

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 21

20 10

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 21, 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 with Mayor C. Mark Kingseed presiding. The Pledge of Allegiance was led by Cub Scout Pack #616, Den 3. Councilmembers and City Staff were present as follows:

Deputy Mayor	Douglas Cline
Councilmembers	John Beals
	Brooks Compton
	Paul Gresham
	Belinda Kenley
	James Singer

Clerk of Council Debra James

City Manager Gregory Horn

Finance Director Steven Hinshaw

City Planner Steven Feverston

Public Works Director Robert James

City Engineer Douglas Spitler

Assistant City Engineer John Sliemers

Assistant to the City Manager Jennifer Wilder

Economic Development Director 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	May 17, 2010.
-----------------	---------------

Work Session Meetings	May 17, 2010.
	June 07, 2010.
	June 14, 2010.

Mr. Compton moved that the minutes of the foregoing meetings be approved as distributed. Mr. Cline seconded the motion. The motion passed with seven ayes. Mr. Singer abstained from the vote on the minutes of May 17 and June 14 as he was absent from those meetings. Mayor Kingseed abstained from the vote on the minutes of May 17.

Mayor Kingseed invited Debbie Wright, owner of local McDonalds Restaurants, to speak about the 14th Annual Ray Wright Classic which raises funds for Ronald McDonald House Charities. This year's events are scheduled for July 14, 2010, at The Golf Club at Yankee Trace with the golf shotgun start at noon and fundraising festivities continuing into the evening. Over the years the Wrights have raised about a million dollars for the local Ronald McDonald House that helps families of seriously ill children have a place to stay near area hospitals. Mr. Beals read a Certificate of Recognition that was presented to Mrs. Wright.

Mayor Kingseed greeted Jacob Bradosky, the top Boston Marathon finisher from the State of Ohio for the second consecutive year; a certificate of recognition was read. Mr. Bradosky is training in hopes of qualifying for the 2012 U.S. Olympic Team.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 2120 10

Karen Beal and Kim Engleman of the City Beautiful Commission announced that Burke Orthodontics, 55 North Main Street, was the winner of the June Business Pride Award. They presented a plaque and gift certificate to Dr. Stephen Burke.

Mayor Kingseed recognized Robin Gimm, Valedictorian of the Centerville High School Class of 2010, and Samantha King, Salutatorian. He gave each of them a certificate of congratulations from the City of Centerville.

Mayor Kingseed congratulated the Centerville High School Destination Imagination Team. Centerville High School won the Destination Imagination Global Competition in Knoxville, Tennessee, in May. Mayor Kingseed congratulated them for bringing this honor to the community, before Coaches Ken and Barb Proehl introduced the team members as follows: Erica Abrams, Greg Feingold, Chloe Gessner, Anam Hussain, Alexis Spencer, Lyndi Vinson, and Kris Williams. The members of the team received engraved key chains.

Mayor Kingseed welcomed a group of citizens who have each been volunteering for the City of Centerville for more than 25 years. He awarded certificates of recognition to the following:

Karl Pauzar – 42 Years of Service - Police Department, CIVIC

John Spoor – 35 Years of Service - Sister City Committee

Bob Perkins – 32 Years of Service - Property Review Commission

Sue Pirie – 30 Years of Service - Historical Society, Bicentennial

Commission, Friends of Benham's Grove

Jim Wasson, 30 Years of Service - Centerville Financial Committee, Property Review Commission

Maxine Levinson, 29 Years of Service - CIVIC

Marty Hohl, 26 Years of Service - CIVIC

Alice Nace, 26 Years of Service - CIVIC

Sandy Baver, 25 Years of Service - Sister City Committee

Dan Carfagno, 25 Years of Service - Property Review Commission

John Dorko, 25 Years of Service - Property Review Commission

Jack Lohbeck, 25 Years of Service - Property Review Commission

Barry McClain, 25 Years of Service - Property Review Commission

The Mayor thanked the volunteers for making the community a better place.

In May, the youth group of the Centerville Community Church volunteered for service projects for "Love Your City Day." Mrs. Kenley read a certificate of recognition for the group which Mayor Kingseed gave to Jon Biggs, Pastor of Student Ministries, and Scott Hanna, a student representative.

Mr. Cahall introduced Melissa Tilley, the branch manager of the Day-Air Credit Union, who shared information concerning the Centerville Home Enhancement Loan Program (C-HELP), a new homeowner assistance program the City is launching in the next few weeks. Day-Air will be lowering its interest rate by ½ % while the City contributes 2% for certain home equity loans. Ms. Tilley went over the guidelines for qualifying for one of these loans that are aimed at improving properties and maintaining the value of the City's

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 2120 10

housing stock. Mr. Cahall stated that this program is a collaborative partnership between the County/ City CBDG Office and Day-Air Credit Union. Those interested should contact Day-Air Credit Union. A new link will be on the City's website about the second week of July.

