

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 5

20 10

The Council of the City of Centerville, County of Montgomery, State of Ohio, convened for a Special Meeting on Monday, April 5, 2010, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by Mr. Jim Singer and the Pledge of Allegiance to the Flag with Mayor Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Councilmembers Brooks Compton
Paul Gresham
Belinda Kenley
James Singer

Clerk of Council Debra James
City Manager Gregory Horn
City Planner Steven Feverston
Public Works Director Robert James
Assistant to the City Manager Jennifer Wilder
Economic Development Administrator Nathan Cahall

Dr. Gresham moved to excuse Mr. Cline and Mr. Beals from the meeting. Mr. Singer seconded the motion. The motion passed with 5 ayes.

ORDINANCE NUMBER 05-10: AN ORDINANCE TO VACATE A PORTION OF AN EASEMENT LOCATED AT 6240 BRENTSHIRE COURT

Mr. Horn explained that a verbal compromise had been reached between the owners and the neighbors involved in this action, Mr. and Mrs. Max Reeder and Mr. and Mrs. Ken Fehr. Mr. and Mrs. Fehr, rear neighbors on Fernshire Drive, had objected to the height of the structure that encroaches on a portion of the utility easement at 6240 Brentshire Drive, not the vacation of the utility easement per se. The matter was tabled at the last regularly scheduled Council Meeting in order to give the parties additional time to work out a compromise. The Reeders have agreed to lower the height of the building. There is an understanding that the City staff will not release the documents pertaining to vacating the easement until such time as the building has been lowered thirty-four inches.

The public hearing pertaining to the vacation of the easement was held during the previous Council meeting, but the Mayor invited the parties to make statements. In his remarks, Mr. Fehr requested an estimate for further reducing the height of the building to twelve feet—a shorter height than the fifteen-foot structure to which he had agreed. Mr. Reeder thanked the Council and staff for their help and noted that none of the problems were intentional. He had tried to do things properly by paying for a survey by Judge Engineering and obtaining valid permits.

Mr. Compton moved to remove Ordinance 05-10 from the table and bring it to the floor for consideration. Mrs. Kenley seconded the motion. The motion passed with 5 ayes. Mr. Horn asked for a clarification that the amount the building will be lowered is thirty-four inches. Mrs. Reeder noted that the Fehrs are not making any financial contribution to the changes to the structure.

Mr. Compton moved for approval of Ordinance 05-10, An Ordinance To Vacate A Portion Of A Platted Utility Easement Located On Lot Number 524 Of Red Coach South,

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Section 4 And Addressed As 6240 Brentshire Court subject to the stipulation that the City Planner will not stamp the easement vacation as "No Plat Required" until the revised building and zoning permits are issued and the building construction is complete and ready for issuance of an Occupancy Permit. Further, no additional fees will be charged to the Applicant. Mrs. Kenley seconded the motion. The motion passed with 5 ayes.

In new business, Dr. Gresham moved for the appointment of Marilou Enslein as Chair of the City Beautiful Commission for a term of one year. Mrs. Kenley seconded the motion. The motion passed with 5 ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kenley
Mayor

ATTEST: Debra James
Clerk of Council