

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 1720 11

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 17, 2011, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Ms. Barbara Hancock of the Baha'i faith and the Pledge of Allegiance to the Flag, with Mayor Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	Doug Cline
Councilmembers	John Beals
	Paul Gresham
	Belinda Kenley
	Brooks Compton

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Steven Hinshaw
 City Planner Steve Feverston
 Public Works Director Robert James
 City Engineer Douglas Spittler
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Economic Development Administrator Nathan Cahall
 Municipal Attorney Scott Liberman

Mr. Beals moved to excuse Mr. Singer from the meeting. Dr. Gresham seconded the motion. The motion passed with six ayes.

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

Council Meeting September 19, 2011.

Work Session Meetings September 19, 2011.

October 3, 2011.

October 10, 2011.

Mrs. Kenley and Dr. Gresham abstained from the vote on the minutes of October 3, 2011. Mr. Cline asked to be excused from the vote on the minutes of October 10, as he was absent. He also noted a typographical error on the minutes of September 19, 2011. Dr. Gresham moved that the minutes of the foregoing meetings, as corrected, be approved. Mr. Beals seconded the motion. The motion passed with six ayes.

Mrs. James announced the receipt of an appeal of the decision of the Planning Commission by John T. Ross of Ross Rentals concerning the denial of a variance to eliminate screening of dumpsters in an industrial zone at 30-46 Compark Road.

Mayor Kingseed welcomed Pastor Dona Johnson, Christ the King Lutheran Church, who serves on the Board of Directors for The Castle that provides daytime activities for challenged individuals in the community. Mrs. Kenley read a proclamation proclaiming the week of October 2-8, 2011, as mental illness awareness week in the City of Centerville. Pastor Johnson was instrumental in organizing a group of faith based organizations in the community to work together to put together an event to show support for The Castle and to bring awareness to

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mental illness and how it affects so many lives. Mayor Kingseed presented the proclamation to Pastor Johnson and thanked her for her leadership.

Mayor Kingseed congratulated Cole Fickert, Cody Schaerer and Maxx Stout who had recently completed the requirements for advancement to the rank of Eagle Scout. Cole Fickert could not be present as he attends Ohio State University. Mayor Kingseed read certificates of recognition describing their accomplishments and their Eagle Projects.

Ms. Anna Marty, Major Gifts Officer for Goodwill Easter Seals of the Miami Valley, explained the mission and services of the group. She gave an overview of the merger of Goodwill and Easter Seals which gives the combined organization a wealth of resources to serve people with disabilities, mental health conditions and other needs in our communities. Last year they served over eleven thousand people of all ages within the categories of employment, programs for people with developmental disabilities, programs for seniors, and programs for youth and children.

During the Mayor's Report, Mayor Kingseed noted the following:

This month in *Centerville Business Today*, he visited onsite at Centerville Framing and Gifts.

The grand opening for Earth Fare, a supermarket, is October 19th at 7:45 a.m. He encouraged residents to check out this new business in the Cross Pointe Shopping Center.

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

He said that Earth Fare will be a major anchor at Cross Pointe Shopping Center.

He announced that the Ohio Supreme Court voted on October 5, 2011, to hear the appeal related to Tax Increment Financing for Cornerstone North and South as a result of the dispute with Sugarcreek Township. The case will probably be decided sometime in the spring.

As the City begins the fourth quarter, departments are within budget, but the City is making cuts to deal with the \$1.5 million to \$2 million cuts in state funding that will be occurring over the next two years. He spoke of decisions made by Council for reductions in the budget—such as ending the DARE program in the schools, cutting back on holiday lighting, and cutting funding of community groups.

He noted the positive growth occurring in the community to counterbalance the State reductions in revenues.

Mrs. Gopman outlined code violations and their resolutions for the month of September, 2011, as well as the community calendar for the coming month. She covered items such as the Farmers Market, Beggars' Night, Veterans' Day, Hometown Holiday activities, Arts Commission activities, Yankee Trace happenings and leaf collection. Election Day on Tuesday, November 8, has three statewide issues on the ballot. December 1 to 10, residents may call in holiday lighting nominees at 433-7151.

