

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 28 2008

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 28, 2008, 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 and the Pledge of Allegiance to the Flag with Mayor Mark Kingseed presiding. Councilmembers and City Staff present were 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	Mark Schlagheck
Public Works Director	Robert James
City Engineer	Douglas Spitler
Assistant City Engineer	John Sliemers
Assistant to the City Manager	Jennifer Wilder
Assistant to the City Manager	Kristen Gopman
City Planner	Steven Feverston
Human Resources Manager	Ginger Yonak
Municipal Attorney	Scott Liberman

Dr. Gresham moved that Council elect Mr. Cline as Deputy Mayor for 2008. Mr. Compton seconded the motion. The vote was unanimous. Deputy Mayor Cline thanked Council for the honor of being selected.

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

Council Meeting -	December 17, 2007.
Work Session Meetings -	December 17, 2007.
	January 08, 2008.
	January 14, 2008.

Mr. Compton moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mr. Cline seconded the motion. The motion passed by unanimous vote. Mr. Singer abstained from the minutes of the Work Session Meeting on January 14, 2008.

Mrs. James noted the receipt of letters of resignation as follows: John Beals resigned from the Sister City Committee to serve on Council, Tiffany Shaw-Diaz resigned from the Centerville Arts Commission and Martha Sheley resigned from the Board of Architectural Review because of illness. Mayor Kingseed noted that Martha Sheley passed away since the letter was received; she had served on the Board of Architectural Review since 1991. He extended sympathy to her husband Jacque Sheley and her family.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *January 28**20 08*

By its own requirements, the Charter of the City of Centerville must be reviewed every eight years. Mr. Singer moved to appoint the following members to the Charter Review Commission: Shirley Heintz (Chair), Paul Clark, Sue Lienesch, Bill Meily, Marilyn McLaughlin, John Palcher, Norman Plair, Jim Reppert, and Bill Serr. Dr. Gresham seconded the motion. The motion to confirm the appointment of the Charter Review Commission members passed unanimously.

Mr. Tom Huguley, Associate Provost of Sinclair Community College, spoke about the school's levy on the March 4, 2008, ballot. He gave a brief overview of the history and mission of Sinclair Community College which is asking for a 2.5 mill replacement levy and a 0.7 mill increase. The requested millage amounts to an increase of \$3.50 per month for each \$100,000 in property value and represents 20% of the school's operating budget. Funding from the State of Ohio has decreased twenty five percent in the past 10 years, while enrollment has increased twenty five percent. In addition, the State of Ohio has mandated a freeze on tuition increases.

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

The annual State of the City Address was presented earlier this evening and will be broadcast on Channel 5. The joint financial study has been completed and shows that, if the City and the Township were to merge, the vast majority of the residents in the City and the Township would see decreases in their tax burdens without any decrease in quality of services. The Council would like to continue to review the issue and put the question of a merger on the ballot in November.

The Mayor congratulated the members of the Diversity Council for the fine effort and excellent attendance at the fifth annual Diversity Breakfast at Yankee Trace on Martin Luther King, Jr. Day.

He introduced and welcomed Belinda Kenley and John Beals, the new Councilmembers.

The Mayor recommended approval of the following list of appointments:

COUNCIL COMMITTEES

NEIGHBORHOOD RELATIONS

Belinda H. Kenley, Chairman
Brooks A. Compton
Douglas C. Cline

ECONOMIC DEVELOPMENT

Douglas C. Cline, Chairman
Brooks A. Compton
Paul M. Gresham

FINANCIAL AND LONG-RANGE PLANNING

James E. Singer, Chairman
Paul M. Gresham
John J. Beals

INTERGOVERNMENTAL RELATIONS

C. Mark Kingseed, Chairman

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held January 28, 20 08Douglas C. Cline
Brooks A. ComptonLEGALBrooks A. Compton, Chairman
John J. Beals
Paul M. GreshamPUBLIC HEALTH AND SAFETYPaul M. Gresham, Chairman
Brooks A. Compton
James E. SingerSTREETS AND HIGHWAYSJohn J. Beals, Chairman
James E. Singer
Belinda H. Kenley**COUNCIL LIAISONS**PHONEBICYCLE COMMITTEE

Paul M. Gresham 885-3401

BOARD OF ARCHITECTURAL REVIEW

James E. Singer 433-6922

CENTERVILLE ARTS COMMISSION

Belinda H. Kenley 434-4877

CENTERVILLE CITY SCHOOLS

James E. Singer 433-6922

CENTERVILLE-WASHINGTON TOWNSHIP
HISTORICAL SOCIETY

John J. Beals 433-6492

CENT. PROPERTY REVIEW COMMISSION

Brooks A. Compton 885-5730

CENTERVILLE-WASHINGTON PARK DIST.

Brooks A. Compton 885-5730

CITY BEAUTIFUL COMMISSION

John J. Beals 259-5003

CITY PLANNING COMMISSION

Douglas C. Cline 438-0257

SISTER CITY COMMITTEE

Paul M. Gresham 885-3401

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 28, 20 08WASH.-CENT. PUBLIC LIBRARY

Belinda H. Kenley 434-4877

WASHINGTON TOWNSHIP TRUSTEES

C. Mark Kingseed 885-1865

CENTERVILLE REPRESENTATIONCENTERVILLE-WASHINGTON DIVERSITY COUNCILGregory B. Horn
Jennifer S. WilderCREATE THE VISION/CENTERVILLE/WASHINGTON TOWNSHIP COMPREHENSIVE PLAN

Douglas C. Cline (Co-Chair)

CREATE THE VISION/IMPLEMENTATION TASK FORCE

Brooks A. Compton (Co-Chair)

DAYTON AREA MANAGERS ASSOCIATIONGregory B. Horn
Jennifer S. Wilder
Kristen P. GopmanMIAMI VALLEY COMMUNICATIONS COUNCILJames E. Singer (Delegate)
Paul M. Gresham (Delegate)
Gregory B. Horn (Alternate)

Government Technology Committee

Gregory B. Horn

MIAMI VALLEY REGIONAL PLANNING COMMISSIONJohn J. Beals (Delegate)
Gregory B. Horn (Alternate)

Technical Advisory Committee

Robert A. James (Delegate)
Steven A. Feverston (Delegate)
K. Douglas Spittler (Alternate)

Transportation Committee

John J. Beals (Delegate)
Douglas C. Cline (Alternate)

The Lower Greater Miami River Basin Council

John J. Beals

MONT. CO. COMMUNITY DEV. BLOCK GRANT

C. Mark Kingseed

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *January 28,*20 *08*MONTGOMERY CO. DRUG ACTION COALITION

Belinda H. Kenley

MONT. & GREENE CO. MAYORS & MANAGERS ASSOC.

C. Mark Kingseed

Gregory B. Horn

MONTGOMERY COUNTY OFFICE OF
EMERGENCY MANAGEMENT

Countywide Advisory Committee

Gregory B. Horn (Representative)

Kristen P. Gopman (Alternate)

MONTGOMERY COUNTY SOLID WASTE

Financial Advisory Committee

Gregory B. Horn

NATIONAL LEAGUE OF CITIES (NLC)

NLC Human Development Steering Committee

Paul M. Gresham

NLC Council for the Institute for Childrens Education
and Families

Paul M. Gresham

OHIO BENEFITS COOPERATIVE

Mark Schlagheck

Ginger Yonak

OHIO CHAMBER OF COMMERCE

Board of Directors

C. Mark Kingseed

SATELLITE JUVENILE COURT

Gregory B. Horn

Stephen E. Walker

HITHERGREEN CENTER OF CENT./WASH. TWP.

Board of Trustees

Belinda H. Kenley (Delegate)

Jennifer S. Wilder (Alternate)

Personnel Committee

Ginger Yonak

SOUTH METRO REGIONAL CHAMBER OF COMM.

Board of Trustees

C. Mark Kingseed (Delegate)

SYCAMORE MEDICAL CENTER

Citizens Advisory Council

C. Mark Kingseed

Gregory B. Horn

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *January 28,*20 *08*WASHINGTON TOWNSHIP FIRE DEPARTMENT

Brooks A. Compton

WASHINGTON TOWNSHIP RECREATION BOARD

Belinda H. Kenley (Delegate)

Brooks A. Compton (Alternate)

TASK FORCESSTORM WATER DRAINAGE TASK FORCE

Jim Singer, Chairman

PROPERTY MAINTENANCE TASK FORCE

Belinda H. Kenley

Brooks Compton

Mr. Compton moved to accept the Mayor's recommendations for appointments to Council Committees, Council Liaisons and Council Representations. John Beals seconded the motion. The motion passed with seven ayes.

During his City Manager's Report, Mr. Horn announced that new employees will be introduced at the February Council meeting.

Mrs. Gopman outlined code violations and resolutions for the month of December, 2007, and presented the community calendar for the coming month.

