirement, appointing a new chief from the ranks resulted in a cascade of promotions. Mr. Horn introduced and congratulated Sgt. Michael Yoder, Captain Mark Casey and Centerville Police Chief Bruce Robertson. The training, experience, awards, and degrees these three men have earned make them extraordinarily qualified for the positions they have accepted.

Mr. Gopman outlined code violations and resolutions for the month of December, 2010, and presented the community calendar for January and February. The State of the City Address will be televised from the Centerville Police Department at 6:00 p.m. on Monday, February 7, 2011. Mrs. Gopman noted that Art at the Trace is scheduled from 6-9 p.m. on Saturday, February 12, 2011. She presented information on board and commission openings, opportunities at Yankee Trace for off-season practice, garden seminars sponsored by the City Beautiful Commission, and the Mayor's Business Breakfast on February 23. She announced that the City of Centerville now has Facebook pages for the City, Yankee Trace and Benham's Grove.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters which the Council has discussed in Work Sessions. Approval of these issues will be as a group with one motion being made. Councilmembers took turns reading the Consent Agenda items into the record, before Mr. Compton sponsored the Consent Agenda and moved that the following items be approved:

- A. Ordinance Number 1-11, An Ordinance Amending Ordinance 14-08, The Unified Development Ordinance For The City Of Centerville, Ohio, As It Applies To The Establishment of Areas Of Special Flood Hazard, be set for Public Hearing on March 21, 2011.
- B. Ordinance Number 5-11, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, To Rezone 29.83 Acres Of Land, More Or Less, Located Along Centerville Business Parkway And North Of Clyo Road And Being Multiple Tracts Of Land, From I-PD, Industrial Planned Development, To O-PD, Office Planned Development, Zone Classification, be set for Public Hearing on March 21, 2011.
- C. Ordinance Number 3-11, An Ordinance Amending Section 660.14 of the Centerville Municipal Code Regarding Weeds And Grass, be set for Public Hearing on February 21, 2011.
- D. Ordinance Number 4-11, An Ordinance Of The City Of Centerville, Ohio, Amending Title Eight Of The Centerville Municipal Code; Adopting The 2009 Edition of the *International Property Maintenance Code* Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure

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That Structures Are Safe, Sanitary And Fit For Occupation And Use And For the Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use And For The Demolition Of Such Existing Structures In The City; And Repealing Title Eight Of the Centerville Municipal Code And All Other Ordinances And Parts Of Ordinances In Conflict Therewith, be set for Public Hearing on February 21, 2011.

- E. Resolution 1-11, A Resolution Authorizing And Directing The City Manager To Enter Into An Annexation Agreement With The Board Of Trustees Of Washington Township For Property Consisting Of 2.58 Acres Of Land More Or Less Located In Washington Township.
- F. Resolution 2-11, A Resolution By The Centerville City Council Imposing A Moratorium For A Period Of Six Months (180 Days) On The Granting Of Any Permits Allowing The Operation Of Sweepstakes/Internet Cafes Within The City Of Centerville.
- G. Resolution 3-11, A Resolution Accepting the Bids Submitted By Turfgrass Inc., John Deere Landscapes, Green Velvet Sod Farms, Advanced Turf Solutions, And Century Equipment For Chemicals For The Golf Club At Yankee Trace And To Authorize The City Manager To Enter Into Contracts In Connection Therewith.
- H. Resolution 4-11, A Resolution Accepting The Bids Submitted By Turfgrass Inc., John Deere Landscapes, Green Velvet Sod Farms, Advanced Turf Solutions, and Greenskeeper Turf for Fertilizer For The Golf Club At Yankee Trace And To Authorize the City Manager To Enter Into Contracts In Connection Therewith.
- I. Reappointments For Three Years To Be Made As Follows:
 James Teske to the Arts Commission.
 Gina Tollefson to the Tax Appeals Board.
 Suzanne Holloway to the Sister City Committee.
 Louis Bordonaro to the Schools Personnel Appeals Board.
 John Lohbeck, Robert Perkins and James Wasson to the Property Review Commission.

Mr. Singer seconded the motion. The Consent Agenda passed with six ayes.

PUBLIC HEARING ORDINANCE NUMBER 28-10: NOT TO DESIGNATE AS A LANDMARK THE DILLE HOUSE AT 5300 WILMINGTON PIKE

Mr. Feverston stated that this ordinance is to determine the status of the stone house on the Dille property at 5300 Wilmington Pike. He used a PowerPoint to situate the house on the property zoned B-PD and to show pictures of the house. Interest in landmark status for the house focused after October 26, 2010, when the City of Centerville received a

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request by George Oberer for a demolition permit for the structure. In the days that followed the City Planning Department determined the need for a landmark review and initiated research that included hiring an independent consultant. On November 30, the Planning Commission determined that the demolition would have no negative effect on the comprehensive plan for the site and referred the matter to the Board of Architectural Review. At its meeting on December 7, 2010, the Board of Architectural Review heard the recommendation of the Planning Commission, received reports by MSA, Steven Schaefer and City staff, held a public hearing and recommended not to designate the Dille house as a landmark by a vote of 5-1.

