

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held *May 18,*20<sup>09</sup>

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 18, 2009, 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. 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 Julie Weaver  
 City Manager Gregory Horn  
 Finance Director Steve Hinshaw  
 Public Works Director Robert James  
 City Engineer Douglas Spitler  
 City Planner Steve Feverston  
 Assistant to the City Manager Kristen Gopman  
 Assistant to the City Manager Jennifer Wilder  
 Economic Development Administrator Nathan Cahall  
 Community Resource Coordinator Maureen Russell Hodgson  
 Municipal Attorney Scott Liberman

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

Council Meetings-	April 20, 2009.
	May 11, 2009.
Work Session Meetings -	April 20, 2009.
	May 04, 2009.
	May 11, 2009.

Mrs. Kenley moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mr. Singer seconded the motion. The motion passed by unanimous vote. Mayor Kingseed and Mr. Compton abstained from the vote on the minutes of April 20, 2009 as they were both out of town.

Mrs. Weaver noted that the Clerk's Office had received written notification of the resignation of Carol Wasson from the Arts Commission. Mayor Kingseed thanked Mrs. Wasson for her dedicated service to the community over the past four years.

Joy Brush addressed Council to give details of the annual Americana Festival. Since this year is the 40<sup>th</sup> Anniversary of the Park District, the park system will be highlighted. Hithergreen's buses will shuttle people from various parks to the festival. Activities include a holiday concert, parade, car show, children's games, and vendors as well as softball and fireworks.

Mayor Kingseed administered the oaths of office to Kera Estep as a member of the Centerville Arts Commission and to Debbie Schmidt as a member of the Centerville City

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held *May 18,**20 09*

Beautiful Commission. He thanked each of them for volunteering to serve the community.

Mayor Kingseed explained that the City has been working over the past several years with faith-based organizations in the community. The Centerville Community Church coordinated the first "Love Your City Day" on April 25, 2009. The Mayor welcomed Pastor Jon Biggs who explained that over 128 students from six different youth groups were involved in working on twenty-four different work sites in Centerville and the surrounding area. These young people cleared brush and pulled weeds, painted two silos and a shed, volunteered for the Centerville-Washington Park District and performed other services throughout the community. A Certificate of Recognition was presented to Pastor Biggs, his wife and the students who accompanied him to the podium. Pastor Biggs commented that they would like to make this an annual event, and he plans to have this initiative grow to include more churches.

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

Volunteers in the community will be recognized at a Volunteer Salute at Yankee Trace on Thursday, May 21, 2009.

A Memorial Day Ceremony is to be held Monday, May 25, 2009 at 9:00 a.m. at the War Memorial at Stubbs Park.

Mr. Compton read a proclamation declaring May 17-23 to be National Public Works Week in the City of Centerville. Mayor Kingseed complimented Mr. James, Public Works Director, and his team for their work and stated that the quality of their work is extraordinary. He asked Mr. James to share the pride and gratitude of the Council with his colleagues.

Mr. Horn announced the following in the City Manager's Report:

He thanked the Public Works employees for their outstanding work with the annual "Clean Sweep" from May 4-7 where the crews removed large amounts of debris from the curbs. He also thanked Maureen Russell-Hodgson for her fine efforts coordinating the Community Garage Sale. The City advertised over 300 garage sales this year.

Mr. Horn gave an update on the progress of the new Public Works Center on South Suburban Drive. Although other companies were awarded parts of the work, Brumbaugh Construction of Arcanum is the major contractor for the \$5.8 million facility that is being built under the management of Danis Building Construction. After Mr. Horn explained the need for a new building, Mr. Cline asked him to point out some of the environmentally friendly features which were considered in planning the building. Dr. Gresham asked about a groundbreaking ceremony, but none has been scheduled because of the incremental nature of the project. Demolition of the Pyper Building has already started. Mr. Horn stated that the funds for this project have been set aside for a number of years. When the construction is completed, the new facility will be debt-free.