In the report of the Planning Commission, Mr. Feverston brought to Council the application by Roger Pfister, the Dille Trustee, and Bear Creek Capital for Major Use Special Approval for Cornerstone North, 156.957 acres of the Dille annexation, on the northeast corner of the intersection of Wilmington Pike and Feedwire Road. Mr. Feverston gave the overview of the plan for the area using photos, maps and drawings to define such things as the general street layout, the overall placement for possible retail spaces, control of ingress and egress, and storm water drainage patterns. He noted that the developers of Cornerstone North wish to create the look and feel of a village center and that Planning Commission has stressed the preservation of trees wherever possible. The area was Study Area "J" in Create the Vision, and this plan is compatible with the recommendations of that study. Mr. Feverston stated that the Planning Commission reviewed the application at a special Planning Commission Meeting on January 15, 2008, and recommended approval, subject to the following conditions:

1. A Major Use Special Approval Application must be filed with the City for the residential portion of this site.
2. A Record Plat(s) for this development including all necessary public improvements shall be submitted subject to approval by the City Council including additional right-of-way for Wilmington Pike, Feedwire Road, Brown Road and all internal public streets in accordance with the City Subdivision Regulations and incorporating the recommendations of the traffic impact study.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 28, 20 08

- 3. A detailed set of construction plans shall be required with the Record Plat(s) detailing the design of public roadways, private drives, rights-of-way, pavement, traffic control, grading and storm water management for the site as a whole subject to approval by the City Engineer.
- 4. A covenant shall be placed on the Record Plat that prohibits direct vehicular access from any development parcel to Wilmington Pike or Feedwire Road subject to approval by the City Attorney.
- 5. Easements shall be placed on the record plat to allow for emergency access to all retention and/or detention basins by the City.
- 6. A traffic impact study for the development and the impact on proposed streets/drives and existing public streets shall be subject to approval by the City Engineering Department and shall be used to guide the required street/drive improvements and dedication of right of way.
- 7. Final plans, including site, grading, storm water management, walkways, landscape, lighting and building elevation plans for each development parcel shall be subject to approval by the Planning Commission in accordance with the Special Approval Section of the Zoning Ordinance.
- 8. All development parcels shall be designed to preserve areas of existing stands of trees to the greatest extent practical subject to approval by the Planning Commission.
- 9. A final landscape plan including the conservation of existing trees for each development parcel shall be subject to approval by the Planning Commission and each record plat shall be subject to approval by the City Council.
- 10. All underground utilities shall be placed outside of any area designated for tree conservation subject to approval by the City Planning Commission.
- 11. The proposed bufferyard shall be constructed in accordance with the Landscape, Screening and Bufferyard requirements of the Zoning Ordinance.
- 12. The final design and alignment of all intersections onto Wilmington Pike, Feedwire Road and Brown Road shall be subject to approval by the City Engineer. This condition initially includes aligning the boulevard entrance from Feedwire Road directly across from the existing access drive to the south subject to approval by the City Engineer.
- 13. Feedwire Road shall be improved as recommended by the approved traffic study with additional pavement, curb, gutter, storm sewer, and an 8 foot wide hiker/biker trail subject to approval by the City Engineer.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 28,20 08

14. Brown Road within the City of Centerville shall be improved as recommended by the approved traffic study to include widening of the eastbound lane, curb, gutter, storm sewer, and a 5 foot wide sidewalk with the final design subject to approval by the City Engineer. In lieu of constructing these improvements, the applicant may place monies in escrow with the City with the amount to be approved by the City Engineer to be used for the future improvement of Brown Road. The City Engineer may require the developer to make temporary improvements to Brown Road, which at this time is expected to include a 5 foot wide sidewalk. The estimated cost of any temporary improvements shall be subtracted from the required escrow amount.
15. Access points from public and private roadways shall conform to the approved traffic impact study, City of Centerville standards, and the engineering judgment of the City Engineer upon submission of the detailed set of plans. Specifically, the first access on Feedwire Road, east of Wilmington Pike may be required to be eliminated due to anticipated vehicle queues and inability for site exits to appropriately use the Feedwire/Wilmington intersection.
16. Traffic control devices shall be reviewed for approval by the City Engineer.
17. All landscape islands and architectural features within the public right-of-way of the internal street network shall be placed into reserve areas to be owned and maintained by the property owner subject to approval by the City Attorney.
18. All street names shall be subject to approval by the City Planning Department.
19. Sidewalks shall be constructed on both sides of all internal public and private streets.
20. Pedestrian crosswalks shall occur at all street or driveway intersections.
21. The proposed pedestrian pathway along Wilmington Pike shall be constructed as an 8 foot wide hiker/biker trail subject to approval by the City Planner.
22. The final design of all gateways, architectural features, public amenities including decorative street lighting, public benches, and street trees, and the proposed General Design Guidelines to create a unified design for the entire shopping center shall be subject to approval by the Planning Commission.
23. A final grading and storm water drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Storm Water Drainage Control Ordinance.

Mr. Feverston noted that Sugarcreek Township Fire Chief Pavlak and Lt. Schultz were present at the January 8th Work Session of the Planning Commission, gave good

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 28, 2008

information to the group, and were supportive of the plan. The Public Hearing on the Application for Major Use Special Approval was advertised for tonight's Council Meeting. Sugarcreek Township was included in all notifications for the Planning Commission meetings and tonight's Public Hearing.

Mr. Craig Fanning, owner of Rollandia Golf Course, felt that there is a current need for a traffic signal at Brown Road and Wilmington Pike. Assistant City Engineer John Sliemers stated that the intersection will remain unsignalized during Phase One of construction, however with Phase II and residential construction the warrant will be met for a signal. Mr. Fanning asked the City staff to be aware that an intersection on the north side of the Dille property does not line up well for the flow of traffic at Rollandia.

Ms. Marty Hickey, a resident of Brown's Run at 953 Belfast Drive, thanked Council for not allowing high density apartments next to Brown's Run. She noted that Wilmington Pike is the only access for the residents of Brown's Run and that the intersection is exceedingly busy. She, also, is concerned about traffic in the area of the golf course.

Mr. Bob Kyvik, 2555 Goodfield Point, asked about water services, sewer capacity, and a construction entrance. Mr. Feverston stated that the Greene County Engineer has reviewed the plan and feels there is sufficient capacity to provide water and sewer services for the development. Mr. Kelly of Bear Creek Capital said that the construction entrance probably would be on Feedwire Road, since the work on the parcel is expected to progress from south to north. He also noted the amount of work done on the master plan since September 2007 to provide interior roads, conservation areas, gateway features and other amenities. The results of that effort and the overall concept are being well received in the marketing of the area.

Bill Hollenkamp, Commercial Group Director of Cole & Russell Architects, noted the collaboration with the Planning Commission to conserve the trees and create a gateway to the community. The interconnectivity of the area will be another distinctive and valuable feature.

Mr. Paul Clark, 104 W. Ridgeway of the Planning Commission, reinforced that this Major Use Special Approval is the result of many hours of work to create a unique plan to the benefit of the community. Consistently, the Planning Commission has been concerned with preservation of the topography and the canopy of trees.

The Mayor and several members of Council thanked the Planning Commission for the time, effort and heart put into this large project and noted their pleasure with the work of the Planning Commission.

Mr. Robert Ryan, 360 Island Lake, asked about a groundbreaking date. Bear Creek representatives stated they hoped to break ground in June 2008.

Mr. Singer asked about Condition 14 on escrowing money for Brown Road, since it is not in the City of Centerville. Mr. Feverston explained that the money is for right of way for the eventual widening of Brown Road on the south side which is in the City.

The Major Use Special Approval for the R-PD section will come to Council at a later time. Preservation of the main house by moving it to the residential section is understood to be part of this recommendation.

Ms. Carol Caldwell, 4095 Timberly Drive, stated that the house was built in 1937 and was owned by a nephew of John Patterson.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 28,20 08

In response to a question from Mr. Beals, Mr. Feverston stated that the public easement at the eastern end of the Dille property is for emergency access to the retention/detention pond; the owner/developer will have responsibility for all maintenance of the area.

When asked about screening and the buffer between the residential area and the back side of the commercial development, Mr. Feverston said that the zoning code requires the bufferyard to have mounding, trees, and fencing with a minimum of one hundred feet of width. He does not anticipate an actual design until Phase II of the project.

Dr. Gresham moved to approve the Major Use Special Approval Application subject to the conditions of the Planning Commission. Mr. Compton seconded the motion. The motion passed unanimously.

Deputy Mayor Cline asked for volunteers to work on a "green initiative." The City is interested in being proactive on environmental efforts and will need people with expertise and interest to serve on a committee.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters; Council has discussed the items at Work Sessions. Approval of these issues will be as a group with one motion being made. He noted that the Consent Agenda included the re-appointment of Carol Wasson to the Arts Commission, Shirley Oglesbee to the City Beautiful Commission, Gina Tollefson to the Board of Tax Appeals, James Wasson and John Lohbeck to the Property Review Commission, and John Spoor and Suzanne Holloway to the Sister City Committee.

Mr. Horn briefly explained each of the Consent Agenda items. Mr. Beals moved that the following Consent Agenda items be approved.

- A. Resolution Number 1-08, A Resolution Authorizing And Directing The City Manager To Negotiate A Final Contract With Cole & Russell, Architects, For Architectural Services For The Public Works Facility.
- B. Resolution Number 2-08, A Resolution To Appoint A Designee Of The Elected Officials For The Purposes Of The Public Records Law.
- C. Resolution Number 3-08, A Final Resolution Enacted By The City Of Centerville, Hereinafter Referred To As The Legislative Authority/Local Public Agency Or "LPA" In The Matter Of The Stated Described Project, PID No. 76262. (Gateway Enhancement).
- D. Resolution 4-08, A Resolution Accepting The Bid Submitted By E-Z-GO Division of Textron, Inc. For The Purchase Of Golf Carts For The Golf Club At Yankee Trace In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- E. The Following Reappointments be Made:
Carol Wasson to the Arts Commission.
Shirley Oglesbee to the City Beautiful Commission.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *January 28,**20 08*

Gina Tollefson to the Board of Tax Appeals.

James Wasson and John Lohbeck to the Property Review Commission.

John Spoor and Suzanne Holloway to the Sister City Committee.

Mr. Cline seconded the motion. The Consent Agenda passed unanimously.

