

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 21, 201120

company is hoping to reduce energy consumption by 1.5% in our region with a goal of a 22% reduction by 2025. There are programs for residential, governmental and commercial users. Included for energy savings are rebates, incentives, refrigerator recycling, education and energy audits. More information is available on the website at dpandl.com.

Mayor Kingseed welcomed Donna Teuscher and Tracy Morgan, representatives of the Community Blood Center, who presented the City of Centerville an award for consistent donations from Centerville High School. Over 1000 lives were saved last year from high school blood drives alone. The citizens of Centerville support blood drives at the platinum level, the highest level a community can attain. The two presented a banner to the City of Centerville before announcing that the Kalamian Blood Drive is scheduled at the Police Department on April 27.

Mr. Horn acknowledged the leadership of Mayor Kingseed in the GetUp Montgomery County City Challenge that Centerville won over Vandalia. He presented Mayor Kingseed a humorous "championship power belt" representing his efforts as a boxer and a tool man in the GetUp Montgomery County healthy lifestyle challenge for the 5-2-1-Almost None Program. Both thanked Mrs. Russell Hodgson for her efforts in promoting the challenge.

Mayor Kingseed greeted Mr. William Burns and administered the Oath of Office for the Arts Commission. The mayor thanked all who volunteer their time and talents for the good of the City of Centerville. Mr. Burns said he was honored to be part of the Arts Commission.

Mayor Kingseed welcomed Michael Sherbet and presented a Certificate of Recognition to him for his accomplishment in attaining the rank of Eagle Scout. Michael Sherbet thanked the community for the support he received in doing his Eagle project at Cox Arboretum.

Mayor Kingseed acknowledged representatives from the Heart of Centerville who were present to discuss the ninth anniversary of the collaboration of the merchants and professionals of the downtown business district. Mr. Tom Jumer spoke on behalf of the Heart of Centerville, a group of seventy-four members that foster growth of their businesses and while giving back to the community and promoting awareness of the Heart of Centerville as a vibrant destination. They sponsor events such as Third Fridays After Hours and the Hometown Holiday Walk; each event has a fundraising element for a charitable cause. Mr. Jumer invited colleagues to introduce themselves and name their businesses. Mary Ellen Lee, Pieces of Style Boutique; April Kennett, LaShoe Boutique; Renee Burke, Centerville Design Associates; Cindy Gabori, Audio Etc.; Beth Thomas, Christian Science Reading Room and Bookstore; Judy Hammet, Hammet's Graphics; Ron Sweeney of Sweeney's Seafood House; Dennis Hamilton, Hamilton Innovative; Toni Flescher, National Bank and Trust; Kathy Jablinski, Unique Celebrations Tea Room and Gift Shop; and Debbie Teeters, Joli Boutique. Mayor Kingseed thanked them for their efforts, and Mr. Beals spoke about the pride that Council has in the progress of the downtown area.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *March 21,*20 *11*

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

The annual Faith Leaders' Appreciation Breakfast is scheduled at Yankee Trace on Wednesday, March 23. It is an initiative to bring leaders together from churches, schools and faith-based non-profit agencies to share ideas of how to link the needs of people in the community with the volunteer resources that faith-based organizations have available.

Centerville Business Today is to broadcast programs where the Mayor is on-site with various businesses to showcase their products and services. Downtown Centerville and Cross Pointe Center are the next areas scheduled for programming.

During his City Manager's Report, Mr. Horn stated the following:

The State of Ohio has announced that it is cutting the Local Government Fund by 25% in each of the next two years, amounting to \$270-300,000 per year cut for Centerville's general fund by the second year. This is a significant portion of the City's annual operating budget (2 ½ %). In addition, HB3 proposes to eliminate the Ohio Estate Tax. The City currently receives an average of a million dollars a year (sometimes up to \$1.6 million) from this source. An amendment would phase out the Estate Tax over 3 years. The Estate Tax allows us to do many extras with organizations throughout the community. If both measures go through as currently proposed, we permanently would lose about 15% of our general fund, a change that would be devastating to the City Budget, because we do not have collective bargaining within our City and SB5 will not bring relief to our city in the way it could to many others.