In the Mayor's Report, Mr. Kingseed noted the following:

During the summer, *Third Fridays After Hours* advertise Heart of Centerville businesses by combining community fun, music, sales and shopping. The Mayor encouraged everyone to support the local merchants.

Centerville Business Today is featuring a weekly onsite interview at a local business. The program airs on cable network Channel 5. The goal is to acquaint local citizens with local businesses. To schedule a taping with the Mayor, those interested should contact Maureen Russell-Hodgson at 433-7151.

He noted that June 26 is the sixtieth anniversary of the start of the Korean War.

He introduced JoAnne Rau as DP&L's ambassador to the City of Centerville.

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

He noted the excellence and generosity of Ray and Debbie Wright in helping various causes within the community.

He thanked everyone involved in the Open House for the Public Works Center.

He thanked Council and City of Centerville employees for supporting the Clemens Cancer Rally at Miami Valley Hospital South to raise money for free cancer screenings for those without insurance.

Mr. Cahall outlined code violations and resolutions for the month of May, 2010, as well as the community calendar for the coming weeks. Americana events are scheduled for July 4 and 5. New regulations concerning the storage of recreational vehicles, boats, and trailers take effect on July 15 with no grandfathering.

Mr. Cahall gave the legislative update. HB7 that sets energy efficiency standards for buildings constructed with public money has passed the House. HB521 would create a small business working capital loan program. HB541 would enact a new section of Title VII to allow municipal corporations and public entities to enter into agreements to perform a wide variety of services for each other. SB110 deals with changing sewage treatment specifications; an eleventh hour amendment to this bill would prohibit municipalities from requiring annexation of the area in order for the landowner to receive water treatment services. SB254 would set up a Water Access to every Residence Task Force that would be empowered to study how to provide clean drinking water for all residents to the state; it incorporates many of the same items as SB110 that are not in the best interests of municipalities. SB248 amplifies the community reinvestment statute to lengthen the term from fifteen to thirty years of property tax abatement for large commercial construction.

In Standing Committee Reports, Mr. Compton stated that interviews are being conducted for the committee to study independence from Washington Township. He will have an additional report in July. Mr. Beals reported that the Centerville Washington

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *June 21*20 *10*

Township Historical Society is planning a trip to Marysville for the Chautauqua there in the middle of July. The contact for those interested is Vicki Bondi.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters. Approval of these issues will be as a group with one motion being made. Items may be removed from the Consent Agenda by request of any Councilmember. Councilmembers took turns reading the items on the Consent Agenda before Mr. Compton sponsored the following items and moved for their approval:

- A. Ordinance 12-10, An Ordinance Amending Chapter 880 Business Regulation And Taxation Code Of The Centerville Municipal Code, be set for Public Hearing July 19, 2010.
- B. Resolution 21-10, A Resolution Accepting The Bid Submitted By Double Jay Construction, Inc. Of Englewood, Ohio For Black Oak South Improvements-Phase 3B, SS-1B, For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- C. Resolution 22-10, A Resolution Accepting The Bid Submitted By Mark Finchum Excavating, LLC Of South Charleston, Ohio For The City Of Centerville's Sidewalk Repair Program – 2010 (SS-1C) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- D. Resolution 23-10, A Resolution Enacted By The City Of Centerville, Montgomery County, Ohio, Hereinafter Referred To As The Local Public Agency (LPA), In The Matter Of The Stated Described Project, MOT SR 725 21.88, PID No. 87386, For SR 725 Bridge Rehabilitation.
- E. Appointment of Robert Corbin to the Community Reinvestment Area Housing Council.
- F. Appointments as Follows:
Richard Hoback to the Board of Architectural Review.
Bill Etson to the Planning Commission.
- G. Reappointments as Follows:
Sandra Baver to the Sister City Committee.
Frank Masterson to the Personnel Appeals Board.

Dr. Gresham seconded the motion. The motion passed with seven ayes.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held *June 21*20 *10*

ORDINANCE NUMBER 7-10: UDO AMENDMENT PERMITTING FUNERAL HOMES AS A CONDITIONAL USE IN O-PD AND B-PD DISTRICTS

Mr. Feverston explained that the amendment requested is the result of the interest of Mr. and Mrs. Reis in redoing the vacant Sears property at 6661 Clyo Road as a funeral home. In reviewing the issue the Planning Commission felt that allowing the funeral home as a conditional use was appropriate as a transition for the residential area across Clyo Road and because of the office development that has occurred in the area. Ordinance 7-10 also amends noticing requirements for the vacation of streets, alleys and easements to match the publishing requirements in the Ohio Revised Code. Planning Commission reviewed the ordinance at its April 27 meeting and recommended Council's approval.

