

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *July 19*20 *10*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 19, 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 Fritz Wiese followed by the Pledge of Allegiance with Deputy Mayor Douglas Cline presiding. Pastor Wiese announced that he is moving to Peachtree City, Georgia. Deputy Mayor Cline expressed the appreciation for the work that Pastor Wiese has done during his fourteen years in Centerville.

Councilmembers and City Staff were present as follows:

Councilmembers	John Beals
	Brooks Compton
	Paul Gresham
	Belinda Kenley
	James Singer
Assistant Clerk of Council	Julia Weaver
City Manager	Gregory Horn
Finance Director	Steven Hinshaw
Tax Superintendent	Sue Noe
City Planner	Steven Feverston
Public Works Director	Robert James
City Engineer	Douglas Spitler
Assistant to the City Manager	Jennifer Wilder
Economic Development Director	Nathan Cahall
Municipal Attorney	Scott Liberman

Dr. Gresham moved to excuse Mayor Kingseed from the meeting as he is out of town. Mr. Singer seconded the motion. The motion passed with six ayes.

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

Council Meeting	June 21, 2010.
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Work Session Meetings	June 21, 2010.
	July 12, 2010.

Mr. Compton moved that the minutes of the foregoing meetings be approved as distributed. Dr. Gresham seconded the motion. The motion passed with six ayes.

Mrs. Weaver announced the resignation from the City Beautiful Commission of Julie Krabill who has moved out of state. Mrs. Weaver also noted the filing of an appeal of the decision of the Planning Commission denying a variance for an additional ground sign for the Kroger Marketplace.

Deputy Mayor Cline administered the Oath of Office to Dr. Richard Hoback as a member of the Board of Architectural Review.

Deputy Mayor Cline greeted Girls Scouts who have earned the Bronze Award and presented certificates of recognition to them. Troop Leader Lori Embry noted the work

RECORD OF PROCEEDINGS

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done by the following Girl Scouts to earn the award: Abby Almanrode, Anita Ambalavanan, Emily Bennett, Gabrielle Burkett, Nadalie Devara-Russell, Jacqueline Fox, Deborah Liberman, Margeaux Lim, Sami Loechelt, Alyssa Schafer, Alyssa Embry, Kelsee Etmans and Kristin Stein.

Deputy Mayor Cline called forward the members of the Centerville High School 2010 Science Olympiad Team. This group won the 2010 Science Olympiad National Championship for the second consecutive year. Deputy Mayor Cline presented a plaque and distributed key chains to the team members and coaches who were present as follows:

Team—Audrey Hall, Sunny Xu, Jeff Behm, Emily Briskin, Seth Cazzell, Megan Kramer, Habeeb Mantra, Rebecca Wang, Aaron Zhao, Matthew Brockman, Andrew Diamond, Carole Falugi, Jordan Kinde, Olivia Rogers, and Sam Tilmann; Coaches—Bonnie Buddendeck, Doug Glass, Dick Lee and Alberta Guise.

Karen Beal of the City Beautiful Commission announced that the July Business Pride Award winners were David Ellinger, D.D.S, at 107 East Franklin Street and Gibson & O'Keefe Co., LPA, at 6239 Wilmington Pike. She presented plaques and certificates to Dr. and Mrs. David Ellinger as well as Mr. Stephen O'Keefe and Ms. Sharon York.

Mr. Feverston announced the winners of the residential awards for June and July and showed pictures of their homes.

June

Allan & Karen Kennedy
1925 Home Path Court

Peter & Elisabeth Petrusch
449 Blackstone Drive

Frank & Stacy Rose
6908 Chardonnay Drive

Ron & Vicki Kuhn
300 Shawnee Trail

Gary & Patty Ware
5009 Alpine Rose Court

Wallace & Carol Nugent
850 Vintage Lake Court

Gary & Nancy Croley
705 Spring Ridge Place

July

Charlene & Rick Schock
6486 Hollowview Trail

Amy & Greg Foley
440 Cedarleaf Drive

Doris & Tom Cassley
220 Glenburn Drive

Jan & Ted Frederick
430 Island Lake Court

Gloria & Jim McNamara
2131 Pelwood Drive

Leslie & Ron Newcomb
1123 Waters Edge Drive

Dorothy & Howard Hensley
148 E. Franklin Street

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

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In the Mayor's Report, Deputy Mayor Cline noted the following:

He congratulated everyone involved with the Americana Festival for making it such a successful community event. He especially commended Public Works and the Centerville Police Department for keeping the festivities clean and safe.

He noted that three items on the agenda had relevance for expanding or opening businesses in Centerville.

He sent greetings to long time volunteer videographer for MVCC, John Moraites, wishing him a speedy recovery.