A decorative brick plaza is being constructed at Benham's Grove to create an area with consistent conditions for tents. Mr. Horn thanked Friends of Benham's Grove for contributing to the project.

Bid information is out early for the Street Program for 2011. The goal is to have the street work completed by the time school begins in late August.

A major water line replacement project from Franklin Street south to Tuxworth Drive will be starting early April and is expected to last until the Fourth of July weekend. Lanes will be reduced both directions and there will be a period with detours.

Mrs. Gopman gave the statistics on Code violations and corrections for February, before presenting the Community Calendar for the remainder of March and for April. She stated that City taxes are due April 18, 2011. She reviewed annual garage sale information, Yankee Trace events, Arts Commission activities, online refuse payments, Severe Weather Awareness Week, and the Great American Cleanup sponsored by Montgomery County. She noted board and commission openings for volunteers.

In Council Committee Reports, Mr. Beals stated that he and Dr. Gresham had attended the NLC Conference in Washington, D.C. The focus for this conference was Community Development Block Grants, while Mr. Beals' committee meetings concentrated on sustaining the environment and gas and electric transportation, because he is a member of the Energy, Environment and Natural Resources Steering Committee. The two visited Rob Portman's office before leaving Washington, D.C.

Mrs. Kenley will be attending the annual Ohio Municipal League luncheon on Tuesday, March 22 to hear more on what is going on in the Ohio legislature. She thanked

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *March 21,*20 *11*

the City and the citizens for supporting the attendance of two Council members at the National League of Cities Conference in Washington, D.C. She is on the Community and Economic Steering Committee that emphasizes jobs and regional initiatives.

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. He noted that Item "C" will be removed from the Consent Agenda to deal with it separately. Council Members took turns reading the Consent Agenda items into the record, before Mr. Beals sponsored the following Consent Agenda items, minus Item "C", and moved for their approval.

- A. Resolution Number 9-11, A Resolution Accepting The Bid Submitted By Barrett Paving Materials, Inc. Of Dayton, Ohio, For The 2011 Street Program (Project SS-1A) For Concrete And Asphalt Repair And Asphalt Resurfacing In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- B. Resolution Number 10-11, A Resolution Accepting The Bid Submitted By Century Equipment For The Purchase Of A Rough Mower For The Golf Club at Yankee Trace In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- C. Resolution Number 11-11, A Resolution Accepting The Bid Submitted By Century Equipment For The Purchase Of A Fairway Mower For The Golf Club At Yankee Trace In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- D. Reappointments to be made as follows:
Marylou Enslein as Chair to the City Beautiful Commission – one year.
Charles Graham as Chair to the Board of Architectural Review - one year.
Charles Graham to the Board of Architectural Review – term of three years.
- E. Appointment to be made as follows:
Yvonne Jacobson to the City Beautiful Commission for a term of three years.

Mr. Singer seconded the motion. The motion passed unanimously with six ayes.

RESOLUTION NUMBER 11-11: FAIRWAY MOWER

The Council then addressed Item "C" concerning the award of a contract for a fairway mower at Yankee Trace. Mr. Horn noted that he had asked for the item to be pulled so that the main bid price from Century Equipment through State of Ohio contract pricing could be accepted, but that he would like the authority to negotiate the trade-in price for the

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held March 21, 2011

old mower. Mr. Cline moved to amend Resolution 11-11 to give the City Manager the authority to re-negotiate the trade-in value with Century Equipment. Mr. Compton seconded the motion. The motion passed with six ayes. Mr. Compton then sponsored Resolution Number 11-11, A Resolution Accepting The Bid Submitted By Century Equipment For The Purchase Of A Fairway Mower For The Golf Club At Yankee Trace In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith, as amended, and moved for its approval. Mrs. Kenley seconded the motion. The motion passed with six ayes.