ORDINANCE NUMBER 28-07: APPROPRIATIONS FOR CURRENT EXPENSES FOR 2008

The public hearing was held concerning Ordinance Number 28-07. Council had reviewed the budget for 2008 in a work session. Mr. Horn thanked Mr. Schlagheck for his work preparing the budget and presented the details of the financial plan. The overall budget was \$35,861,028.00 with an ending balance of \$12,840,470.00. Mr. Horn gave the breakdown of income sources and expenditures in various categories. One major change in expenditures is that funds set aside for the construction of the Public Works Center will begin to be used this year. The budget includes no increase in taxes. Mr. Singer sponsored Ordinance Number 28-07, 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, 2008 and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 29-07: INVESTMENT AND DEPOSIT POLICY

Finance Director Mark Schlagheck gave the staff report and explained that the Ohio Revised Code requires the City to have an investment policy before it can invest its funds. The policy was originally drafted in 2000 and was amended in 2002. In late 2007, staff reviewed policies from the City of Kettering, the City of Sidney, and model policies from the Association of Public Treasurers. The Investment Committee considered the recommendations in December and had no issues with the suggestions for minor modifications for clarification. Mr. Cline sponsored Ordinance Number 29-07, An Ordinance Repealing Existing Chapter 211: Investment and Deposit Policy And Adopting A New Chapter 211: Investment and Deposit Policy, and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 30-07: TIF LEGISLATION RELATED TO THE DILLE PROPERTY

Dr. Gresham moved to table Ordinance Number 30-07. An Ordinance Providing For The Construction Of Certain Public Improvements Within The City By Creating A Tax Increment Financing Area Encompassing Certain Parcels Of Real Property, Declaring Improvements To Such Parcels To Be A Public Purpose, Exempting Such Improvements From Taxation, Requiring The Owners Of Such Parcels To Make Service Payments In Lieu Of Taxes, Providing For The Payment Of Certain Compensation To Sugarcreek Township And The Sugarcreek Local School District, Establishing A Municipal Public Improvement Tax Increment Equivalent Fund For The Deposit Of The Remainder Of Such Service Payments, Describing The Public Infrastructure Improvements Made, To Be Made Or In The Process Of Being Made By The City That Directly Benefit, Or That Once Made Will Directly Benefit, Those Parcels And Approving And Authorizing The Execution Of A

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 28,20 08

Compensation Agreement. Mr. Beals seconded the motion. The motion to table Ordinance 30-07 passed unanimously.

ORDINANCE NUMBER 32-07: CLASS TITLES, PAY RANGES, GRADES, RATES OF PAY AND REGULATIONS FOR EMPLOYEES OF THE CITY OF CENTERVILLE

Human Resources Manager Ginger Yonak explained the changes recommended to Council in this annual update for employees. Staff recommends a 3.35% wage rate increase for City Personnel. Employee Classifications II, III, IV and V are being adjusted as appropriate to remove vacant position titles, adjust pay grades and increase the minimum wage. Mr. Compton sponsored Ordinance Number 31-07, An Ordinance To Repeal Ordinance Numbers 35-06 And 5-07 In Their 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. Mr. Beals seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 34-07: CLASS TITLES, PAY RANGES AND COMPENSATION FOR THE EMPLOYEES AT YANKEE TRACE

Mrs. Yonak noted that the changes recommended to Council in this annual update for the employees at Yankee Trace are similar to those for the other employees of the City. Changes include general formatting updates. Mr. Cline sponsored Ordinance 34-07, An Ordinance To Repeal Ordinance Numbers 37-06 And 3-07 In Their 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. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 36-07: THE PERSONNEL MANUALS OF THE CITY OF CENTERVILLE

Mrs. Yonak stated that changes to the personnel manuals mainly are general formatting and updating existing policies. References have been added to the military leave policy to make it compliant with Uniformed Services Employment and Re-employment Rights Act. The Workers' Compensation policy will allow an employee to receive injury leave pay immediately upon a workplace accident. Combining several policy statements, the electronic technology communications policy defines employee rights and responsibilities related to the use of computers, email, internet and voice mail. The alcohol and drug use policy allow more flexibility in alcohol and drug screening as a pre-employment requirement. Updates in grievance and appeals procedures simplify the instructions for employees wishing to file a grievance or an appeal. No one came forward to speak at the public hearing. Dr. Gresham sponsored Ordinance Number 36-07, An Ordinance To Repeal Ordinance Number 39-06 In Its Entirety And To Establish The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held January 28,

20 08

Mr. Bob Kyvik, 2555 Goodfield Point, Washington Township, commended the Mayor and the Council for doing the joint financial study. He stated that people on fixed incomes would pay less money in taxes if the City and Washington Township would merge. He asked that people keep an open mind and seek accurate information as the process continues. He stressed that a merger would not affect the quality of services residents receive.

Mr. Joseph Koussa, 1537 Beaver Creek Lane, Kettering, asked God to bless our troops. He reminded parents to be vigilant in checking for lead paint on children's toys.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kengood
Mayor

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held February 11,20 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, convened for a Special Meeting on Monday, February 11, 2008, 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:

Deputy Mayor	Doug Cline
Councilmembers	John Beals
	Brooks Compton
	Belinda Kenley
	James Singer
Clerk of Council	Debra James
City Manager	Gregory Horn
Finance Director	Mark Schlagheck
Public Works Director	Robert James
City Engineer	Douglas Spitler
Assistant to the City Manager	Kristen Gopman
City Planner	Steven Feverston
Municipal Attorney	Scott Liberman

Mr. Cline moved to excuse Dr. Gresham from the meeting. Mr. Compton seconded the motion. The motion passed with six ayes.

RESOLUTION NUMBER 5-08 EXTENDING THE MORATORIUM ON
PERMITS FOR LED SIGNS

Mr. Horn noted that this resolution is similar to legislation passed on two other occasions. In conjunction with the Planning Commission, staff continues to investigate the issue and look at what other communities are doing. The intent of this measure is to assure that the current moratorium does not lapse before a new ordinance can take effect. Mr. Singer sponsored Resolution Number 5-08, A Resolution By The Centerville City Council Extending The Moratorium On Sign Permits For Changeable Copy, Electronic Display, And LED Signs In The City Of Centerville, Ohio, For Another Period Of Six Months (180 Days) Up To And Including August 10, 2008, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with six ayes.

There being no further business, the meeting was adjourned.

Approved: Mark Kingseed
Mayor

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *February 18**20 08*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 18, 2008, 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
Clerk of Council	Debra James
Finance Director	Mark Schlagheck
Public Works Director	Robert James
City Engineer	Douglas Spitler
Assistant to the City Manager	Kristen Gopman
Municipal Attorney	Scott Liberman

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

Council Meeting -	January 28, 2008.
	February 11, 2008.
Work Session Meetings -	January 28, 2008.
	February 11, 2008.
Retreat Summary Report -	January 12, 2008.

Mr. Singer moved that the minutes of the foregoing Council Meetings and Retreat Summary Report, as distributed, be approved. Mr. Cline seconded the motion. The motion passed by unanimous vote. Dr. Gresham abstained from the vote on the minutes of the meetings on February 11th since he was absent.

Mayor Kingseed extended appreciation to Pastor John Bradosky for his efforts as City Chaplain.

Mr. Schlagheck introduced employees hired in the past few months as follows: Elizabeth Ward, Assistant Finance Director; Connie McGehan, Assistant Superintendent of Taxation; Margot Pocisk, Event Coordinator at Benham's Grove; Gregg Sharkey, Mechanic at Yankee Trace; and Lori Fields, Records/Communications Specialist at the Police Department.

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

He extended thanks to the Arts Commission for the fantastic effort for Art at the Trace, to the artists who participated and to the citizens who made this a successful event.

He presented background on the Joint Financial Study funded by Washington Township and the City of Centerville. If the City and the Township were to merge, everyone's property tax would decrease. Those who live in the township and work in a

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held February 18

20 08

place where there is not a local earnings tax would have an increased income tax burden. Council wants the issue of a merger committee on the ballot in November 2008.

Mr. Schlagheck announced the following:

To search for seasonal employees, the City is hosting a summer job fair at Yankee Trace on Wednesday, March 12, 2008, from 4-7 p.m. It will include jobs in food service, golf, maintenance, public works and events at Benham's Grove.

We have a new telephone system this past week and are working to iron out some minor difficulties.

Today was not a holiday for the City of Centerville, so trash pickup is on the normal schedule this week.

Mrs. Gopman outlined code violations and resolutions for the month of January, 2008, and presented the community calendar for the coming month.

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. Mr. Schlagheck briefly explained each of the Consent Agenda items. Mr. Compton moved that the following Consent Agenda items be approved:

- A. Ordinance Number 1-08, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, be set for Public Hearing on April 21, 2008.
- B. Ordinance Number 2-08, An Ordinance To Amend Subsection D And Subsection E To Attachment A Of Ordinance Number 34-07, Establishing 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 March 17, 2008.
- C. Resolution Number 6-08, A Resolution Authorizing The City Manager To Participate In A Contract With The Department Of Administrative Services, Office Of State Purchasing For The Purchase Of Mowing Equipment For The City Of Centerville In Accordance With Ordinance Number 19-88.
- D. Resolution Number 7-08, A Resolution Accepting The Bids Submitted By Gillam Lawncare & Landscaping, Eddie's Lawn & Landscaping, T.R. Gear Landscaping And A To Z Lawn & Landscaping, Inc., For The Maintenance Of Certain Specified City Properties During 2008-2009 Throughout The Community And To Authorize The City Manager To Enter Into Contracts In Connection Therewith.
- E. Resolution Number 8-08, A Resolution Accepting The Bid Submitted By Best Equipment Company For The Purchase Of Plastic Refuse Containers

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held February 18, 2008

20

And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.

F. The Following Reappointments Be Made:
Louis Bordonaro to the School District Personnel Appeals Board.
Robert Perkins to the Property Review Commission.

G. Appoint Jim Teske to the Arts Commission.

Mr. Singer seconded the motion. The motion passed unanimously.

Mayor Kingseed thanked Mr. Bordonaro, Mr. Perkins and Mr. Teske for their willingness to serve the community on boards and commissions.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kingseed
Mayor

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 1720 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 17, 2008, 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

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Public Works Director Robert James
 City Engineer Douglas Spittler
 Assistant to the City Manager Kristen Gopman
 Assistant to the City Manager Jennifer Wilder
 Municipal Attorney Scott Liberman

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

Council Meeting -	February 18, 2008.
Work Session Meetings -	February 18, 2008.
	March 3, 2008.