In the report of the Planning Commission, Mr. Feverston presented background on the request by Brad Judge of Judge Engineering for homeowners Susan Spiegel and Lisa Hanauer for a replat consolidating the four R-1c lots they own into one parcel at 2267 Jaime Rose Way in Park Estates along Centerville Station Road. Mr. Feverston used maps and photos to clarify the

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proposal. The vacation of an easement is required prior to the finalization of the replat. Planning Commission at its meeting on September 27, 2011 recommended the consolidation subject to the four conditions as follows:

1. The plat shall be modified to include the following protective covenants and restrictions:
 - a. The owner(s) of this lot shall be responsible for maintenance of the detention area located within the stormwater easement.
 - b. Access to the stormwater detention area and easement shall be granted to the City of Centerville if emergency maintenance is necessary.
 - c. Invalidation of any one of these plat covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
2. Prior to recording of this plat, the City Council must approve an Ordinance vacating the utility easement situated between old lot 3 and 4.
3. Sidewalks shall be constructed along Jaime Rose Way in accordance with the approved Residential Cluster Development Plan and Record Plan for Park Estates subject to approval by the City Engineer.
4. In lieu of completion of the required sidewalks prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

Mr. Feverston stated that discussions related to the sidewalks and bonds have continued since the Planning Commission meeting. Since conditions three and four will need to be addressed with input from the Park Estates homeowners and with a determination by Council at a future meeting, Mr. Feverston recommended passage of the replat subject to only the first two conditions from the Planning Commission. He clarified that a companion application for two variances related to walls at 2267 Jaime Rose Way had been denied by the Planning Commission and that the time when the decision could be appealed had expired. In response to a question from Mr. Beals, Mr. Feverston stated that Planning Commissions main concerns were the sidewalks and the related bonding. Mr. Compton asked for a further explanation of conditions three and four.

Brad Judge, Judge Engineering, came to answer questions. Mr. Judge stated that elimination of the lot lines would be necessary for the landscaping that the owners had in mind.

Susan Schieman, 2201 Jaime Rose Way, checked that the original covenants would still be in place. She stated that the neighbors would be concerned if the covenants did not remain in place. They had no objections to the replat as long as the original covenants stay in place. Mr. Liberman's legal opinion was that the Park Estates' covenants stay in place. Mr. Beals stated that the lots have been available since 1992.

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Mr. Beals stated that at the time of sale of the property, that the lots could be replatted back to the original form. In response to a question from Mrs. Shieman, Mr. Feverston pointed out what would be considered the front yard of the house.

Mr. Compton moved for approval of the replat, subject to conditions one and two of the Planning Commission's recommendation. Mrs. Kenley seconded the motion. The motion passed 5-1, with Mr. Beals voting no.

In Standing Committee Reports, Mr. Beals noted the success of the Farmers Market at its new location on South Main Street. He announced the opening of a bakery in the Cross Pointe Shopping Center, Sweet Dots and the annual Rotary Club Pancake Breakfast on Saturday, October 22 at the Hithergreen Center.

Mrs. Kenley mentioned that the Arts Commission sponsored the Point and Shoot Photography Contest with pictures on display at the Centerville Police Department. They also presented a concert called Harps of Grace. She noted the value of the Centerville Police Academy that she is attending. The next group starts in January.

Mr. Cline stated that Mr. Bob Corbin will be honored by the Centerville Washington Foundation at Yankee Trace on Thursday, October 27, 2011.

Dr. Gresham hosted a meeting of the Dayton Advisory Council of the American Cancer Society at the training center of the Centerville Police Headquarters. He thanked the City for allowing him to host the event.

Mr. Horn gave credit to Mrs. Wilder for finding the new site for the Farmers Market.