PUBLIC HEARING ORDINANCE NUMBER 1-11: TO INCLUDE GREENE COUNTY IN CENTERVILLE FEMA FLOOD HAZARD MAPS

Mr. Spitler gave the staff report and asked for this UDO text amendment for Chapter 937, Flood Plain Design Standards. The amendment accepts updates to the flood plain maps for Greene County as the result of a recent flood insurance study. In 2004 Council passed a similar modernization of the flood plain maps in Montgomery County. The ordinance has two main parts: the updates for the Greene County flood plain maps and the correction of an omission in an earlier amendment. This ordinance is required by the Ohio Department of Natural Resources and is mandatory for eligibility in the FEMA Flood Zone Insurance Program. Mr. Beals questioned whether the findings of the flood study would pertain to development on the Dille properties, and Mr. Spitler answered in the affirmative. Mr. Singer sponsored 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. Mr. Cline seconded the motion. The motion passed with six ayes.

PUBLIC HEARING ORDINANCE NUMBER 5-11: REZONING LAND ALONG CENTERVILLE BUSINESS PROPERTY FROM I-PD TO O-PD

Mr. Feverston presented background for the Ordinance rezoning land in the Centerville Business Park, south of I-675, north of Clio Road and along Centerville Business Parkway. The existing zoning is Industrial Planned Development; the proposed rezoning is Office Planned Development. Two parcels have already been rezoned by the City to address needs in the area. Since office uses predominate at this time, the City initiated this rezoning to encourage consistent uses. Mr. Feverston compared uses acceptable in B-PD and O-PD districts; O-PD does not allow the light manufacturing, industrial or traditional uses that the I-PD does. Planning Commission met on the issue in November and held a Public Hearing in December.

According to a report on current uses and current vacancies that was requested by the Planning Commission, there are 84,400 sq. ft of vacant spaces with the majority of vacancies being in the larger corporate centers along the interstate corridor. Planning Commission, being aware of the general pattern of deterioration and higher vacancies of the I-PD businesses within the City of Centerville, felt the City should rezone the parcels and unanimously recommended passage of this ordinance.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *March 21*20 *11*

Mr. Feverston noted that the building with Beacon Electric is the most impacted by the change in zoning as it would not be grandfathered for a similar business, if the building would remain vacant for more than a year once the current tenant opts to go elsewhere.

Mayor Kingseed opened the Public Hearing. Mr. Dave Dickenson, HRI Commercial Realty at 2288 Grange Hall Road in Beavercreek, who lives at 4045 Locust Bend, Dayton, represented the owners at 6540 and 6560 Centerville Business Parkway in urging Council not to rezone the properties. He noted that one of the properties has been for sale or lease for the past eight months. Potential tenants and buyers have been industrial-type users who need the high ceilings. Rezoning would limit the types of potential purchasers and tenants. He stated concern over the high costs of the investment required to retrofit the building for office use and quoted a price of about \$45 per square foot. He pointed out that the average number of days on the market for active commercial and industrial listings is 375 according to the Dayton MLS. The one year of grandfathering would not be sufficient in the current real estate market. He asked the Council not to rezone the properties because of the substantial damage to the current owners.

John Folkerth, representing Tolliver Commercial Realty, opposed the change in zoning. Mr. Tolliver, the owner of Beacon Electric, 6635 Centerville Business Parkway, was also present. Mr. Folkerth declared that the rezoning is contrary to the interest of the City of Centerville, the owners and the tenants. He stated that *Create the Vision* notes the need for industrial areas with low demand on services. Industrial areas add to the diversity of the types of business that can operate in Centerville. Less than .5% of the area of the City is zoned for industrial use.

