

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *March 22**20 10*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 22, 2010, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor John Bradosky and the Pledge of Allegiance to the Flag with Mayor Mark Kingseed presiding. Council Members and City Staff present were as follows:

Council Members     John Beals  
                              Brooks Compton  
                              Belinda Kenley  
                              James Singer

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

Mr. Beals moved to excuse Dr. Gresham and Mr. Cline. Mrs. Kenley seconded the motion. The motion passed unanimously. Mayor Kingseed announced that Deputy Mayor Cline had a serious heart attack earlier in the month and read a letter from him thanking all who offered support, prayers, and help, especially the professionals at Southview and Grandview Hospitals.

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

Council Meeting -             February 22, 2010.  
     March 8, 2010.

Work Session Meetings -     February 22, 2010.  
     March 1, 2010.  
     March 8, 2010.

Summary of Council Retreat    January 23, 2010.

Mr. Compton moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mrs. Kenley seconded the motion. The motion passed by with 5 ayes.

Mrs. James announced that she had received the resignation of Christine Quijote Oakes from the Sister City Committee. Mayor Kingseed accepted her resignation and thanked her for her service to the Sister City Committee.

Mayor Kingseed introduced Joy Brush, President of the Americana Festival, and presented a check for \$20,000.00 to the Americana Committee. Mrs. Brush announced that the theme for this year's festival is "We the People." The parade and festival will be on Monday, July 5. The committee needs community support for the \$140,000.00 event. The website [www.americanafestival.org](http://www.americanafestival.org) has information about sponsorships.

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Ezio Vitale, Post Commander of the Centerville VFW post, announced the local Voice of Democracy winner, Erin Murphy from Centerville High School and presented a check. Miss Murphy explained the process for the contest and quoted the part of her essay defining a hero. Another VFW member, Mr. Karl Palzer, announced that, as a WWII veteran, he is making a trip to the Holocaust Museum in Washington, D.C. for its anniversary celebration.

Mayor Kingseed welcomed Steve Sprauer, a representative of those with voice disorders. The Mayor read a proclamation declaring April 16 to be World Voice Day in Centerville as a way to educate the public on voice disorders and to encourage citizens to support those who have vocal problems.

Mayor Kingseed administered the Oath of Office to Karen Beal as a member of the City Beautiful Commission.

Mr. Martin Kim, Director of Regional Planning with the Miami Valley Regional Planning Commission, presented the findings from *Going Places*, Phase 1 of a three phase process meant to guide development of the region toward 2040. The three phases are assessment of existing conditions from 1970 to the present, exploration of future options, and implementation of planning decisions. Included in the study are Greene, Montgomery, and Miami Counties, plus the Cities of Carlisle, Springboro, and Franklin in Warren County. Because of the need for local support, Mr. Kim asked for an endorsement of MVRPC's *Going Places* at the next Council meeting. Mayor Kingseed stressed the need for a balance between guidelines for development and the freedom for entrepreneurs to build businesses. Mr. Compton noted that *Create the Vision* addressed making Centerville and Washington Township attractive so businesses and people stay instead of leaving and creating vacancies. In addition, the Unified Development Ordinance is meant to foster infill and guide responsible development. The Mayor stated that the Council would discuss the endorsement at upcoming work sessions.

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

The annual Faith Leaders' Breakfast is scheduled at Yankee Trace on Wednesday, March 24. It is an initiative to bring leaders together from churches, schools and faith-based non-profits to share ideas of how to meet the needs of people in the community.

Council recently attended a presentation by the Hithergreen Center on the wide variety of activities for different age groups in the community.

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

He echoed the Mayor's good wishes and concern for Deputy Mayor Cline.

The Centerville Police Department is working to renew its national accreditation with CALEA (Commission on Accreditation of Law Enforcement Agencies). A team of assessors will be in Centerville in April. To give input to the assessors, the public may call 432-6568 between 9 a.m. and 12 p.m., April 26. Also, a public session will be held at the Police Department Training that evening.

The Ohio Department of Transportation has agreed to install cable rail barriers along the I-675/Wilmington Pike corridor to reduce the number of accidents and fatalities from

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vehicles crossing the median into oncoming traffic. He thanked Deputy Director Rex Dickey of ODOT District Seven for his involvement in the approval process.

He asked residents to respond to the Census packets being received in the mail.

The seven cities of MVCC have joined the Cities of Dayton, Beavercreek, Fairborn and Riverside in applying to be a regional community selected by Google for an ultra-high speed fiber optic network. Tonight there is a resolution of support on the Consent Agenda for Council's endorsement.

Mr. Cahall gave the statistics on Code violations and corrections, before presenting the Community Calendar for the remainder of March and for April. He noted the end of natural gas aggregation and reviewed Yankee Trace events, Operation Clean Sweep, garage sale information and Severe Weather Awareness Week. Taxes are due April 15, 2010. He reminded residents of changes effective July 15 to the rules regarding the storage of RV's and boats effective July 15.

Mr. Beals noted the success of the City Beautiful Seminar at Benham's Grove on March 6, 2010.

Mrs. Kenley reminded the public that Friday, March 26, is Centerville Night at the Dayton Gems hockey game at Hara Arena.