Mrs. Gopman outlined code violations and resolutions for the month of April 2009 and presented the community calendar for May and June. On June 1 a neighborhood meeting with Council is scheduled in the auditorium at Bethany Village at 7:00 p.m.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *May 18,*

20 09

Mr. Cahall, Economic Development Administrator, gave an update on the work of the State Legislature in the past month. The following legislation of interest to the City of Centerville has moved into the committee stream:

HB7—would require projects built with state dollars to meet LEEDS building standards

SB109—would exempt single family residential development from paying property taxes until homes are completed and sold

SB90—would exempt new owners of foreclosed and resold homes from paying the outstanding property taxes

SB120—would exempt private clubs from the state smoking ban

Mr. Cahall also noted that the Ohio Department of Economic Development has released an Incentive Study designed to make Ohio more competitive by encouraging regional cooperation. Included in the recommendations are changes in tax increment financing requirements.

Mrs. Kenley reported that the Montgomery County Green Task Force has been renamed the Dayton Region Green Task Force and that she has been invited to serve on that committee. When she attended their meeting she shared the efforts of our Environmental Committee. Mayor Kingseed thanked Mrs. Kenley, Mr. Cline and Mr. Beals for their efforts with the Environmental Committee.

Mr. Beals reported that the City Beautiful Commission has been working with the Public Works Department to plan interim improvements on the lots at the corner of SR 48 and Alex Bell Road. Poor quality trees have been removed and a planting bed will be installed. City Beautiful is also planting flowers downtown on the four corners at SR 48 and Franklin.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed in work sessions and have unanimous support of Council. Approval of these issues will be as a group with one motion being made. Councilmembers read the ordinances and resolutions, before Mr. Beals sponsored the following Consent Agenda items and moved for their approval:

- A. Ordinance Number 3-09, An Ordinance Establishing A Schedule Of Fees For Certain Applications Permits, Inspections Required By Ordinance Number 14-08, The Unified Development Ordinance Of The City Of Centerville And Repealing Ordinance Number 10-98 In Its Entirety, be set for Public Hearing on June 15, 2009.
- B. Ordinance Number 4-09, An Ordinance Amending Sections 660.14 Of The Codified Ordinances Of The City Of Centerville To Revise The Administrative Fee For Removal Of Offensive Weeds, Vines And Grass By The City In The Centerville Municipal Code be set for Public Hearing on June 15, 2009.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 18, 20 09

- C. Resolution Number 18-09, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville To Enter Into A Federal Local-L.E.T. Project Agreement For An American Recovery And Reinvestment Act (ARRA) Funded Project, (MOT Bigger Road).
- D. Resolution Number 19-09, A Resolution Authorizing City Manager To Enter Into An Independent Contractor Agreement With Michael J. Malone As Market Manager For The On-Site Management Of Centerville's Farmers Market.
- E. Resolution Number 20-09, A Resolution Declaring Specific Property 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 Stated Herein.
- F. Resolution Number 21-09, A Resolution Authorizing the City Manager, On Behalf of the City of Centerville, To Make Application To The COPS Office For A COPS Hiring Recovery Program (CHRP) Grant For The Salary And Fringe Benefits Of One Entry Level Police Officer For A Three Year Period.
- G. Resolution Number 22-09, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Make Application For A Grant In Order To Obtain Justice Funding From The Federal Government For The Digital Upgrade Of Police Department Communications Equipment.
- H. Release of Performance Bond and Letter of Credit – The Woodlands at Yankee Trace, Section 1, Subject to the Receipt of a Maintenance Bond in the Amount of \$10,000.00.
- I. The Following Appointment be made:  
Julie Krabill as a Member of the City Beautiful Commission.

Mr. Cline seconded the motion which then passed unanimously.