Mr. Compton moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mr. Cline seconded the motion. The motion passed by unanimous vote. Dr. Gresham abstained from the vote on the minutes of the work session on March 3, 2008.

Mrs. James noted the receipt of a letter of resignation from City Beautiful Commission member, Linda Meily. The Mayor thanked Mrs. Meily for her service on the City Beautiful Commission and the excellent work she did as the chairperson.

Mayor Kingseed announced that the City is donating \$20,000 in support of the Americana Festival. Over 80,000 people attended last year, making Americana Ohio's eighth largest festival. Steve Wenstrup and Joy Brush were present to represent Americana Festival, Inc. and thanked the Council for the increased support.

Mayor Kingseed administered the oath of office to James Teske, as a member of the Centerville Arts Commission and to John Palcher as a member of the Centerville Planning Commission.

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

He explained that the Joint Financial Study analyzes what would happen to the tax liabilities and tax rates of citizens if the City and the Township should merge. Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 17

20 08

believes that a merger committee should be formed to study the issue further. In order to explain the factors leading to this decision, the Mayor asked for the broadcast of a segment of "Let's Talk Centerville" where he and City Manager Greg Horn discuss the implications of the University of Toledo Joint Financial Study.

The Council feels there is sufficient reason to begin the process that could possibly lead to a merger. People must sign petitions to request a vote on the formation of a merger committee. If the electorate approves its formation, the merger study committee would have up to two years to examine the issue and make a recommendation. If the committee recommends a merger, the vote would once again come to the electorate. If the process starts with the election in November, the earliest the merger could take effect would be 2010. The explanation of the Joint Financial Study will be presented by staff from the University of Toledo and the Wright State Office of Urban Affairs at the Police Department, 155 W. Spring Valley Road, on March 31 at 7:30 p.m. in a meeting which will be broadcast live. Washington Township Trustees and the Administrator will be present along with the Centerville Council and City Manager.

Belinda Kenley read a proclamation concerning Occupational Therapy Week, April 21- 28, 2008.

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

We are working with Washington Township, the Centerville-Washington Foundation and the Beals Foundation for the placement of a Verdin clock in the Architectural Preservation District. We hope to have the final site selection by next month.

Plans for the expansion of Tower Heights Middle School were approved by the Planning Commission at its last meeting. Since an area resident has filed an appeal of the approval, the Centerville Schools have asked that we hear the appeal as soon as possible in order to facilitate the construction schedule. Council has agreed to hear the appeal at a Special Council Meeting on April 7, at 8:00 p.m. in the Council Chambers.

In an update on the Dille development, Mr. Horn said that conversations continue with the Sugarcreek Local Schools related to the Memorandum of Understanding. Also, work is progressing with Hope Methodist Church on rights of way for Miami Valley Drive East.

Boris, our police canine, and his handler will be broadcast live on Channels 22 and 45 on Wednesday morning of this week.

Mr. Horn sent special greetings to Nick Farquhar, law director for the City for 30 years, and Marilyn McLaughlin, Clerk of Council for forty-one years. On behalf of everyone at the City, he wished both of them well as they battle serious illnesses.

He thanked the Public Works crews for their outstanding work clearing the streets this winter, especially during the last major storm.

He welcomed Huffy Corporation to Centerville and noted that the ribbon cutting for its headquarters will be at 5:00 p.m. on Wednesday, March 19 at 6551 Centerville Business Parkway.

Mrs. Gopman outlined code violations and resolutions for the month of February 2008, and presented the community calendar for the coming month.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held March 1720⁰⁸

Mrs. Kenley reported that she, Dr. Gresham and Mr. Beals had attended the conference of the National League of Cities in Washington, D.C. She commended NLC for the helpful workshops on green living, first tier efforts and aircraft noise.

In addition to the workshops mentioned by Mrs. Kenley, Mr. Beals noted that, at the conference, Nancy Palozzi and Barney Frank spoke on issues important to local governments. He and Dr. Gresham met with Mike Turner's staff on Capitol Hill.

Mayor Kingseed thanked Mr. and Mrs. Beals for the cooperation of the Sally and John Beals Foundation in funding the Verdin clock for downtown Centerville.

Dr. Gresham noted that the National League of Cities, in the coming year, will lobby Congress to fund fully federal transportation programs, to stabilize the mortgage finance system, to increase federal crime prevention programs, to push energy efficiency and conservation block grants, and to reform immigration.

Mayor Kingseed thanked these three members of Council for representing the City of Centerville on the national level.

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 ordinance and resolutions, before Mr. Compton moved that the following Consent Agenda items be approved:

- A. Ordinance Number 3-08, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Regulate Signs That Incorporate An Electronic Message Center In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, be set for Public Hearing on April 21, 2008.
- B. Resolution Number 9-08, A Resolution Accepting Membership In The First Suburbs Consortium Of Dayton, Ohio, Council Of Governments.
- C. Resolution Number 10-08, A Resolution Accepting The Bid Submitted By Double Jay Construction, Inc. For Pedestrian Accessibility Improvements – 2008 And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- D. Resolution Number 11-08, A Resolution Authorizing The City Manager To Participate In A Contract With The Department Of Administrative Services, Office Of State Purchasing, For The Purchase Of One Tub Grinder.
- E. The Following Reappointments Be Made:
 Lowell Stebbins, Board of Tax Appeals.
 James Durham, Planning Commission.
 Dan Carfagno, Property Review Commission.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 17

20 08

- F. The Following Appointments Be Made:
 John Palcher, Planning Commission.
 Bill Etson, Board of Architectural Review.
 Roberta Goodrich and Patty Kraft, Co-Chairs, City Beautiful Commission.

Dr. Gresham seconded the motion which then passed unanimously.

ORDINANCE NUMBER 2-08 AMENDING PAY RANGES, GRADES, RATES OF PAY AND REGULATIONS AT YANKEE TRACE

The public hearing was held for Ordinance Number 2-08, An Ordinance To Amend Subsection D And Subsection E To Attachment A Of Ordinance Number 34-07, Establishing 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. Mr. Horn gave background for this agenda item, stating that there were four adjustments to rates of pay at Yankee Trace. The recommended changes are for the positions of golf cart support, sauté cook/swing cook, general cook staff, and second assistant golf pro. Mr. Cline moved for approval of Ordinance Number 2-08, and Mr. Beals seconded the motion. The motion passed unanimously.

Paul Guglielmetti, 1205 Spring Ash Drive, Washington Township, spoke about a program for matching charitable contributions through his employer, Dayton Power & Light. The company will match employee personal contributions up to \$2,000 for qualified non-profits and charitable organizations. Eligible groups include education, arts, culture, civic, community, health and human services.

Mr. Joseph Koussa, 1537 Beaver creek Lane, Kettering, Ohio, asked God to bless the troops. Naming products made in foreign countries, he told a story of a man's day in order to point out the need for American-made products and jobs.

Ray Mitchell, 259 Cardington Street, Dayton, Ohio 45459, invited everyone to participate in Access TV and be interviewed on his program (McCracken & Mitchell Report). He noted a recent meeting in downtown Dayton about rail service to the south suburbs. In his comments on the proposed merger, he stated that he likes the rural feel of the township. He said that the difference in the size of the City and the Township is significant. He suggested talking to Mr. Kenneth Curp who was Mayor at the time Riverside merged with Mad River Township about the experience there. He does not believe that retired people will save enough on property taxes to offset their income taxes. (In actuality, unearned income is not taxed).

There being no further business, the meeting was adjourned.

Approved: E. Mark Kengreel
Mayor

ATTEST: Debra A. James
Clerk of Council

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 7

20 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in special session on Monday, April 7, 2008, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Mr. Singer 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
- Clerk of Council Debra James
- City Manager Gregory Horn
- Finance Director Mark Schlagheck
- City Planner Steven Feverston
- Public Works Director Robert James
- City Engineer Douglas Spitler
- Assistant City Engineer John Sliemers
- Assistant to the City Manager Kristen Gopman
- Assistant to the City Manager Jennifer Wilder
- Municipal Attorney Scott Liberman

Mayor Kingseed discussed the formation of a merger commission to study the issue of the consolidation of the City of Centerville and Washington Township. The results of the study by the University of Toledo show that about 80% of the taxpayers in the City of Centerville and Washington Township would save money on overall taxes if a merger were to occur. He noted that zoning could remain the same, because currently there are separate zoning districts and regulations. The City Council recommends that the community sign petitions to put the issue of a merger study commission on the ballot in November 2008. The Mayor explained the steps in the merger process.

APPEAL OF THE PLANNING COMMISSION APPROVAL OF THE TOWER HEIGHTS EXPANSION

The Pubic Hearing was held concerning Mr. Patrick Hansford's appeal of the decision rendered by the Planning Commission during its meeting on February 26, 2008, approving the plan for the expansion of Tower Heights Middle School. Using the report of the Planning Commission and a PowerPoint presentation, Mr. Feverston gave an overview and located the subject property on a map. The six areas of concern in Mr. Hansford's appeal are as follows:

1. Lack of a requirement for a master plan as in other large commercial developments.
2. Over-construction of parking in the residential neighborhood.
3. Placement of intense uses against residential boundaries.
4. Traffic and cut-through traffic at Stingley Elementary.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *April 7*

20 08

- 5. Location of the new parking lot.
- 6. Architectural design and standards related to the "Big Box" ordinance.

Mr. Feverston explained the position of the Planning Commission in approving the plans subject to the following nine conditions:

1. The proposed parking lot shall be modified to accommodate a fire hydrant in the southeast corner of the lot subject to approval by the Washington Township Fire Department.
2. The proposed sidewalks shall be modified to extend along the north side of the parking lot to maintain the existing pedestrian connection that exists and to place crosswalks at intersections subject to approval by the City Engineering Department.
3. All walkways in front of parking stalls shall have a minimum width of six and one-half (6.5) feet.
4. A sidewalk shall be constructed on the east side of the building to connect the front drive to the east building addition subject to approval by the City Planning Department.
5. A final exterior lighting plan shall be subject to approval by the City Planning Department.
6. A final landscape and screening plan shall be subject to approval by the City Planning Department.
7. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
8. The building architecture shall be modified to include all decorative banding from the original school of the Language, Art and Music addition subject to approval by the City Planning Department.
9. The driveway connection between the new parking lot and the parking lot at Stingley School be removed.