Mr. Compton stated that the deadline for submitting applications for the committee to study the relationship between the Centerville and Washington Township governments is being extended to April 6.

Mrs. Kenley thanked the City and the citizens for supporting the attendance of three 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.

Mr. Beals attended the NLC general sessions and workshops concerning sustaining the environment and energy efficiency. His is a member of the Energy, Environment and Natural Resources Steering Committee.

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, before Mr. Singer moved that the following Consent Agenda items be approved.

- A. Ordinance 06-10, An Ordinance Amending Section 452.05 Of The Centerville Municipal Code Regarding Willfully Leaving Vehicles On Private Or Public Property, be set for Public Hearing on April 19, 2010.
- B. Resolution 09-10, A Resolution To Establish A Community Reinvestment Area Housing Council For The City Of Centerville.
- C. Resolution 10-10, A Resolution Authorizing The City Manager Or His Designee, On Behalf Of The City Of Centerville, To Submit Applications For New Freedom Grant Funding From The Federal Transit Administration To

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The Miami Valley Regional Planning Commission For Public Infrastructure Improvements Benefiting Americans With Disabilities.

- D. Resolution 11-10, A Resolution Accepting The Bid Submitted By Barrett Paving Materials, Inc., Of Dayton, Ohio, For The 2010 Street Program (Project SS-1A-10) For Concrete And Asphalt Repair And Asphalt Resurfacing In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- E. Resolution 12-10, A Resolution Declaring Specific Equipment And Vehicles No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein.
- F. Resolution 13-10, A Resolution Of Support For The Google Fiber For Communities Initiative And Authorizing The City Manager To Join With Other Communities In Our Region In A Joint Response To The Google Request For Information.
- G. Resolution 14-10, A Resolution Accepting The Bids Submitted By Advanced Turf Solutions, John Deere Landscapes, Helena Chemical Company, Green Velvet Sod Farms, The Hill Company and Century Equipment For Chemicals For The Golf Club At Yankee Trace And Authorizing The City Manager To Enter Into Contracts In Connection Therewith.
- H. Resolution 15-10, A Resolution Accepting The Bids Submitted by Turfgrass Inc, Greenskeeper Turf, Advanced Turf Solutions, John Deere Landscapes, Helena Chemical Company, Green Velvet Sod Farms, And The Hill Company For Fertilizer For The Golf Club At Yankee Trace And Authorizing the City Manager To Enter Into Contracts In Connection Therewith.
- I. Yankee Trace Contract Improvement Bond Reduction From \$50,000.00 to \$25,000.00.
- J. Appointment of James Dell As A Member Of The City Beautiful Commission.
- K. Reappointments of Heidi Miller As Chair To The Board Of Architectural Review, Dan Carfagno As Chair To The Property Review Commission and John Dorko As A Member Of The Property Review Commission.

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

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**ORDINANCE NUMBER 05-10: VACATION OF A PORTION OF AN EASEMENT,  
6240 BRENTSHIRE COURT, RED COACH SOUTH**

Mr. Feverston gave the background on the construction of a single car garage that encroaches on a portion of a utility easement. The garage is located on Lot Number 524 of Red Coach South, Section Four, and is owned by Mr. Max Reeder, 6240 Brentshire Court. The request to vacate a portion of the easement is made by Judge Engineering Company, the surveyors. Mr. Feverston showed a map locating the suggested changes to the easement. The gas and electric utility companies with an interest in the easement have granted certificates of waiver stating their willingness to forego use of the area in question. Mr. Feverston stated that the City does not need the easement for drainage purposes. Staff has no objection to vacating this portion of the easement and recommends passage of the ordinance.

Mr. Ken Fehr, 1121 Fernshire Drive, is an adjoining neighbor for whom the 1½ story garage is visible from his patio above a privacy fence. Mr. Fehr objected to the vacation of the easement because of the height of the structure and its proximity to his patio. Mr. Fehr noted that staff is recommending that the UDO be changed to allow only shorter heights for accessory structures. Mr. Max Reeder, owner of 6240 Brentshire Court, stated that he had the written support of the vast majority of the immediate neighbors. He had worked with City Staff and followed the requirements for permits and changes as the construction proceeded. The problem was that the easement was missed when plans were finalized. Mr. Fehr stated that the zoning certificate is for a single story garage only. He feels that the oversized single car garage is not architecturally compatible with Mr. Reeder's home or the area and that the structure negatively impacts the value of his (Mr. Fehr's) property.

Further discussion included additional comments by Mr. Max Reeder, Mr. Fehr, and by Mr. Kevin Sandstrom, the builder. Mr. Horn suggested that some compromise for screening be worked out between the parties. Mayor Kingseed asked for a two week delay in the vote on the vacation of a portion of the easement for 6240 Brentshire Court, pending the outcome of discussions between the homeowners and the builder for screening options. Mr. Compton moved to table for two weeks Ordinance Number 05-10, An Ordinance To Vacate A Portion Of A Platted Utility Easement Located On Lot Number 524 Of Red Coach South, Section 4 And Addressed As 6240 Brentshire Court. Mr. Beals seconded the motion. The motion passed with 5 ayes.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kingseed*  
Mayor

ATTEST: *Debra James*  
Clerk of Council