

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 20, 2010*

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 20, 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 Dan Mershon 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
	Brooks Compton
	Paul Gresham
	Belinda Kenley
	James Singer
Assistant Clerk of Council	Julia Weaver
City Manager	Gregory Horn
Finance Director	Steven Hinshaw
City Planner	Steven Feverston
City Engineer	Douglas Spitler
Assistant to the City Manager	Jennifer Wilder
Economic Development Administrator	Nathan Cahall
Acting Municipal Attorney	Rob Jacques

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

Council Meeting	November 15, 2010.
Work Session Meetings	November 15, 2010.
	December 06, 2010.
	December 13, 2010.

Dr. Gresham made a motion to approve the minutes, as distributed. Mr. Singer seconded the motion. The motion passed unanimously with Mr. Compton abstaining from the minutes of the work session of December 6.

Mayor Kingseed welcomed Robert Vines and administered the oath of office for the Sister City Committee. Dr. Gresham noted that Mr. Vines' father had served on the initial Sister City Committee.

Patty Kraft announced the Business Pride and Residential Holiday Lighting Awards that are presented for exceptionally tasteful decorations and lighting. She thanked Mary Lou Pence and Rob James for the help these staff members have given to the City Beautiful Commission. The Business Pride Holiday Award went to 252 West Salon and Spa at 252 W. Franklin Street. The Residential Awards were as follows:

Rob and Lynda Ehret	2288 Wahsum Circle
Erica Hole	171 S. Village Drive
Mike and Deanna Arellano	1255 Centerville Station Road
Cliff and Pat Smith	260 Bethel Road
Alison and Mark Tidwell	439 Cedarleaf Drive
George and Sally Langenderfer	1396 Courtyard Place
Susan Hogan	371 Roselake Drive

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Mrs. Kraft announced two spring seminars sponsored by the City Beautiful Commission. The first is a gardening class, "Secret Garden", at Benham's Grove on February 12; the second is a presentation on Saturday March 12 by Marvin Durand of Marvin's Garden. More information will be on the City website.

In the Mayor's Report, Mayor Kingseed extended holiday greetings to all residents and expressed gratitude for our wonderful community. He also sent good wishes to Debbie James, Clerk of Council, who was out on medical leave.

In the City Manager's Report, Mr. Horn introduced Mr. Rob Jacques who was filling in for Municipal Attorney Scott Liberman, before he gave details of the Open House at the Centerville Police Department honoring Police Chief Stephen Walker as he retires on January 14. He announced that the Finance Department under the leadership of Dr. Hinshaw had been selected for a Government Finance Officers Association reporting award, the Popular Annual Financial Reporting Award, for the high quality, easy accessibility and clarity of the Comprehensive Annual Financial Report Summary of early 2010. Less than one percent of the cities in Ohio receive this prestigious award. He wished everyone a bright and prosperous 2011.

Mrs. Wilder outlined code violations and their corrections for November 2010, as well as the community calendar for December and January. She noted that dog licenses are currently for sale at City Hall through the end of January. Other topics were recycling, Chief Walker's retirement, Art at the Trace, and the holiday schedule for refuse collection, as well as board and commission openings.

In Committee Reports, Mr. Feverston presented the report of the Planning Commission recommending a replat of the utility easements at Miami Valley Hospital South to allow for the construction of a second major structure on the property north of Clyo Road and west of Wilmington Pike. The Planning Commission recommended approval with only one condition related to renaming the stub street near Wendy's. Mr. Beals made a motion to approve the replat for the utility easement as recommended by the Planning Commission. Mrs. Kenley seconded the motion. Mayor Kingseed voiced appreciation for the presence of Miami Valley Hospital South in our community.