Mr. Patrick Hansford, 193 Cherry Drive and a past member of both the B.A.R and the Planning Commission, presented a petition with eighty-nine signatures in opposition to the approval. Mr. Hansford spoke at length concerning parking lots, traffic flow, major roadways, building design and energy efficiency.

Mr. Bob Yuks, Business Manager for Centerville Schools, 111 Virginia Avenue, responded to the items listed on the appeal. He discussed the master plan, student safety, traffic flow, the necessity for increased parking, stormwater drainage and mitigation of school infringement upon the neighborhood. He stated that the general plan for this improvement has been in process since before the levy was passed by voters to fund it. He noted the Planning Commission's unanimous approval of the plan, and he respectfully requested that the Council uphold the decision.

Caroline Dickey, 116 North Johanna, stated concerns about student safety. Since Franklin and Johanna are already very congested, she feels there is a need for the second egress.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held April 720 08

Joe Cogliano, 194 Linden Drive, noted the large number of children who walk to Stingley and Tower Heights. Many of the streets have no sidewalks; walking to school is dangerous even without the additional traffic the expansion will generate.

Jane Gaines, 122 Lakeview Drive, also voiced safety concerns and noted the elimination of green space in the neighborhood.

Sue Hill, 200 East Elmwood Drive, asked for careful control of storm water run-off and noted that speeding is a problem in the residential areas around the school.

Louis Brinkman, 203 Cherry Drive, stated that traffic waiting to turn into Stingley from Maple blocks other vehicles during the peak hours of the day. He suggested careful study of traffic flow and pedestrian safety.

Paul Labbe, 120 Woodfield Drive, asked for a shared approach to congestion problems with input from a variety of experts and residents.

Sue Lienesch, 192 Laurel Oak Court, reminded the group that the schools are the strongest amenity of our community and stressed the need for sidewalks in the area.

Carolyn Meininger, a former Planning Commission member, stated that Create the Vision suggests a distinct physical appearance for the community. She asked if we could create a park-like atmosphere with playground amenities and fully utilize current parking spaces, thus reducing the need for increased asphalt parking areas.

Gary Smiga, Superintendent of Centerville Schools, reminded people that the schools have been working on the master plan since 1995 in preparation for the 1996 renovation. The recommendations on parking came as result of analysis of both daytime and after hours needs. Enrollment at Tower Heights will be increasing from 600 to 750 students.

Waldo Robertson, 78 Lakeview Drive, reiterated that traffic is blocked near the fire station on school days. He asked for improved maintenance policies at the schools with regard to cleaning catch basins and replacing asphalt following utility work.

Joe Cogliano, 194 Linden Drive, asked for the installation of speed bumps in the neighborhoods.

Based on past experiences, Mayor Kingseed, Dr. Gresham and Mr. Horn stated opposition to the installation of speed bumps. Mr. Horn suggested that raised tables for crosswalks in a few locations may be appropriate.

Sandra McLellan, 222 Cherry Drive, returned to Carolyn Meininger's question of constructing a playground instead of parking. She also requested the installation of more sidewalks in the residential areas, since the safety of the children should be the primary concern.

Paul Clark, Chairman of the Planning Commission, explained the process and reasoning of the Planning Commission in reaching the decision to approve the expansion. He noted that a public hearing had been held in spite of the fact that one was not required.

Patrick Hillier, 1124 N. Jefferson Street, Dayton, the architect for the project, noted that his firm is an expert in school design, energy efficiency and traffic flow, having done numerous school projects and consulting with other respected professionals when needed. They studied parent drop off, traffic flow and student walkers; the design is their best answer to these problems. Mr. Hillier feels that the plans are in compliance with the intent of the "Big Box" ordinance and acceptable to the City.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 720 08

Patrick Hansford said he did not see parking in the neighborhood as a problem. As an alternative to more parking on site, he stated that arrangements for parking could be negotiated with the APD businesses and the Post Office for after school events.

Following questions from Councilmembers, the Mayor made reference to some of the issues brought to the attention of school and city officials during the course of the discussion, including the better management of storm water run-off, the construction of sidewalks, and the need for communication with the citizens of the neighborhood.

Mr. Cline raised the issue of waiving the fee for the appeal brought by Mr. Hansford since so many issues had surfaced.

Mr. Compton moved to deny the appeal, to uphold the decision of the Planning Commission and to waive Mr. Hansford's fee for filing the Appeal. Mrs. Kenley seconded the motion. Mrs. James called the roll, the motion passed unanimously.

PUBLIC HEARING FOR RESOLUTION 12-08 ODOT CONTRACT FOR INTERSECTION IMPROVEMENTS SR 48, SR 725 AND INTERSTATE 675

John Sliemers gave the staff report on the intersection improvement project which is intended to reduce delay and congestion at Alex-Bell, SR 48 and I-675 and to improve traffic flow by fifty percent. The three key changes are as follows: 1) The addition of a right turn lane from westbound State Route 725 to northbound State Route 48. 2) The realignment of Ramp D from northbound State Route 48 to northbound Interstate 675. 3) The widening and/or resurfacing of approximately 1500 feet of State Route 48. The project is a collaborative effort between the City of Centerville and the federal government and is administered by the Ohio Department of Transportation. Mr. Compton sponsored Resolution Number 12-08, 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. (Alex-Bell Road/State Route 48 Intersection Improvement Project) and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kenney
Mayor

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 21

20 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 21, 2008, 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 and the Pledge of Allegiance to the Flag, with Mayor Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Councilmembers Doug Cline
 Brooks Compton
 Paul Gresham
 Belinda Kenley
 James Singer
 John Beals

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Assistant City Engineer John Sliemers
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 City Planner Steve Feverston
 Municipal Attorney Scott Liberman

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

Council Meeting - March 17, 2008.
 April 7, 2008.

Joint Financial Study Presentation - March 31, 2008.

Work Session Meetings - March 17, 2008.
 April 7, 2008.
 April 14, 2008.

Mr. Compton moved that the minutes of the foregoing meetings, as distributed be approved. Mrs. Kenley seconded the motion. The motion passed unanimously.

Mayor Kingseed honored Mrs. Susan Lienesch for her twelve years on the City Council. During her tenure, she specialized in neighborhood affairs and community issues related to quality of life for the citizens. The Mayor read a certificate of appreciation and presented a picture of City Hall.

Mayor Kingseed welcomed the Alter High School Girls' Basketball Team which won the 2008 State Division II Basketball Championship in March 2008. After the Mayor read a certificate of congratulations, Coach Christina Hart introduced team members Mary Bruner, Courtney Chihil, Ashley Christie, Courtney Christie, Nicole Christie, Catherine Crisler, Whitney Dabbelt, Gina DiSalvo, Kaila Howe, Ali Mygrants, Delaney Pieper, Sandy Plunkett, Meghan Schwieterman, Meghan Waterman, and Kelly Westerkamp.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 2120 08

Richard Carr and Judy Stang shared information on the past and the future of the ten-year-old Centerville Washington Foundation. Mr. Carr presented the Foundation's 2007 Annual Report to the Council and stated that the mission of the volunteer board is to help the local community coordinate individual and corporate charitable giving. Mrs. Stang discussed some of the projects the group has funded and noted that the Dayton Foundation does financial management for the group.

Mayor Kingseed greeted Mr. Greg Bell, an educator in the Social Studies Department at Centerville High School, who spoke about Youth in Government Day and introduced the following students in the roles they will have on Tuesday, April 29, 2008.

Beth Castilano

Mayor C. Mark Kingseed

Andy Panier

Deputy Mayor Douglas C. Cline

Councilmembers

Joe McAllister

John Beals

Shawn Barrett

Brooks Compton

Parker Mays

Paul Gresham

Erin Petree

Belinda Kenley

Jace Strilpin

James Singer

Morgan Bowman

Clerk of Council Debra James

Peter Thompson

City Manager Gregory Horn

Eleshwa Hannan

Assistant to the City Manager Jennifer Wilder

Kristen Weishkirker

Assistant to the City Manager Kristen Gopman

Andrei Burychenko

Finance Director Mark Schlagheck

Tess Burkley

City Planner Steven Feverston (Ryan Lee)

Rob Bicknell

Human Resources Manager Ginger Yonak

Raj Chimanji

Chief of Police Stephen Walker

Matt Robbins

Public Works Director Robert James

David Lienesch

City Engineer Douglas Spittler

Nate Heckman

Golf Maintenance Superintendent Terry Taylor

V. J. Hopkins

Head Golf Professional Steven Marino

Hannah Bentley

Director of Food Service Stephan Shaw

Mayor Kingseed reported the following:

He congratulated all those involved with Incarnation School and celebration of its fiftieth anniversary.

Since the independent study showed that about eighty percent of the residents would save money on their taxes if the City and Washington Township were to merge, the next step is to acquire qualified signatures so the formation of a merger study commission can be on the November ballot.

Mr. Jim Singer read a proclamation concerning Arbor Day. Centerville will have its annual celebration on Wednesday, April 30, 2008 on Forest Brook Boulevard at 10:00 a.m.

Mr. Compton read a proclamation about Operation Clean Sweep to promote the special large item trash pickup during the week of May 5-8.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 21,

20 08

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

He commended Mike Engler and the City Beautiful Committee for completing the requirements so that Centerville would be named a "Tree City" for the twenty-third consecutive year.

He extended apologies for the continued construction along SR 48. Current projects involve installing fiber optic cable and handicap accessibility ramps. Additionally, a major project at SR 48 and Alex-Bell Road will begin this summer.

Mr. Horn reiterated that Sally Beals spearheaded the effort to create the Centerville Washington Foundation and congratulated the group for reaching its initial goal of raising a million dollars.