Mr. Nestor Melnyk of MSA (Michael Schuster Associates) addressed Council. Madeline Williams was also in attendance. Mr. Melnyk and Ms. Williams are consultants hired by the City of Centerville to research the historical and architectural merit of the two-story Colonial Revival stone house. Mr. Melnyk stated that the Dille house does not meet the criteria for landmark status. Showing pictures, Ms. Williams discussed the architectural and structural details of the house. Mr. Melnyk noted that the architect, Ellison Smith, is better known for other architectural styles and that this house does not have a significant historical connection to either John Patterson (Robert Patterson was the original owner) or Samuel Dille who is more historically prominent than Charles Dille. Ms. Williams stated that additionally, the house does not meet criteria for the National Register of Historic Places.

Mr. George Oberer, Jr., President of Cornerstone Developers, stated that important factors are that the house has been vacant for fourteen years, that it has fallen into significant disrepair and that the main floor over the basement is cast-in-place reinforced poured concrete. The house would be extremely difficult to move, and restoration would be expensive because of the need to bring the house up to current codes with requirements for accessibility. Dayton History representatives including Mr. Brady Kress and Ed Clarkson went through the house about a year ago and saw no substantive reason the house should not be demolished. Mr. Oberer hired Mr. Bruce Goetzman of Preservation Architects of Cincinnati to evaluate the house, and he reached the same conclusion regarding the lack of the importance of the structure historically.

Mr. Singer asked about the connection of the house to Dille Labs and Compunet. Mr. Melnyk responded that there was little information forthcoming from Compunet, but that Dille Labs/Compunet was founded prior to the construction of the house, lessening the significance of the home in relationship to Dille Labs.

Mr. Cline recalled that Bear Creek Developers had discussed moving the house as part of the overall plan. Seeing the report of the construction of the house, Mr. Cline questioned that the original plan was overly optimistic about the possibility of moving the structure. Mr. Melnyk stated that the structural engineer indicated that the only good option for moving the house was to dismantle the veneer and reconstruct the home on another site. Mr. Horn agreed that an early assessment by Bear Creek had included the option of moving the house; there may never have been a thorough study of the problems associated with moving the house. Mr. Cline said that he believed Council would agree that no one had ever assumed the house would stay where it is today. Mr. Compton thanked Mr. Feverston, Mr. Melnyk, Ms. Madeline Williams and Mr. Oberer for the fact-finding and the evaluating that had been done and noted that the results were consistent from different perspectives.

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Mr. Beals stated that the Dille house is a beautiful building and that it would be environmentally-friendly to reuse such a structure. He asked Mr. Oberer to give due consideration to the retention of the house in the overall plan for the development. Mr. Milnyk pointed out that no vapor barrier was used in the construction of the Indiana sandstone walls and that there may be hidden problems associated with moisture.

Mayor Kingseed stated that the matter before the Council is whether this structure meets landmark criteria. For the record, Mr. Feverston stated that, aside from the vote on landmark status for the house, other small outbuildings on the property are expected to be torn down.

Mr. Compton sponsored Ordinance Number 28-10, An Ordinance Not To Designate As A Landmark The House Addressed As 5300 Wilmington Pike And Known As The Dille House Within The City Of Centerville, Ohio, In Accordance With Article 9.45 "Landmarks" Of Ordinance 14.08, The Centerville Unified Development Ordinance, and moved for its approval. Mr. Beals seconded the motion. The motion passed with six ayes.

ORDINANCE NUMBER 20-10: APPROPRIATIONS FOR 2011

The public hearing was held regarding Ordinance Number 20-10. Mr. Horn gave the staff report on the 2011 Financial Plan for the City of Centerville. The City has prepared a budget that incorporates conservative estimates of income and restraint on expenditures. There will be no increase in taxes with current services to be maintained; the income tax rate will remain at 1.75% of earned income. The Capital Improvement Program for the year includes over \$3.5 million in improvements and equipment. Mr. Horn noted efficiencies and cost cutting measures being implemented in the City. Cuts in income from the State of Ohio from estate taxes and local government funds are expected. In spite of the possible loss of that revenue, Centerville is well-positioned for the future with a stable community and conservative budgeting. The City of Centerville had a balance of \$17.9 million at the end of 2010. Mr. Horn acknowledged Steven Hinshaw, the City staff, and the Council for their fiscal responsibility and their efforts in producing the 2011 Financial Plan.