Mr. Beals, Mrs. Kenley and Dr. Gresham outlined their activities at the National League of Cities Conference in Denver. They thanked the citizens for the opportunity to attend seminars and presentations and to help to set national policies for cities. Mayor Kingseed congratulated Dr. Gresham as a member of the NLC Board of Directors and thanked the council members for their efforts in representing Centerville.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Work Sessions. Approval of these items is as a group with one motion being made. Councilmembers read the titles into the record before Mr. Compton sponsored the following legislation and moved for its approval:

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- A. Approval of the 2011-2015 Capital Improvement Program.
- B. Ordinance Number 20-10, An Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2011, be set for Public Hearing on January 24, 2011.
- C. Ordinance Number 22-10, An Ordinance To Repeal Ordinance Number 14-09 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing On January 24, 2011.
- D. Ordinance Number 24-10, An Ordinance To Repeal Ordinance Number 16-09 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, be set for Public Hearing on January 24, 2011.
- E. Ordinance Number 26-10, An Ordinance To Repeal Ordinance Numbers 18-09 And 11-10 In Their Entirety And To Establish The Personnel Manuals Of The City Of Centerville, be set for Public Hearing on January 24, 2011.
- F. Ordinance Number 27-10, An Ordinance To Repeal Ordinance Number 9-98, Which Enacted A Speed Limit of 45 Mph On Yankee Street Within The 1998 Corporate Limits Of The City Of Centerville, And To Enact A Replacement Ordinance To Establish A Speed Limit Of 45 Mph On Yankee Street Within The 2010 Corporate Limits Of The City Of Centerville, be set for Public Hearing on January 24, 2011.
- G. Ordinance Number 28-10, An Ordinance Not To Designate As A Landmark The House At 5300 Wilmington Pike And Known As The Dille House Within The City Of Centerville, Ohio, In Accordance With Article 9.45 "Landmarks" Of Ordinance 14.08, The Centerville Unified Development Ordinance, be set for Public Hearing on January 24, 2011.
- H. Resolution 49-10, A Resolution Requesting Advances Out of The Current Collections of Real Estate, Personal Property and Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville.
- I. Resolution 50-10, A Resolution Repealing Resolution Number 45-10 And Authorizing The City Manager To Enter Into The Revised Intergovernmental Cooperation Agreement, 2011-1015 On Behalf Of The City Of Centerville, with Other Member Jurisdictions.

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- J. Resolution 51-10, A Resolution Repealing Resolution Number 45-00 And Authorizing And Directing The City Manager To Enter Into An Agreement Between The County Of Montgomery And The City Of Centerville For The City's Participation In The Economic Development/Government Equity (EDGE) Program Established By Montgomery County.
- K. Resolution 52-10, A Resolution Authorizing The City Manager To Execute A Letter Of Intent With DPL Energy (DPLE) For Street Lighting Services For Use On Public Grounds And Streets In The City Of Centerville, Montgomery County, State Of Ohio, For A Period Of Five (5) Years Commencing January 1, 2011 And Expiring On December 31, 2015 And Authorizing The City Manager To Execute The Agreement Consistent With The Letter Of Intent.
- L. Resolution 53-10, A Resolution Accepting The Bid For A Utility Truck With An Aerial Device (Project VE-7-10) As Submitted by Utility Truck Equipment, Inc. Of Circleville, Ohio, And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- M. Resolution 54-10, A Resolution Authorizing And Directing The City Manager To Enter Into A Service Agreement With The Law Office Of The Montgomery County Public Defender To Provide Legal Services For Indigent Persons Charged With Jailable Offenses Under The City's Local Ordinances.
- N. Resolution 55-10, A Resolution Declaring Specific Property No Longer Used By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines Stated Herein.
- O. The Links at Yankee Trace, Section 1-C, Performance Bond Reduction from \$9,373.00 To A \$1,000.00 1-year Maintenance Bond.
- P. Motion For Minor Design Modification To Major Use Special Approval For Applicant, Jonathan Woche, McBride, Dale, And Clarion, On Behalf Of Kroger LPI For The Development Plan For The Kroger Market Place At SR 48 And Sheehan Road, Adding Two Conditions Regarding The Fueling Center Location And The Screening Requirements.
- Q. Reappointment of Barry McClain to the Property Review Commission for a Term of Three Years.
- R. Appointments of Mary Pizza and Phillip McLaughlin as Co-Chairs of the Sister City Committee for One Year.

