

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *February 21,*20 *11*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 21, 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 with Mayor Mark Kingseed presiding. Council Members and City Staff present were as follows:

Deputy Mayor	Douglas Cline
Council Members	John Beals
	Brooks Compton
	Paul Gresham
	Belinda Kenley
	James Singer
Assistant Clerk of Council	Julia Weaver
Assistant to the City Manager	Jennifer Wilder
Finance Director	Steven Hinshaw
Public Works Director	Robert James
City Engineer	Douglas Spitler
Assistant to the City Manager	Kristen Gopman
City Planner	Steven Feverston
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 -	December 20, 2010.
Work Session Meetings -	January 24, 2011
	February 7, 2011.
	February 14, 2011.

Mr. Cline moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mrs. Kenley seconded the motion. The motion passed by unanimous vote. Mr. Compton abstained from the vote on the minutes of the meeting of February 14, and Dr. Gresham abstained from the vote on the minutes of the meeting of January 24.

Mayor Kingseed welcomed Eagle Scouts Jeffrey Bierly and Ryan Letcher. He read their certificates of recognition and congratulated them on attaining the rank of Eagle Scout.

Mr. Jim Gross, Health Commissioner, presented an award to the City of Centerville as the winner of the Healthy City Challenge. Vandalia and Centerville competed in a program concentrating on healthy lifestyle changes and learning the 5-2-1 Almost None philosophy. Mayor Kingseed thanked Maureen Russell Hodgson for her part in promoting the competition and organizing the City of Centerville activities. Mr. Gross noted that a public health assessment will be forthcoming for the entire county as a baseline for planning and evaluation.

Mayor Kingseed welcomed Mr. Tom Fodor, CEO of the Dayton Area Chapter of the American Red Cross, who thanked the residents of the area for their support of relief efforts

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for those in great distress due to fires, power outages, flooding and other natural disasters. Mr. Fodor noted that the local chapter would not exist without its volunteers and the financial support of the people of the community. Mr. Beals read a proclamation declaring March 2011 to be American Red Cross Month in the City of Centerville.

Mr. Greg Brush, Clerk of Courts for Montgomery County, used a DVD to explain how the electronic filing of court documents has helped to streamline the work of his office, while speeding up access to information and cutting back on costs for producing and storing volumes of paperwork. Montgomery County was the first county in Ohio to move to this system, although the return on the investment was only one year. Montgomery County Courts has been nominated for two national awards related to the changeover.

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

The Mayor's Business Breakfast is Wednesday, February 23, at Yankee Trace at 7:30 a.m. It is our opportunity to thank representatives of the small businesses that provide employment in our city.

In the City Manager's Report, Mr. Horn discussed the following:

Demolition and excavation are going on at the Elder-Beerman site. Kroger hopes to open the Kroger Market Place late in the fall of 2011.

Yankee Trace was open for golf several days this week.

A major project is coming to State Route 48/S. Main Street in mid-March. The Montgomery County Water Department will be replacing water mains and fire hydrant connections from Franklin Street southward to Tuxworth Drive. The work will require traffic to be routed into one lane each direction with a period where traffic will be completely detoured. Work is expected to be completed in time for the Americana Festival in early July. Mr. Horn suggested that residents find alternate routes.

Mrs. Gopman gave the statistics on Code violations and corrections for the month of January. She went over the Community Calendar for the remainder of February and for March. Included in her announcements was information on spring activities at Yankee Trace, recycling, Francine Riley's art exhibit at Police Headquarters, prescription drug cards, boards and commission openings, online refuse payments, and brush pick up following the ice storm.

In the February legislative update Mr. Cahall gave summaries of bills in the State legislature of interest to the City. HB1 contracts functions of the Ohio Department of Development to a not-for-profit group to be named "Jobs Ohio." HB3 proposes the repeal of the estate tax. Since estate tax made up 6% of its annual budget revenues last year, the City is monitoring progress of this bill. HB50 amends Section 709.02 of the Ohio Revised Code concerning the signatures required to permit annexation of land from a township into a municipality. This measure would limit significantly the ability of cities to annex land. HB69 proposes changes to the State pension system, changing the formulas that regulate benefits. SB5 calls for comprehensive change to the collective bargaining laws for public employees. Also of concern to cities are the details of the biennial budget for the period beginning this July. Reductions to the amounts the State forwards in Local Government

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Funds is expected. These monies made up 5% of the revenue in the 2010 budget for the City of Centerville.

In Council Committee Reports, Mrs. Kenley thanked the Arts Commission, especially Jim Teske, for the efforts to make Art at the Trace so successful. She reported that the Washington-Centerville Public Library has received a grant to present financial programs geared to seniors in cooperation with Hithergreen. Mr. Beals noted that the City Beautiful Commission is an active committee that organizes landscaping awards, holiday lighting awards, gardening seminars, and the care of the Four Corners area downtown at Franklin and Main.