Mary Beth Thompson, 6127 Cedar Cove Drive, noted the increasing volume of traffic on Clyo Road. She expressed concern about the curve of the road, the changing number of lanes (turn lanes), the type of lighted signage permitted, the speed of traffic, the hours of operation and the back up of traffic on Clyo Road. Mr. Feverston gave basic information about lighted signs and stated that the public hearing before the Planning Commission for the conditional use approval is June 22 at 7:30 p.m.; such issues will be discussed at that time. He invited Ms. Thompson to attend the Planning Commission Meeting.

Mr. Compton sponsored Ordinance Number 7-10, An Ordinance Amending Ordinance 14-08, The Unified Development Ordinance For The City Of Centerville Ohio, Amending Table 9.1, Permitted Land Uses In The Base Zoning Districts, To Allow A Funeral Home As A Conditional Use In The Office Planned Development And Industrial Planned Development Zoning Districts And Modify The Noticing Requirements For Vacation Of Street, Alley Or Easements, and moved for its approval. Mr. Cline seconded the motion. The motions passed with seven ayes.

ORDINANCE NUMBER 9-10: REZONE 6661 CLYO ROAD AND 6690 CENTERVILLE BUSINESS PARKWAY TO O-PD

Mr. Feverston stated that both Planning Commission and City Council had discussed this City initiated rezoning in a work session. Planning Commission is in favor of rezoning the property to give the widest possible range of uses without giving way to the heaviest uses of the I-PD district because of the proximity to housing across Clyo Road and to the offices nearby. Planning Commission reviewed this ordinance at its April 27 meeting and unanimously recommended its passage by Council. In response to a question from Mayor Kingseed, Mr. Feverston stated that the ordinance would limit industrial uses in the areas bordering the major thoroughfares that have developed mainly as office parks, but maintain flexibility. Mr. Singer asked about Parkway Professional Suites not being rezoned. Because there are multiple owners in these business condominiums, the rezoning of these buildings would be harder to accomplish. Dr. Gresham sponsored Ordinance Number 9-10, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, To Rezone 7.599 Acres of Land, More Or Less, Located at 6661 Clyo Road and 6690 Centerville Business Parkway, From I-PD, Industrial Planned Development, to O-PD,

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 21

2010

Office Planned Development Zone Classification, and moved that it be approved. Mr. Singer seconded the motion. The motion passed with seven ayes.

ORDINANCE NUMBER 10-10: LIMIT NUMBER OF PUBLIC RECORDS TO BE SENT BY MAIL

Mr. Liberman gave the staff report concerning this update of the City's Public Records Policy of 2007. All public entities had to adopt a public records protocol at that time. Part of the law dealt with multiple requests, mainly from those using public records for commercial purposes. Following the adoption of initial policies, many cities and other governmental agencies found that these commercial requests have been a burden. The proposed ordinance is intended to slow the expense of sending multiple mailings by limiting the number to a particular person or business to ten per month. Records are still available for review in person or to be sent electronically.

Mary Beth Thompson, 6127 Cedar Cove Drive, asked if personal information is redacted from records that are sent out. Mr. Liberman answered that the Ohio Revised Code allows deletion of certain information, such as social security numbers. Dr. Gresham verified that records can be emailed, before Mr. Singer stated that the law initially was blind to the purpose of the request and announced his concern about discriminating against commercial purposes.

Mr. Cline sponsored Ordinance 10-10, An Ordinance Adopting An Amendment To The City Of Centerville's Public Records Policy to Limit The Number Of Records Transmitted By U.S. Mail, and moved for its approval. Mrs. Kenley seconded the motion. The motion passed with six ayes. Mr. Singer voted against the measure.

ORDINANCE NUMBER 11-10: EDIT PERSONNEL MANUALS TO ADD LEAVE DONATION POLICY

Dr. Hinshaw noted that the Employee Relations Committee asked for clarification of the leave donation policy. After review of the policies of several other entities, the recommendation is that the City Manager should have the discretion to deal with leave donation on a case by case basis to meet employee needs as well as the city's interests. Mayor Kingseed pointed out that the policy had been discussed at a work session. Dr. Gresham sponsored Ordinance Number 11-10, An Ordinance Amending Ordinance No. 18-09, Establishing The Personnel Manuals For The City Of Centerville, To Add Section 4.21 Leave Donation Policy To The City Of Centerville Personnel Manual, and moved for approval. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kenepel Mayor

ATTEST: Debra A. James Clerk of Council