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

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DAYTON LEGAL BLANK, INC. FORM NO. 1614B

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PUBLIC HEARING: APPEAL BY TOM ROSS OF PLANNING COMMISSION
DECISION ON A LANDSCAPING VARIANCE

Mr. Feverston gave background on the appeal filed by John Chico, the engineer for Ross Enterprises, related to landscaping in the parking lots of the properties at 30-46 Compark Road, north of Franklin Street and west of Clyo Road. The zoning is I-1. The minimum requirement by the Code is 8% of the parking area; the request is for 3.126 %. The parking area is gravel, but needs to be improved because of additional tenants in the buildings on the lots. Planning Commission denied the request for an interior landscaping variance in a split decision.

Mr. John T. Ross, 1290 E. Social Row Road, Washington Township, addressed Council to give a history and to express his concerns about the parking lot in the industrial area. Interior buffer strips on another nearby property have required constant maintenance because of damage by large vehicles. In the past, his neighbors did not have the same requirements as he has had. He stated that there had not been "equal application" of the rules and that the UDO is not friendly to the industrial areas with a predominance of large trucks and small spaces. Additionally, the tenants are having difficulty in these economic times, so the expense of making changes such as interior landscaping, perimeter landscaping and lighting is high. He encouraged the Council to have staff look at the UDO from the standpoint of the industrial areas.

Mayor Kingseed clarified that the UDO was a broader issue that needs to be addressed, but that the specific issue before Council was action on the appeal of the decision of the Planning Commission related to the variance to reduce the interior landscaping. Mayor Kingseed asked for focus on the appeal and requested that Mr. Horn have staff look at the UDO. Mr. Horn stated that Wright State students are working on suggestions for redevelopment of the industrial area in question. Currently, the perimeter requirements are in place and any disagreement or request for a variance regarding the perimeter landscaping would have to go through Planning Commission. Mr. Ross stated that he would like to be allowed to wait for the changes to the UDO before making any upgrades.

Mr. Horn offered to meet with Mr. Ross, but changes to the UDO will take a considerable amount of time.

Mayor Kingseed returned to the issue at hand. Because the engineer's drawing showed more than the minimum area for perimeter landscaping, Mr. Beals favored flexibility for less interior landscaping. He also discussed the needs of the Fire Department for access.

In answer to a question, Mr. Feverston explained that the industrial area was developed over time with initial oversight by Montgomery County. It was hoped that the requirements of the UDO could help to rejuvenate this industrial area. In recent years, the buildings have been subdivided with some legal tenants and some illegal tenants who have not complied with Building Codes, permits and Fire Codes as interior changes have been made.

Following discussion of whether the interior landscaping would create a hardship for accessibility and use of the property, Mr. Compton moved to approve the appeal of the decision of the Planning Commission for the landscape variance as submitted. Mrs. Kenley seconded the motion. The motion passed with 5 ayes. Mr. Cline and Dr. Gresham voted nay.

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PUBLIC HEARING FOR ORDINANCE NUMBER 15-10: ANNUAL RECODIFICATION

Mr. Horn explained that Ordinance Number 15-10 is the annual update of the Municipal Code, incorporating our new ordinances and resolutions as well as revisions to the Ohio Revised Code as they affect city government. Mr. Cline sponsored Ordinance Number 15-10, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith. Dr. Gresham seconded the motion. The motion passed unanimously

ORDINANCE NUMBER 17-10: RULES, FEES & REGULATIONS AT THE GOLF CLUB AT YANKEE TRACE

The Public Hearing was held for Ordinance Number 17-10 to adopt changes in fees, rules and regulations for the Golf Club at Yankee Trace. Mrs. Wilder gave the staff report on the recommendations for changes in green fees, reductions in annual membership fees, three tiers of twilight fees, definitions and clarifications of payments to golf professionals. There are no rule changes suggested for 2011. Mr. Compton sponsored Ordinance Number 17-10, An Ordinance To Amend Ordinance Number 09-09, Adopting All Fees, Rules And Regulations Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, and moved for its approval. Mr. Beals seconded the motion. The motion passed with seven ayes.