He congratulated Mr. Horn's family on the marriage of son, Zachary.

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

The Bigger Road Stimulus Project is nearing completion.

The summer paving program is underway and will continue for the next several weeks. The stimulus money has enabled the City to stretch budgeted paving dollars into some residential areas. The current phase of the Black Oak Improvement rehabilitation of curbs, gutters, etc. is also progressing.

The Dille litigation continues with the annexation finalized, but with the dispute over Tax Increment Financing proceeding. The City will appeal to the Second District Court, since TIF funding is an important tool for development of the area.

The City is on sound fiscal condition. Income is stable or rising slightly and departments have been very conservative so expenditures are running below the past few years.

Stubbs Park is a wonderful venue for the excellent lineup of performances for the summer concert series sponsored by the Arts Commission. The schedule is on the City's website.

Mr. Cahall, Economic Development Coordinator, outlined code violations and their resolutions for the month of June, 2010, and presented the community calendar for the coming weeks. He covered items such as the concert series, the activities at Yankee Trace in celebration of its fifteenth anniversary, the end of grandfathering for the storage of RV's and the availability of discount drug cards from NLC.

Mr. James, Public Works Director, reviewed the manpower and the activities of Public Works and the Centerville Police Department for the Americana concert, parade, festival and fireworks. He particularly noted the increase in recycling at the festival.

PUBLIC HEARING: CONDITIONAL USE APPROVAL REIS FUNERAL HOME, 6661 CLYO ROAD

In the report of the Planning Commission, Mr. Feverston presented a Conditional Use Application by Edward Reis for 6661 Clyo Road. Edward and Darinda Reis wish to renovate the property for use as a funeral home. Zoning on the property was recently changed to O-PD. At its meeting on June 22, 2010, Planning Commission unanimously recommended that Council approve this Conditional Use request subject to five conditions.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *July 19*20 *10*

Mr. Larry Rezash, 1141 Smugglers Way in Cedar Cove Condominiums, stated that he had no problem with the neighboring property becoming a funeral home. As a local resident, he welcomed the occupancy of the vacant building.

Mrs. Darinda Reis, 1733 Brown Street, Dayton, one of the owners of Meyer, Boehmer, and Reis Funeral Home, stated her excitement about expanding the family business into Centerville. The move will bring 16 to 18 full and part-time jobs.

Mr. Compton thanked Mrs. Reis for renovating a building that has been vacant for about five years, before he moved for the approval of the conditional use application for 6661 Clio Road subject to the following five conditions as recommended by the Planning Commission:

1. Prior to issuance of a Zoning Certificate, a final landscape plan shall be subject to approval by the City Planner in accordance with Article 9.25 of the UDO. This plan shall specifically address bringing the eastern side yard into compliance with the UDO. Landscaping shall include a minimum of 10 canopy trees, 20 understory trees, and 30 shrubs within this side yard.
2. Prior to issuance of a Zoning Certificate, a landscape bond or other construction guarantee shall be required in an amount acceptable to the City Planner for all required landscaping.
3. All vegetation within 3 feet of all existing fire hydrants shall be cleared.
4. No signs shall be approved as a part of this application.
5. Prior to issuance of a Zoning Certificate, an exterior lighting plan shall be submitted subject to approval by the City Planner.

Mrs. Kenley seconded the motion. The motion passed with six ayes.

CONDITIONAL USE HEARING: DRIVE-THRU WINDOW DUNKIN DONUTS AT BP FUELING CENTER 6201 WILMINGTON PIKE

Mr. Compton recused himself and left the Council Chambers before Mr. Feverston began the overview of the application for a conditional use by the BP Fueling Center at 6201 Wilmington Pike to add a drive-thru window on the southern face of the building for Dunkin Donuts; the western façade will have a cooler added. Traffic will be one way around the rear of the structure for the drive-thru, the car wash and a general drive lane. Signage was not part of this hearing. The zoning is B-2, General Business. On June 22, 2010, Planning Commission reviewed the request and recommended approval of the conditional use application subject to eight conditions. Mr. Beals expressed concern for crossover traffic congestion in front of the building as cars try to return to Clio Road to exit. Mr. Toto, MS Consultants, stated that traffic circulation and congestion are typical for gas station

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held *July 19*

20 *10*

operations. Dr. Gresham moved that the Conditional Use Application be approved subject to the following eight conditions recommended by the Planning Commission:

1. Prior to issuance of a Zoning Certificate, a one-way vehicle circulation shall be established west and south of the principal building and car wash subject to approval by the City Engineer.
2. Prior to issuance of a Zoning Certificate, an access easement shall be established for the business property to the south guaranteeing access to Wilmington Pike and Cloyo Road subject to approval by the City Attorney that replaces the existing access easement situated along the western property line.
3. Prior to issuance of a Zoning Certificate, the Site Improvement Plan shall be modified to include site data for both existing and proposed conditions to verify impervious areas subject to approval by the City Engineer.
4. Prior to issuance of a Zoning Certificate, the Site Improvement Plan shall be modified to show the relocated Vacuum Station subject to approval by the City Planner.
5. Prior to issuance of a Zoning Certificate, a detailed Exterior Lighting Plan shall be required for all new light fixtures subject to approval by the City Planner.
6. Prior to issuance of a Zoning Certificate, A landscape bond or other construction guarantee shall be required in an amount acceptable to the City Planner for all required landscaping.
7. No signs shall be approved as a part of this application.
8. The meters located on the south side of the existing building shall be physically protected in a manner to be approved by the Engineering Department and the applicant.

Mrs. Kenley seconded the motion. The motion passed with four ayes, as Mr. Beals abstained from the vote.

Mr. Compton returned to Council Chambers.

In Standing Committee Reports, Mr. Beals reported that the Centerville Washington Historical Society is sponsoring a bus trip to Marysville on July 29 for the Chautauqua being held there. Thursday, August 12, a W. C. Fields impersonator will be at Benham's Grove with tickets for the event available at Asahel's Emporium. Also, Mrs. Kenley thanked Evergreen Veterinary and Centerville BBQ and Catering for being sponsors for the Summer Concert Series by the Arts Commission.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *July 19*20 *10*

Deputy-Mayor Cline 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. He asked Mr. Horn to give a brief overview of the legislation before Councilmembers took turns reading the items on the Consent Agenda. Mr. Compton sponsored the following items and moved for their approval:

- A. Resolution 24-10, A Resolution Of Support For The Multi-County Advantage Sharing Program Proposal.
- B. Resolution 25-10, A Resolution Ratifying The Actions Of The City Manager To Enter Into License Agreement With John M. Thompson And Theresa J. Thompson To Allow Property Owners To Continue To Locate A Fence In The City Right-Of-Way.
- C. Resolution 26-10, A Resolution Accepting The Bid From Cargill, Inc. And Authorizing The City Manager To Enter Into An Agreement With Cargill, Inc., For The Purchase Of Highway Rock Salt For Snow And Ice Control For The City Of Centerville For The Year 2010.
- D. Resolution 27-10, A Resolution Declaring City 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.

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

PUBLIC HEARING: ORDINANCE NUMBER 12-10 AMENDING THE TAX CODE OF THE CITY OF CENTERVILLE

Dr. Hinshaw explained the eight changes proposed for updating the Tax Code of the City of Centerville that was last amended in 2004. He stated that the changes make the system more efficient, incorporate best practices used by most cities our size and help to make the code more equitable for all taxpayers. Mr. Compton sponsored Ordinance 12-10, An Ordinance Amending Chapter 880 Business Regulation And Taxation Code Of The Centerville Municipal Code. Mr. Singer seconded the motion. The motion passed with six ayes.

PUBLIC HEARING: APPEAL OF PC DECISION FOR SECOND KROGER GROUND SIGN

Mr. Feverston presented the background on Kroger's appeal of the decision of the Planning Commission denying a variance for a second ground sign for the Kroger Marketplace at the corner of Sheehan Road and South Main Street. Mr. Feverston voiced concerns about the placement of such a sign because of the grade of the road and sight distance requirements. Planning Commission issued a 2-2 split decision on this variance at

RECORD OF PROCEEDINGS

Minutes of COUNCIL

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 19

20 10

its meeting on June 22, 2010, and therefore did not approve the variance. Staff feels that the size of the property justifies a second sign.

Mr. Jonathan Woher, 5527 Dragon Way, Cincinnati, Ohio, a representative of Kroger, noted that Christy Snelling was also present, before he asked Council to overturn the decision of the Planning Commission and allow a sign on Sheehan Road for way finding that would also help to avoid additional congestion at the intersection of South Main Street and Sheehan Road. He noted that Kroger was willing to compromise on the size of the signs and work with staff and the Planning Commission to determine the optimal placement of the additional ground sign.

Mr. Compton moved to approve the variance and allow a second ground sign of 32 square feet per sign face with the following conditions:

- 1. The location of the second ground sign must be approved by the City Planner.
- 2. The large ground sign facing South Main Street shall be reduced in size from 142 square feet per sign face to 124-126 square feet per sign face.

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

There being no further business, the meeting was adjourned.

Approved: [Signature]
Deputy Mayor

ATTEST: [Signature]
Assistant Clerk of Council