He sent greetings to Marilyn McLaughlin and Nick Farquhar.

Mrs. Wilder outlined code violations and resolutions for the month of March, 2008, and the community calendar for the coming month.

Mrs. Kenley thanked the Centerville Arts Commission for two recent successful ventures in hosting Doktor Kaboom and the SMAG Dance Collection.

Mr. Beals and Mrs. Kenley attended a session sponsored by the Ohio Municipal League as orientation for new councilmembers.

Dr. Gresham brought up the Bicycle Rodeo on Saturday, May 17, and reminded people that Centerville has a bicycle helmet ordinance.

Mayor Kingseed explained that the Consent Agenda contains procedural administrative matters that have been discussed in Work Sessions. Approval of these issues will be as a group with one motion being made. Various Councilmembers read the ordinances and the resolutions. Mayor Kingseed noted the reappointments of Paul Heintz to the Board of Tax Appeals and Richard Morrison to the Property Review Commission. He announced the appointment of Mark Taylor as the Chair of the Arts Commission. Mr. Cline moved that the following Consent Agenda Items be approved.

- A. Ordinance Number 4-08, An Ordinance Approving the Vacation of A Portion Of The Public Right-Of-Way Of South Metro Parkway FKA South Metro Drive, be set for Public Hearing May 19, 2008.
- B. Ordinance Number 5-08, An Ordinance Approving the Vacation Of A Portion Of The Public Right-of-Way Of Legendary Way, be set for Public Hearing on May 19, 2008.
- C. Resolution Number 11-08, A Resolution Accepting The Bid Submitted By Excel Contracting, Inc., For Black Oak South Improvements, Phase Two (SS1B) For The City of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- D. Reappointments be made as follows:
Paul Heintz to the Board of Tax Appeals.
Richard Morrison to the Property Review Commission.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 2120 08

- E. Appointment be made as follows:
Mark Taylor as Chairman of the Arts Commission.

Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 1-08: TEXT AMENDMENTS TO THE ZONING ORDINANCE FROM PROPERTY MAINTENANCE CODE TASK FORCE

Mr. Feverston gave the staff report on this issue and noted that the Ordinance came to Council with the recommendation and unanimous approval of the Planning Commission during its January 29th meeting. The Ordinance cleans up the current Zoning Ordinance regulations with regard to property maintenance issues and clarifies terms. He explained specific major changes included in the Ordinance.

Mrs. Sue Lienesch, Chair of the Property Maintenance Code Task Force, thanked Councilmember Compton, the staff and the citizens who served on the committee. She noted the need for addressing transition issues with grandfathering or sunset provisions.

Jim Gallagher, 294 Cherry Drive, applauded the Council for improving the Zoning Code and giving officials the clout to protect neighborhood property values.

Mr. Compton commended the members of the Task Force and reiterated their desire for clarification of the handling of non-conforming uses. As the owner of a recreational vehicle, Mr. Cline brought up several issues with the ordinance and asked for some common sense flexibility for those unable to completely comply with the new regulations, especially for those whose recreational vehicles are too long for parking in driveways for loading and unloading. He wanted residents to be aware when purchasing a recreational vehicle that the City of Centerville limits to thirty feet the length of a recreational vehicle that can be stored in one's yard. Noting the efforts of Mrs. Lienesch, Mr. Compton sponsored Ordinance 1-08, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed unanimously.

PUBLIC HEARING ORDINANCE NUMBER 3-08: LED SIGNS

Mr. Feverston, City Planner, gave background on the process leading to the current legislation. He stated that the proposed Ordinance defines such things as size of signs, the length of cycles for message changes, the number of colors, light intensity, appropriate zoning districts and related terminology. After Mr. Feverston noted various studies and sources for information on electronic signs, Mr. Liberman pointed out the purpose clause in the Ordinance.

Mr. Singer asked what current signs are not in conformance with the proposed Ordinance and whether the City of Centerville would need to purchase equipment for testing the brightness of LED signs.

Mr. Cline asked about electronic billboards and noted that cell phones are a bigger distraction for motorists than LED signs. Mr. Beals questioned limiting the lights to twenty-five percent of the face. Mr. Cline sponsored Ordinance Number 3-08, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville To

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *April 21*20⁰⁸

Regulate Signs That Incorporate An Electronic Message Center In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code be approved. Mr. Beals seconded the motion. The motion passed unanimously.

PUBLIC HEARING RESOLUTION NUMBER 14-08: RENEWAL OF SMITH AGRICULTURAL DISTRICT

Mr. Horn explained that a parcel of land owned by Victor W. Smith Jr. and Mary M. Higgins, Co-Trustees, is up for the five year renewal of its designation as farmland in an agricultural district. Mr. Compton moved for approval of Resolution Number 14-08, A Resolution Authorizing The Placement Of 37.072 Acres Of Land Owned By Victor W. Smith, Jr. And Mary M. Higgins, Co-Trustees, In An Agricultural Tax District, Said Property Address Being 2230 E. Centerville Station Road, Centerville, Ohio 45459 (Parcel No. 068-00303-0010) In Accordance With O.R.C. Chapter 929, The Farmland Preservation Act. Mr. Cline seconded the motion. The motion passed with six ayes; Mr. Beals did not vote. Mr. Cline extended the Council's sympathy to the family concerning the recent death of Mrs. Mary Smith.

RESOLUTION NUMBER 15-08: DECLARING NECESSITY OF PUBLIC WATER MAIN AND SANITARY SEWER ALONG THE YANKEE TRACE COMMUNITY

Mr. Horn noted that Great Traditions is doing the infrastructure improvements for the last housing section at Yankee Trace. In the past these improvements have been financed with special assessment financing. Mr. Schlagheck noted that this measure and the next agenda item are related. The special assessment petition covers water mains, public sewers and some roadway improvements for the fourteen remaining lots. Mr. Beals sponsored Resolution 15-08, A Resolution Declaring It Necessary To Extend A Public Water Main And A Public Sanitary Sewer Along The Yankee Trace Community, Together With All Necessary Appurtenances Thereto, And Also To Improve A Public Road Right Of Way Within The Yankee Trace Community As Provided Herein To The Extent Of Available Funds and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

EMERGENCY ORDINANCE NUMBER 6-08: EXTENSION OF PUBLIC WATER AND SEWER ALONG THE YANKEE TRACE COMMUNITY

Mr. Schlagheck stated that this ordinance authorizes the special assessment financing and the improvements to occur; the previous resolution stated these improvements are necessary. Mr. Beals sponsored Ordinance Number 6-08, An Ordinance Determining To Proceed With The Extension Of A Public Water Main And A Public Sanitary Sewer Along The Yankee Trace Community, Together With All Necessary Appurtenances Thereto, And Also The Improvement To A Public Road Right Of Way Within The Yankee Trace Community As Provided Herein To The Extent Of Available Funds, And Declaring An Emergency. Mr. Cline seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 21 20 08

Jack Garner, 85 Zengel Drive, questioned the value of improvements at SR 48 and Alex Bell, asked about plans for alleviating congestion on Main and Franklin and southbound on SR 48, and requested a "Stop Here On Red" sign on Southbound 48 to allow safer exit from the bank and Zengel Drive. Mr. Horn, Mr. Spitler and Mr. Sliemers explained some of the complexities of ameliorating these problems.

Joseph Koussa, 1537 Beaver creek Lane, Kettering, Ohio, asked for the troops to come home safely. Expressing concern for the economy, he encouraged citizens to buy American-made products.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kingseed
Mayor, C. Mark Kingseed

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 1920⁰⁸

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 19, 2008 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 C. Mark Kingseed presiding. Councilmembers and City Staff present were 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 Mark Schlagheck
 City Planner Steven Feverston
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Municipal Attorney Scott Liberman

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

Council Meetings - April 21, 2008.

Work Session Meetings - April 21, 2008.

- May 05, 2008.

- May 12, 2008.

Dr. Gresham moved that the minutes of the foregoing meetings, as distributed, be approved. Mr. Cline seconded the motion. The motion passed unanimously with Mr. Compton abstaining from the work session of May 12 and with Mayor Kingseed and Mr. Singer abstaining from the work session of May 5, 2008.

Mrs. James announced the receipt of notification of Dr. Mary Ann Gasior's resignation from the Centerville Arts Commission.

Mayor Kingseed greeted individuals who participated in the relief trip to Slidell, Louisiana, from April 5 through 12. Maureen Russell Hodgson reported on the group's work with Habitat for Humanity and thanked the Junior Optimists of Incarnation School for the fundraising they did to pay the registration and accommodation fees for this mission. She played a CD made by the people of Slidell and had a photo presentation on the work done by the group. The Mayor commended the ten individuals who made the trip and presented certificates to Ryan Lee, C.T. Houser, Vickie Houser, Kateri Bolton, Jeannette Crespo, Mary Ellen McBride, Tracy McDonald, Angela Powell, Jerry Effner of Louisville, Kentucky, and Maureen Russell-Hodgson.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held May 1920 08

Mayor Kingseed recognized Daniel Kent, Robin Kessler, and Evan Wilson for achieving the rank of Eagle Scout and presented certificates to each of them.

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

The Volunteer Salute, the annual appreciation dinner, occurred on Thursday, May 15 at Yankee Trace. Mayor Kingseed commended all the civic volunteers for making a monumental difference in the quality of life for residents of this community.

The ceremony at the War Memorial at Stubbs Park for Memorial Day will be Monday morning, May 26, at 9:00 a.m. Mayor Kingseed encouraged people to attend to honor those who have died defending our country.

Mayor Kingseed received communications from some residents on Ridgeway Drive who are concerned with rumors about public parking behind buildings that face Franklin Street on the north side of SR 48 and farther west than the current parking areas. There is nothing new or imminent on this long-range plan.

He stated that the Montgomery County Engineer has told the City Manager that the County would continue to fund the projects that are in the pipeline, if a merger between Washington Township and the City of Centerville were to occur. He also stated that he is in favor of a debate so that factual information can be disseminated about the formation of a merger study commission.