Dr. Hinshaw shared revenues projections and changes that are expected in 2011. Major revenue sources are income tax, property tax, estate tax, Local Government Funding, investment earnings, gas and motor vehicle tax, Yankee Trace and waste collection fees. Estate tax and Local Government Funds from the State of Ohio are in jeopardy of being cut as legislators attempt to balance the State budget and create a favorable business climate; these two funds were eleven percent of the City budget for 2010. Dr. Hinshaw gave some examples of the impact the loss of these funds would have for the City.

Mayor Kingseed commented on the significant impact that cuts in the estate tax or local government funds would have on the Centerville budget. Tough choices would have to be made in order to balance the budget if this eleven percent of the City's revenue disappeared. He encouraged citizens to contact their legislators. Mayor Kingseed asked that the PowerPoint and information on the budget be posted on the website.

Mr. Beals sponsored Ordinance Number 20-10, An Ordinance 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, 2011, and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed with six ayes.

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ORDINANCE NUMBER 22-10: CLASS TITLES, PAY RANGES, GRADES, RATES OF PAY AND REGULATIONS FOR EMPLOYEES OF THE CITY OF CENTERVILLE

Human Resources Manager Ginger Yonak explained the changes recommended in the 2011 annual review of employees' pay ranges, grades, rates of pay and regulations. Staff has recommended a 2% annual wage rate increase for City Personnel. There are a few other adjustments to classifications, descriptions and pay ranges, including a new arborist classification. Mr. Compton moved to correct a scrivener's error in computations in attachment B for updated pay steps used in the exhibit of Ordinance Number 22-10. Mr. Cline seconded the motion. The motion passed with six ayes. Mr. Compton then sponsored Ordinance Number 22-10, An Ordinance To Repeal Ordinance Number 14-09 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, as amended, and moved that it be passed. Mr. Singer seconded the motion. The motion to approve Ordinance 22-10, as amended, passed with six ayes.

ORDINANCE NUMBER 24-10: CLASS TITLES, PAY RANGES AND COMPENSATION FOR THE EMPLOYEES AT YANKEE TRACE

Mrs. Yonak recommended that the pay ordinance for employees at Yankee Trace be updated also. Only minor changes are recommended that would allow slight adjustments to various positions at the golf course. Mr. Beals sponsored Ordinance 24-10, An Ordinance To Repeal Ordinance Number 16-09 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously with six ayes.

ORDINANCE NUMBER 26-10: THE PERSONNEL MANUALS OF THE CITY OF CENTERVILLE

Mrs. Yonak stated that personnel manuals allow the City of Centerville to explain, communicate and document the benefit program, its disciplinary principles, and its personnel policies. In addition to general formatting and housekeeping updates, staff is recommending modifications of policies to broaden the scope of existing policies, to provide additional policy guidance, and to establish one new policy. Sick leave and the consequences of misuse are more clearly defined; texting while driving is prohibited; departments may invoke additional regulation of cell phones while driving and while at work; moving violations and licensing disqualifications by those with CDL licenses must be reported to management. The new policy relates to employee conduct and the consequences for improper employee behaviors. Mr. Cline sponsored Ordinance Number 26-10, An Ordinance To Repeal Ordinance Numbers 18-09 and 11-10 In Their Entirety And To Establish The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with six ayes.

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Mr. Singer asked the Finance Department to emphasize that the examples of cuts in the budget presentation related to the cancellation of estate tax money and Local Government Funds from the State were only examples of the impact of the loss of funding for the City budget. They were used to show the magnitude of the possible loss of 11% of the City budget. For clarity, Dr. Hinshaw will add footnotes before posting the slides with these examples on the website.

ORDINANCE NUMBER 27-10: SPEED LIMIT FOR YANKEE STREET WITHIN THE CORPORATE LIMITS OF CENTERVILLE

Mr. Spittler explained the need for this ordinance extending the existing 45 mph speed limit on Yankee Street southward from Winding Green Way to six hundred feet south of Austin/Social Row Road, in order to establish a consistent speed limit on the entire street within the City of Centerville. Mr. Beals sponsored Ordinance 27-10, An Ordinance To Repeal Ordinance Number 6-98 Which Enacted A Speed Limit Of 45 Miles Per Hour on Yankee Street Within The 1998 Corporate Limits Of The City Of Centerville, and To Enact A Replacement Ordinance To Establish A Speed Limit Of 45 Mph On Yankee Street Within The 2010 Corporate Limits Of The City Of Centerville, and moved for its approval. Mr. Compton seconded the motion. The motion passed with six ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kruseid Mayor

ATTEST: Debra A. James Clerk of Council
Julia M. Weaver ant. clerk