Mayor Kingseed explained that the Consent Agenda contains administrative matters that have been discussed during Council Work Sessions. Approval of these routine issues is as a group with one motion being made. Councilmembers read into the record the titles of the Consent Agenda items before Mr. Beals moved that the following legislation, minus "Item E", be passed:

- A. Ordinance Number 15-11, An Ordinance Amending Chapters 1442 And 1444 Of The Codified Ordinances Of The City Of Centerville To Revise The "Permit Fees" And "Registration Fees" In The Centerville Municipal Code, be set for Public Hearing on November 21, 2011.
- B. Ordinance Number 16-11, An Ordinance Repealing Section 1214.02 Of The Codified Ordinances Of The City Of Centerville In Its Entirety And To Adopt A New Section 1214.02 Of The Codified Ordinances Of The City Of Centerville To Revise The Fee Schedules For The Unified Development Ordinance And The Establishment Of Fees For Certain Applications, Permits And Inspections Required By The Unified Development Ordinance Of The City of Centerville, be set for Public Hearing on November 21, 2011.

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- C. Ordinance Number 17-11, An Ordinance To Vacate A Portion Of A Platted Utility Easement Located On Lot Number 3 And 4 Of The Park Estates Record Plan And Addressed As 2267 Jaime Rose Way, be set for Public Hearing on November 21, 2011.
- D. Resolution Number 41-11, A Resolution Authorizing And Directing The City Manager to Execute A Purchase Agreement With G. Davis CCM, LLC For The Sale Of Real Property Located In The City Of Centerville.
- E. *Resolution Number 42-11, A Resolution Opposing Any Action By The Ohio Governor or General Assembly To Take Control Of Local Income Tax Collection And/Or Administration And To Centralize Such Control Within A State Agency Or Third Party Entity, be passed.*
- F. Resolution Number 43-11, A Resolution Authorizing Staff To Submit Applications For Federal SAFETEA-LU Funds Through The Miami Valley Regional Planning Commission.
- G. Resolution Number 44-11, A Resolution Authorizing The City Manager To Take All Steps Necessary To Terminate The Lease Agreements Dated September 20, 1989, And Any Subsequent Amendments Thereto With The Centerville Historical Society.
- H. Resolution Number 45-11, A Resolution Ratifying The Action Of The City Manager, On Behalf Of The City Of Centerville, In Signing A Seventh Amendment To An Agreement Between The City And The Corporate Predecessor Of Yankee Trace Development, Inc. Originally Entered Into On June 27, 1994.
- I. Appointment of Brad Thorp as a member of the Board of Architectural Review for a term of three years.
- J. Reappointments for three year terms as follows:
 Martin Holzinger as a member to the Arts Commission.
 Mary Pizza as a member of the Sister City Committee.

Mr. Cline seconded the motion. The motion passed with six ayes.

Mr. Compton read Resolution Number 42-11, "Item E", before Mr. Horn explained the City's opposition to any plan to take away the collection of income tax and centralize it under control of the State of Ohio. An effort has been initiated by the Governor's Office and the Ohio Tax Commission Office to create dialogue with regard to this matter. Many communities have concerns and are asking the State and Legislature not to take this action. There are a couple of issues that are important to clarify – CPA Associations in the state have lobbied for some time for uniformity in the municipal tax codes throughout the state. Municipalities have been responsive in the past in streamlining tax forms to be more uniform. But the dialogue is going

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from the issue of uniformity to state collection and administration of the entire system. In effect this would be shutting down all of the municipal income tax offices throughout the State of Ohio and amassing that authority and delegating under one state agency. Municipalities can provide the best service and personal assistance to their taxpayers and there also would be a loss of considerable municipal income tax revenue.

Dr. Gresham sponsored Resolution 42-11, A Resolution Opposing Any Action By The Ohio Governor Or General Assembly To Take Control Of Local Income Tax Collection And/or Administration And To Centralize Such Control Within A State Agency Or Third-Party Entity. Mr. Beals seconded the motion. The motion passed with six ayes. Copies of a cover letter and the resolution will be sent to State Senator Peggy Lehner, Representative Terry Blair and Representative Jim Butler.

Mr. Beals moved to table Mr. Ross' appeal of the decision of the Planning Commission denying a variance request relative to screening of large trash facilities at 30 Compark Road until the November meeting. Dr. Gresham seconded the motion. The motion passed with six ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kepez
Mayor

ATTEST: Debra A. James
Clerk of Council