EMERGENCY ORDINANCE NUMBER 18-10: APPROPRIATIONS FINISHING 2010

Mr. Horn noted that, each year in December, appropriations must be adjusted as final expenditures in various accounts are completed for the calendar year. To finish 2010, the Finance Department recommends adjustments to four accounts, including salaries and related expenses and the golf maintenance fund. The golf course expansion fund is being closed. Mr. Singer sponsored Emergency Ordinance Number 18-10, An Ordinance To Amend Ordinance 12-09 To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During the Fiscal Year Ended December 31, 2010, and moved for its approval. Dr. Gresham seconded the motion. It passed with seven ayes.

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EMERGENCY ORDINANCE NUMBER 19-10: APPROPRIATIONS FOR 2011

Mr. Horn noted that the formal presentation on annual appropriations will be given by staff at the next regularly scheduled Council Meeting since Council has voted to set Ordinance Number 20-10 for Public Hearing on January 24, 2011. Appropriations for 2011 are \$15,760,392.00 in the general fund, with total appropriations of \$29,346,169.00. Emergency Ordinance Number 19-10 will give authority for appropriations until a regular ordinance is in place so that the City may do business immediately in 2011. Mr. Beals sponsored Ordinance Number 19-10, An Emergency Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2011 and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with seven ayes.

EMERGENCY ORDINANCE NUMBER 21-10: 2011 TITLES, PAY RANGES, GRADES, RATES OF PAY FOR EMPLOYEES OF THE CITY OF CENTERVILLE

The formal presentation on this annual update will be at the January meeting with the Public Hearing for Ordinance Number 22-10. This current measure allows the City to function in the interim. Mr. Compton sponsored Emergency Ordinance Number 21-10, An Emergency Ordinance To Repeal Ordinance Number 14-09 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

EMERGENCY ORDINANCE NUMBER 23-10: 2011 TITLES, PAY RANGES, GRADES, RATES OF PAY, REGULATION AND COMPENSATION AT THE GOLF CLUB AT YANKEE TRACE

Mr. Horn noted that Ms. Yonak will make the formal presentation on this annual update at the January meeting with the Public Hearing for Ordinance Number 24-10. The emergency ordinance allows the Golf Club at Yankee Trace to function in the interim. Mr. Cline sponsored Emergency Ordinance 23-10, An Ordinance To Repeal Ordinance Number 16-09 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, and moved that it be passed. Mr. Beals seconded the motion. The motion passed with seven ayes.

EMERGENCY ORDINANCE NUMBER 25-10: 2011 PERSONNEL MANUALS

Annual changes are needed for the personnel manuals for both the employees of the City of Centerville and of the Golf Club at Yankee Trace. The public hearing will be held at the January meeting when Ordinance Number 26-10 is considered. Most of the updates are utilitarian in nature, with few major changes being recommended. An explanation of the changes will be presented by Ginger Yonak at that time. Dr. Gresham sponsored Ordinance 25-10, An Emergency Ordinance To Repeal Ordinance Numbers 18-09 and 11-10 In Their Entirety And To Establish The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mr. Cline seconded the motion. The motion passed with seven ayes.

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RESOLUTION 56-10: COMMUNITY REINVESTMENT AREA

Dr. Hinshaw defined a CRA and explained how it works to abate property tax on the amount reinvested in improvements to a commercial or residential property that is over 25 years old. Current taxes on the unimproved value will continue to be collected. The abatement is only for taxes collected on the added value.

Mr. Cahall explained that this is Centerville's second amendment to the CRA that was originally passed in 1980. Any additional changes would require a major reworking of the legislation. The City has expanded the areas that are eligible for abatement from the Architectural Preservation District and select landmarks to include a broader base of many areas within the City of Centerville.

Mayor Kingseed stated that the aim of the legislation is to encourage businesses to expand and renovate and to help homeowners in the community with maintenance and upgrades in order to improve the housing stock of the City and protect it from deterioration. Dr. Gresham sponsored Resolution Number 56-10, A Resolution Amending Chapter 890 Community Reinvestment Area Of The Municipal Code Of The City Of Centerville, A Resolution Making Findings And Determinations As Permitted In Section 3735.70 Of The Ohio Revised Code, Establishing and Describing The Boundaries Of A "Community Reinvestment Area" And Designating A Housing Officer To Administer The Program, and moved that it be approved. Mr. Compton seconded the motion. The motion passed with seven ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kingseed
Mayor

ATTEST: Julia M. Weaver
Clerk of Council