In the area to be rezoned, five structures are designed for mixed uses. Requiring them to be retrofitted would be quite destructive. If deterioration is a concern, the properties have to be commercially viable and will not be if there is a change in zoning. The consequences of the rezoning include a reduction in the diversity of the tax base, a loss of jobs, unoccupied buildings, mixed use tenants moving to Washington Township and litigation.

Since there were no additional speakers, Mayor Kingseed closed the Public Hearing and asked when the area had been zoned I-PD. Mr. Feverston noted that it was about 1986. Discussion followed about the number and mix of buildings, the types of businesses that are in the area and the marketing that is being done.

When asked his opinion, Mr. Horn stated his belief that the staff recommendation is more right than wrong. Planning Commission gave the rezoning due consideration. There are three buildings with flexible components. The City wants to protect the offices that are there. The fact is that there is little manufacturing in the whole community.

Mr. Feverston added that any office can have store room, a packaging need, or an accessory use. Areas that are predominantly office use may have another incidental use.

Mayor Kingseed and several other Council members conversed with Mr. Folkerth about the types of potential purchasers, and when Mr. Tolliver purchased the property before Mr. Singer stated that he felt the Council needed more time to consider the ordinance to rezone the property along Centerville Business Parkway. Mayor Kingseed concurred and stated that he wished to see the buildings in question. Mr. Compton agreed that he would

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1074B

Held *March 21,**20 11*

like to discuss the matter further because of the compelling reasons to look at the issue in more detail. Mr. Beals moved to table until April 18, 2011, 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. Mrs. Kenley seconded the motion. The motion to table the matter until the next regularly scheduled meeting passed with six ayes.

PUBLIC HEARING ORDINANCE NUMBER 08-11: FEE FOR SECOND TOTER FOR MUNICIPAL WASTE COLLECTION

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-gallon container. Mr. Cline sponsored Ordinance Number 8-11, An 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. Mr. Beals seconded the motion. The motion passed with six ayes.

CITIZENS COMMENTS

Paul Clark, Chair of the Planning Commission and a member of the Create the Vision Task Force, the Charter Review Task Force and the UDO Task Force, voiced his concerns as a private citizen about plans for enlarging the parking lot and expanding the access drive in the area north of Franklin Street and west of Main Street. On Feb 15, 2011, he attended a Board of Architectural Review meeting where a preliminary concept plan was presented for the Main Street and West Franklin Street area, showing a cut-through drive and parking lots behind businesses to Virginia Ave. He addressed Council with regard to a number of related issues. He noted the large volume of stormwater drainage onto his neighbors' and his own property and also concerns about having a cut-through drive and increased parking behind the residents of West Ridgeway Drive. He stated that he had been assured on more than one occasion that this would not take place. Mr. Clark asked Council to permanently make the concept plan extending the public parking behind their homes a dead issue.

Mayor Kingseed and Mr. Horn explained that there is no formal preliminary concept plan or engineering design to extend the parking lot further to the west. No money has been budgeted for such a project; it is not a good time to be incurring new expenses. There has been some interest from a property owner regarding working with the city to expand the existing public parking and access drive. Council believes that in the long run it would make sense and would be a real public benefit if there was additional free parking to support the businesses downtown.

Mr. Horn explained that the BAR has recently added three people and a couple of others have been on for only a year. During the BAR meeting, Mr. Feverston was trying to give the group some history, some background for the area and alert them of upcoming

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 21,

20 11

issues. A couple of property owners had contacted the City expressing interest in utilizing their land for the expansion of the public parking behind their business. Mr. Horn reiterated that if at some point the City is able to fund the extension to the west of the public parking and access drive in the downtown area, and if the property owners were in agreement, then there would be proper planning, forethought, drainage calculation and other engineering, notification of residents, public meetings and due diligence.

There being no further business, the meeting was adjourned.

Approved: *C. Neal Krueger*
Mayor

ATTEST: *Debra A. James*
Clerk of Council