He asked Mr. Cline to read a proclamation making May 18 to May 25, 2008, "Public Works Week" in the City of Centerville.

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

He reiterated that nothing new is happening with the downtown parking situation.

He confirmed the meeting with Montgomery County Engineer, Joe Litvin, and his staff. Mr. Litvin provided a detailed list of projects, costs and sources of funding for the next five years.

Mr. Horn thanked the City Staff for the extraordinary efforts related to the citywide garage sale and the Operation Clean Sweep by the Public Works Department that followed.

Nathan Cahall has accepted the position of Economic Development Administrator and will join our staff May 27, 2008.

Mr. Horn announced the grand opening of Wings and Rings in the Centerville Mall Shopping Plaza.

Mr. Horn stated that he was "cautiously optimistic" about progress related to the Dille property. Mr. Robert Geyer, Greene County Engineer, has spearheaded the design and an agreement in concept for the widening and extension of Clyo Road from Wilmington Pike to Possum Run Road. A Compensation Agreement with the Sugarcreek Local Schools is ready for a vote by the Sugarcreek School Board when we also have a Settlement Agreement in place with Bear Creek Capital, the Dille Trust, and Sugarcreek Township. We are also working on the Development Agreement with Bear Creek Capital and an agreement with Hope United Methodist Church to extend Miami Valley Drive to the east.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *May 19*20 *08*

Mayor Kingseed thanked Mr. Horn for keeping things moving forward in spite of the number of interactive "moving parts."

Mr. Compton complimented the staff for efforts in helping to fill the vacancies in the Centerville Mall Shopping Center.

Mrs. Gopman outlined code violations and resolutions for the month of April, 2008, as well as the community calendar for the coming month.

RECORD PLANS: THE LINKS YANKEE TRACE SECTION 1-C AND THE HIGHLANDS AT YANKEE TRACE SECTION 2

Reporting for the Planning Commission, Mr. Feverston described the request for changes to the Record Plan for the Links at Yankee Trace, Section 1-C and for approval of the Record Plan for the Highlands at Yankee Trace, Section 2 along the extension of the eastern end of Legendary Way. The two Record Plans are related.

In referring the replat of the Record Plan for the Links to Council, Planning Commission unanimously approved the changes, subject to one condition—the vacation by Council of a small portion (.006 acre) of Legendary Way. The vacation and the replat of about 1.543 acres in the reserve areas "C" and "D" are needed for smooth transition at the entrance into Section 2 of the Highlands. The entrance will be a boulevard area with a landscaped island, Reserve Area "EE." The vacation of the small part of Legendary Way is on the agenda tonight under "Unfinished Business."

The second Record Plan is for the Highlands at Yankee Trace Section 2, the expansion of the Charles Simms' development of duplex units on the next segment of Legendary Way, east of Paragon Road. The Record Plan covers 7.096 acres and creates twenty-six lots. The Zoning is R-1c, single family residential, with a lifestyle community overlay to allow attached single family homes. The Master Plan shows a fire access linking Legendary Way, a cul-de-sac, to Shawnee Way, another cul-de-sac. Golf paths for Golf Hole Number 6 and for the tees at Golf Hole Number 7 are part of the Record Plan. The Planning Commission recommended approval to the Council with the following thirteen conditions:

1. In lieu of construction of the required improvements prior to the recording of this plat, a performance bond in an amount equal to the required public improvements shall be posted by the developer with the City subject to approval by the City Engineering Department and a subdivider's agreement entered into with the City by the developer.
2. The applicant shall provide review and inspection fees in the amount acceptable by the City Engineering Department.
3. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *May 19*20 *08*

incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.

4. The landscape median located within Legendary Way adjacent to the connection with The Links shall be labeled as Reserve Area "EE".

5. Portions of the Reserve Areas containing cart paths and golf course utilities shall be deeded to the City for Golf Course purposes and labeled on the Record Plan.

6. Final design of Sand Wedge Court shall be subject to approval by the City Engineering Department.

7. The proposed sidewalk along Legendary Way shall terminate into the curb of Legendary Way having handicap accessibility subject to approval by the City Engineering Department.

8. A combination of deciduous and evergreen trees shall be installed at the end of Gallery Court subject to approval by the Planning Department.

9. The final design of the relocated golf cart path and golf course irrigation line shall be subject to approval by the Golf Course Superintendent.

10. A temporary turn around shall be constructed as part of Legendary Way subject to approval by the City Engineering Department.

11. The proposed construction drive north of Golf Hole Number 7 as proposed shall be modified to accommodate the weight of heavy construction traffic, include a pull-off area at Paragon Road and a hard surface having a minimum length of 100 feet to keep dirt, mud, and debris off of Paragon Road subject to approval by the City Engineering Department.

12. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided prior to any construction.

13. All construction traffic for Sections. 2 and 3 of The Highlands must be conducted over the temporary construction roadway.

The Council and Mr. Horn asked questions about sidewalks, fire access roadway materials, the length of Legendary Way, materials for the golf cart path and placement of the cart path between Hole Numbers 6 and 7. Mr. Kiefer of Great Traditions asked that the matter not be tabled because of time constraints related to construction, but agreed to meet with Staff to discuss the relocation of the golf cart path.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 19

20 08

Mr. Cline moved to approve the Record Plan for the Highlands subject to the 13 Conditions of the Planning Commission and an additional condition that the placement of the cart path at the crossing between Golf Hole Number 6 and 7 be relocated subject to the approval of City Staff. Mrs. Kenley seconded the motion. The motion passed unanimously.

Mr. Beals noted disappointment with the design of Legendary Way as such a long cul-de-sac. Mr. Compton moved to approve the replat of the Record Plan of the Links, Section 1-C, subject to the condition of the Planning Commission to vacate .006 acre for the landscaped median. Dr. Gresham seconded the motion. The motion passed unanimously. The Council reiterated the need for the emergency alternate access connecting Legendary Way with Shawnee Trail.

MIAMI VALLEY SOUTH REPLAT TO COMBINE SEVERAL PARCELS INTO ONE

Mr. Compton asked to be recused from the discussion and vote on the replat of the parcel occupied by Miami Valley South Health Center west of Wilmington Pike and north of Clio Road. Mr. Feverston gave the report from the Planning Commission. Miami Valley Hospital proposes to combine several properties into one parcel of about 115 acres. Zoning is mostly Business-Planned Development and a small piece is Industrial-Planned Development. The proposed replat includes property in the old South Metro Industrial Park and would be facilitated by the vacation of a small section of the stub end of South Metro Parkway, formerly known as South Metro Drive. Planning Commission recommends approval of the replat of the parcel subject to the following four conditions:

1. The City Council passes an Ordinance to vacate a portion of South Metro Parkway.
2. The proposed electric easement along Clio Road and Wilmington Pike shall be modified and re-labeled to be a utility easement.
3. Should the vacated portion of South Metro Parkway be removed by the property owner, a temporary turnaround shall be constructed at the end of South Metro Parkway subject to approval by the City Engineering Department.
4. The applicant shall provide easements for traffic signal loop detectors along Miami Valley Drive subject to approval by the City Engineering Department.

Mr. Beals moved to approve the Record Plan for the Miami Valley Hospital South Campus subject to the four Conditions recommended by the Planning Commission. Mr. Singer seconded the motion. The motion passed with six ayes.

Mr. Compton re-entered the meeting at this time.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10146

Held *May 19*20 *08*

During standing committee reports, Mr. Beals noted that he was part of a twenty person group to do the periodic review of the Centerville Schools' Continuous Improvement Plan.

Mr. Cline participated in the balloon ride in celebration of the 50th Anniversary of Incarnation School and thanked those in charge for an enjoyable adventure.

Mayor Kingseed explained the Consent Agenda which contains procedural and administrative matters. Approval of these issues will be as a group with one motion being made. Councilmembers took turns reading the items on the Consent Agenda. Mr. Beals moved that the following Consent Agenda items be approved:

- A. Ordinance Number 8-08, An Ordinance To Amend Ordinance No. 28-07, 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, 2008, be set for Public Hearing on June 16, 2008.
- B. Resolution Number 16-08, A Resolution Authorizing Transfers From The General Fund To Various Other Funds of the City.
- C. Resolution Number 17-08, A Resolution By The Centerville City Council Canceling The Moratorium On Sign Permits For Changeable Copy, Electronic Display, And LED Signs In The City Of Centerville, Ohio.
- D. Resolution 18-08, A Resolution Accepting The Bid Submitted By The John R. Jurgensen Company For The 2008 Street Program (Project SS-1A-08) Concrete And Asphalt Repair And Asphalt Resurfacing In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- E. Resolution 19-08, A Resolution Accepting The Bid By Oakley Blacktop, Inc. Of Dayton, Ohio For The Iron Horse Trail Improvements, A Clean Ohio Trail Fund Project (Project SS-10-08) In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connections Therewith.
- F. Appointment be made as Follows:
Frank Holloway to the Board of Architectural Review.
- G. Reappointments be made as Follows:
James Brunner to the Planning Commission.
Paul Clark, Chairman, to the Planning Commission (One year term).
Charles Graham to the Board of Architectural Review.

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

Held *May 19*

2008

Brett Kottmann to the City Beautiful Commission.
James McIntyre to the Personnel Appeals Board.

Mr. Cline seconded the motion. The motion passed unanimously.

The Mayor noted that Paul Clark was the recipient of the "Volunteer of the Year Award" at the Volunteer Salute on May 15, 2008.