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. Council Members took turns reading the Consent Agenda items into the record, before Dr. Gresham moved that the following Consent Agenda items be approved:

- A. Ordinance Number 7-11, An Ordinance Amending Ordinance 14-08, The Unified Development Ordinance For The City Of Centerville, Ohio, be set for Public Hearing on April 18, 2011.
- B. Ordinance Number 8-11, An Ordinance Amending Section 1060.05 Fees Of The Centerville Municipal Code To Provide A Fee For Use Of A Second Toter For Municipal Waste Collection Services, be set for Public Hearing on March 21, 2011.
- C. Resolution Number 5-11, A Resolution Consenting To The Annexation To The City Of Centerville, Ohio Of Certain Territory Proposed To Be Annexed To The City Of Centerville, Ohio Pursuant To A Petition Filed With The Board Of County Commissioners Of Montgomery County, Ohio By GW Real Property LLC, ("Petitioner"), As Provided By Ohio Revised Code Section 709.023 (D).
- D. Resolution Number 6-11, A Resolution Adopting A Statement Indicating The Services The City Of Centerville, Ohio Will Provide To The Territory Proposed To Be Annexed To The City Of Centerville, Ohio Pursuant To A Petition Filed With The Board Of County Commissioners Of Montgomery County, Ohio By GW Real Property LLC, (Petitioner") As Provided By Ohio Revised Code Section 709.023 (C).
- E. Resolution Number 7-11, A Resolution Authorizing The City Manager To Enter Into An Electric Generation Supply Agreement With DPL Energy Resources, Inc. (DPLER) For Municipal Accounts.
- F. Resolution Number 8-11, A Resolution Enacted By The City of Centerville, Montgomery County, Ohio, In The Matter Of Stated Described Project, D07

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Systematic GR FY 12, PID No. 90316, Providing Systematic Guardrail End Terminal Upgrades On Interstate 675 Within The Corporate Limits Of The City Of Centerville.

- G. Motion To Approve An Amended Easement Plat Establishing A New Easement For The City's Bus Stop On the Kroger Market Place Plat.
- H. Appointment For Three Years as A Member of the Arts Commission - Bill Burns.
- I. Reappointment For Three Years As A Member Of The Property Review Commission - Dan Carfagno.
- J. Reappointment For One Year As Chair Of The Property Review Commission - Dan Carfagno.

Mr. Beals seconded the motion. The motion passed with seven ayes.

PUBLIC HEARING ORDINANCE NUMBER 3-11 ADJUSTING NOTICING PERIODS FOR MOWING OF OVERGROWN WEEDS AND GRASS

Mrs. Wilder gave the staff report concerning Ordinance Number 3-11. Current regulations require 5 days between giving notice to a property owner concerning weeds and grass longer than eight inches and the 5 day noticing period repeats each time the grass must be mowed by City order. With this noticing pattern, as a practical matter, it takes about a week to remedy the overgrowth once notice is given, meaning the neighbors are dealing with the problem for long periods of time. Staff is recommending that each noticing period be shortened for repeat offenses. The first noticing period would be five days, the second would be 3 days, and the third and thereafter would be 24 hours between notice being served and City ordering mowing. Mr. Compton sponsored Ordinance Number 3-11, An Ordinance Amending Section 660.14 Of The Centerville Municipal Code Regarding Weeds and Grass, and moved for its approval. Mr. Cline seconded the motion. The motion passed with seven ayes.

PUBLIC HEARING ORDINANCE NUMBER 4-11 ADOPTING INTERNATIONAL PROPERTY MAINTENANCE CODE UPDATES CONCERNING FORECLOSED AND VACANT PROPERTIES

Mrs. Wilder explained that the *International Property Maintenance Code* is updated periodically as issues arise and Centerville has used it as a guide for its *Property Maintenance Code*. The current updates to the *International Code* concern the rise in foreclosures, vacant homes, lack of repairs, boarding and demolition. Staff recommends incorporating these updates and a few others specific to issues in Centerville for limiting to six neatly stacked cords the amount of firewood that can be stored on a residential lot, for limiting brush piles to one and for defining proper refuse containers. Trash can no longer be stored outdoors in plastic garbage bags. Mr. Compton sponsored Ordinance Number 4-11,

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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 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, and moved for its approval. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

EMERGENCY ORDINANCE NUMBER 2-11 FEMA FLOOD HAZARD TO
INCLUDE PARTS OF GREENE COUNTY IN THE CITY OF CENTERVILLE

Mr. Spitler asked for this emergency ordinance in order to comply with the timing required by the Ohio Department of Natural Resources related to the adoption of flood hazard maps that include the annexed area of Greene County. Adoption of the maps is mandatory for eligibility for FEMA Flood Zone Insurance. Earlier in this meeting, the regular ordinance was set for public hearing in March. Mr. Beals sponsored Emergency Ordinance Number 2-11, An Emergency 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. Dr. Gresham seconded the motion. The motion passed with seven ayes.

EMERGENCY ORDINANCE NUMBER 6-11 FEE FOR ADDITIONAL REFUSE TOTER

Mr. James, Public Works Director, discussed the ongoing changeover from multiple cans to large 96 gallon refuse containers, toters, supplied by the City. Out of 1600 households, to date there have been 18-20 requests for a second toter. In order to encourage recycling, staff recommends charging two dollars per month for an additional 64 or 96 gallon container. Earlier in this meeting, the regular ordinance was set for public hearing in March. Mr. Compton sponsored Ordinance Number 6-11, An Emergency Ordinance Amending Section 1060.05 Fees Of The Centerville Municipal Code To Provide A Fee For The Use Of A Second Toter For Municipal Waste Collection Services, and moved for its approval. Dr. Gresham seconded the motion. The motion passed with seven ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Krupar

Mayor

ATTEST: Debra A. James

Clerk of Council

Julia M. Wheeler

Asst. Clerk