ORDINANCE NUMBER 2-09 ADDING "BUILDING ATTENDANT" TO THE PAY RANGES, GRADES, RATES OF PAY AND REGULATIONS FOR THE CITY OF CENTERVILLE

The public hearing was held for Ordinance Number 2-09. Mr. Horn gave the staff report, explaining the desire to hire a person (who has been a contract employee) as an employee of the City of Centerville for light housekeeping at the Municipal Building. The position requires less maintenance work than the current position of "Custodian." The newly defined post would be titled "Building Attendant" and would be Pay Grade 3. Dr. Gresham sponsored Ordinance Number 2-09, An Ordinance To Amend Subsection C To Attachment A Of Ordinance Number 25-08, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City of Centerville, Ohio,

## RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 18,

20 09

and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

#### MAINTENANCE OF THE OPDYKE-WILLIAMSON HOUSE

Mr. Cahall gave the report on the Opdyke-Williamson property owned by K & S Enterprises. This historic home is located at the southwest corner of Wilmington Pike and Alex Bell Road. A number of years ago, an agreement ending a court procedure gave the owners the responsibility of mothballing and maintaining the landmark home. Mr. Cahall showed pictures of the current condition of the property which highlighted maintenance issues, vandalism and security issues. The City recently notified the owners of the property of a series of problems in violation of the agreement. The deadline has passed and the issues have not been remedied. As required by the terms of the agreement, Mr. Cahall asked for Council to provide a determination of its final position so that the City Manager would be authorized to proceed with further action if the problems are not corrected within thirty days. Several representatives of K & S Enterprises were present but made no statement since they were advised by their attorney not to speak on the issue. Mr. Andy Karras asked for verification of the date of a photo of the interior of the house. Mayor Kingseed asked that the information on the date be forwarded to counsel for K & S Enterprises. Noting the public safety concerns, Mr. Cline sponsored Resolution Number 23-09, A Resolution Stating The City's Final Position With Regards To The Performance Of An Agreement Dated April 25, 2001 Concerning The Opdyke-Williamson House Located on Property Owned by K & S Enterprises and moved that it be passed. Mr. Compton seconded the motion. The resolution passed unanimously.

Mr. Ken Vollrath of 234 W. Ridgeway Road, a rear neighbor of Miss Kee Hee Lee and L.A. Tan at the northeast corner of Franklin Street and Normandy Lane, came to Council to show pictures and express concern regarding the lack of progress in the construction of L.A. Tan's new building and parking lot. After nearly two years of intermittent construction, he noted his frustration with the lack of progress, several safety issues and the debris. He asked for a fence to be installed.

Noting that staff has been dealing with the L.A. Tan construction site for some time, Mr. Horn gave an overview of the development of the property. Because of the problems and lack of progress, the building permit was revoked recently. The construction bonds will be seized to complete the work required for the public right of way improvements on Normandy Lane. Getting the project going again will take time, since new permits will be needed. The City will require additional sureties—enough to fill holes, level ground and reseed, if the project should fail to progress. If the owners do not apply for permits in a timely fashion, enforcing property maintenance issues is the next step. Council said they would like to see both done in parallel.

Mr. Feverston stated that staff may be able to do both actions simultaneously. The owners have expressed interest in continuing construction, but they must resubmit plans and get a new zoning certificate before the building permit can be issued. At best,

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 18,20 09

the process takes sixty to ninety days. In the interim, some parts of the work could move forward. For example a fence permit or landscaping could be split off from the larger project. The property is already posted for weeds.

Council strongly recommended that staff pursue both avenues (the issuance of a new building permit for the restart of construction and the posting of property maintenance violations) simultaneously and immediately.

Mr. Edward Vegso, 7926 Normandy Lane, complained of difficulty selling his home because of the L.A. Tan building site behind his home. He spoke of blowing debris, dead trees, and construction items such as catch basins left on his property.

There being no further business, the meeting was adjourned.

Approved:

  
 Mayor

ATTEST:

  
 Assistant Clerk of Council