ORDINANCE NUMBER 4-08: VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY ON SOUTH METRO PARKWAY

The Public Hearing was held concerning the ordinance to vacate about .9 acre at the end of South Metro Parkway. Mr. Feverston explained the petition by Miami Valley South Health Center for the vacation of the property to facilitate the consolidation of the properties they have purchased in the area into one lot. Mr. Chris Schaeffer of Schaeffer Engineering, representing Miami Valley Hospital, noted that there are no plans for the exact use of the property, but the vacation gives maximum flexibility for future use. Since South Metro Parkway will not connect to Wilmington Pike, they are asking for this portion of the street to be vacated. Ms. Joanne Ringer of Miami Valley Hospital was present also. Mr. Compton asked to be recused from consideration of this matter, and Mr. Singer moved for approval of Ordinance Number 4-08, An Ordinance Approving The Vacation Of A Portion Of The Public Right-Of-Way Of South Metro Parkway, FKA South Metro Drive. Mrs. Kenley seconded the motion. The motion passed with six ayes.

ORDINANCE NUMBER 5-08 VACATING A PORTION OF PUBLIC RIGHT-OF-WAY ON LEGENDARY WAY

The Public Hearing was held concerning the vacation of .006 acre of Legendary Way. Mr. Feverston reported that the Ordinance is the Condition set by the Planning Commission for approval of the replat of the Links as explained earlier. Mr. Compton sponsored Ordinance Number 5-08, An Ordinance Approving The Vacation Of A Portion Of The Public Right-Of-Way Of Legendary Way. Mr. Beals seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 7-08 NOT DESIGNATING FRANK ALLEN HOUSE, 7665 CLYO ROAD, AS A LANDMARK

Mayor Kingseed announced that the matter of Ordinance Number 7-08, An Ordinance To Not Designate As A Landmark The House Addressed As 7665 Clyo Road And Known As The Frank Allen House Within The City Of Centerville, Ohio, In Accordance With Chapter 1206 Of The Municipal Code, Landmarks, A Code Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, was set

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *May 19*20 *08*

for Public Hearing by the Clerk of Council for the next meeting of Council on June 16, 2008.

Mr. Joseph Kousa, 1537 Beaver creek Lane, Kettering, asked God to bless the men and women of the United States Armed Services overseas. He encouraged parents to notify the authorities when their children are involved in illegal activities—for the protection of the children, as well as for public safety. Since May is Police Memorial Month, he urged the Staff and citizens to be appreciative of the dangerous and difficult job of being a police officer.

Following this meeting the Council returned to the Law Library for an Executive Session to discuss litigation, personnel and real estate.

There being no further business, the meeting was adjourned.

Approved: 

Mayor

ATTEST: 

Clerk of Council

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 16, 200820 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 16, 2008, 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 C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor	Douglas Cline
Councilmembers	Brooks Compton
	Paul Gresham
	James Singer
Clerk of Council	Debra James
City Manager	Gregory Horn
Finance Director	Mark Schlagheck
City Planner	Steven Feverston
Public Works Director	Robert James
City Engineer	Douglas Spitler
Assistant to the City Manager	Jennifer Wilder
Assistant to the City Manager	Kristen Gopman
Municipal Attorney	Scott Liberman

Mr. Singer moved to excuse Mrs. Kenley and Mr. Beals from the meeting because of out-of-town travel; Dr. Gresham seconded the motion. It passed with five ayes.

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

Council Meetings	- May 19, 2008.
Work Session Meetings	- May 19, 2008.
	- June 02, 2008.
	- June 09, 2008.
Mid-year Council Retreat	- May 27, 2008

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held *June 16**20 08*

Mr. Compton moved that the minutes of the foregoing meetings, as distributed, be approved. Mr. Cline seconded the motion. The motion passed with five ayes.

Mrs. James announced the receipt of notification of Mr. Harish Trivedi's resignation from the Centerville Arts Commission. Mayor Kingseed thanked Mr. Trivedi for his years of service.

Mayor Kingseed invited Jane Beach to the podium to announce the names of those who have volunteered for the Merger Study Commission. She introduced the twelve citizens who have agreed to have their names on the petitions to be circulated for signatures in the City and the Township so that the formation of the Merger Study Commission can be on the November ballot. From the City of Centerville are John Bradosky, Joy Brush, Robert Corbin, Sarah Rickman, Bill Serr, and Greg Stout; from Washington Township are Jane Beach, Amy Fish, Robert Kyvik, Mike Radcliff, Frank Winslow, and Matt Wise. Biographical information for the volunteers soon will be available on the Centerville website.

Mayor Kingseed administered the oath of office to Frank Holloway, who was appointed to the Board of Architectural Review at the May Council Meeting.

Mayor Kingseed recognized Sarah Friese, the artist of the winning entry in the Sister City International Poster Contest in the summer of 2007, and presented her certificate from Sister City International. Mrs. Carolyn Basford noted that the Sister City Committee will exhibit ten winning entries from the contest at the Centerville Police Department during the month of July.

Mayor Kingseed welcomed the Centerville Schools' Destination Imagination team coached by Trisha and Vince Pachiano. Team members Minh-Chau Doan, Greg Feingold, Charley Mann, Eli Pence, Sydney Pence, Michele Pachiano, and Tori Pachiano won first place in their category at the Global Competition of Destination Imagination in Tennessee in May. Mayor Kingseed congratulated them for bringing this honor to the community.

Mrs. Carolyn Basford and Cindy Monter Clay presented the City of Centerville with two scrapbooks of Sister City Committee activities from 1981 to the present. The scrapbooks intertwine written work by Sarah Rickman with photos of Sister City exchange visits with Waterloo, Ontario, Canada, and Bad Zwischenahn, Germany and of other activities.

Mayor Kingseed welcomed Pastor Chad Current of Living Hope Church who explained a joint effort to provide weekend food for children who are eligible for subsidized meals on school days. Living Hope Church, Centerville Christian Fellowship, the Jewish Community and the Centerville Police Department welcome others to partner with them to end hunger for children in the Centerville School District. To get involved citizens may contact Pastor Current or the Centerville Christian Fellowship.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 16

20 08

Mayor Kingseed greeted the Jim Weir family and the Carl Centano family. Mr. Weir talked about tuberous sclerosis and Step Forward, a group that does fundraising for research and education. Deputy Mayor Cline read a proclamation encouraging citizens to participate in a walkathon at Centerville High School on Sunday, June 21, 2008. Mr. Weir referred interested people to the website at www.tsalliance.org.

At the Mayor's request, Mr. Horn introduced Mr. Nathan Cahall, the new Economic Development Administrator for the City of Centerville.

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

He recently attended the 25th Anniversary celebration of the founding of the assisted living facility on the grounds of St. Leonard.

Mayor Kingseed will be in Normandy for the Fourth of July, while the Americana Festival is going on here in Centerville. He encouraged citizens to remember the sacrifices of those who have preserved the freedoms we enjoy.

He stated that the merger issue is the most important issue facing the community and that we owe it to ourselves as a community to study merger carefully with an open mind and accurate facts. He urged residents to sign the petitions to put the formation of the Merger Study Commission on the ballot.

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

AT&T is advertising in the community to provide video services to our residents. In order to offer these new options, AT&T must install about thirty-five big boxes in the neighborhoods around town. We are attempting to work with them to ensure that the installations are as unobtrusive as possible.

Jim Drake, a member of our Public Works Department for twenty-three years, and Jane Monturo, a member of the administrative support staff at the Police Department for eight years, have recently retired. He wished them both well in their future endeavors.

Mr. Horn noted the qualifications of Nathan Cahall and again welcomed him to the City of Centerville.

He congratulated Captain Bruce Robertson, Centerville Police Department, who recently graduated from the FBI Academy.

New golf carts will be arriving at Yankee Trace in the next few weeks.

He congratulated Bob and Edie Corbin on sixty years of marriage.

Mrs. Gopman outlined code violations and resolutions for the month of May, 2008, as well as the community calendar for the coming month.

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. Councilmembers took turns reading the items on the Consent Agenda. Mr. Cline sponsored the following Consent Agenda items:

- A. Ordinance Number 9-08, An Ordinance Amending Section 660.13 Of The Centerville, Ohio Municipal Ordinances, Smoking In Public Places And Places Of Employment, be set for public hearing on July 21, 2008.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 16

20 08

- B. Resolution Number 20-08, A Resolution Ratifying The Action Of The City Manager In Executing A Purchase Contract With HEB Investments, LLC For The Purchase Of Three (3) Tracts Of Property Located At The Corner Of Far Hills Avenue And Alex Bell Road And Ratifying The Actions Of The City Manager To Take All Steps Necessary To Execute Documents To Effect The Purchase Of Said Real Properties.
- C. Resolution Number 21-08, A Resolution Authorizing The City Manager To Enter Into An Agreement With The City Of Kettering For The Resurfacing Of Old Whipp Court And A Portion Of Whipp Road Located In The City of Centerville
- D. Appointment of Jim Pavliga to the Storm Water Drainage Task Force.
- E. Reappointment of Suzanne Walk and Cynthia Monter Clay to the Sister City Committee.

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

ORDINANCE NUMBER 7-08 NOT DESIGNATING FRANK ALLEN HOUSE, 7665 CLYO ROAD, AS A LANDMARK

Mayor Kingseed announced the Public Hearing for Ordinance Number 7-08, An Ordinance To Not Designate As A Landmark The House Addressed As 7665 Clyo Road And Known As The Frank Allen House Within The City Of Centerville, Ohio, In Accordance With Chapter 1206 Of The Municipal Code, Landmarks, A Code Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark. Mr. Feverston situated the single family home and two out-buildings on the west side of Clyo Road and gave a report on behalf of the Board of Architectural Review. In researching the issue, input was sought from the Centerville Historical Society and the Centerville-Washington Landmark's Foundation. Neither group supports recommending the site as a landmark. After holding a public hearing on May 6, 2008, the B.A.R. recommended not to designate the Frank Allen House as a landmark. Ordinance 7-08 states that the City does not wish to designate the property as a landmark, and this will allow a demolition permit to be issued.

Mr. Rob Fickert, owner of 7665 Clyo Road, read a letter suggesting that building techniques and materials in the house at this time are mostly not original nor distinctive to the 1800's. Renovations have reduced the historical significance of the structure. He stated that plans for redevelopment of the property would improve the neighborhood and contribute to economic development in the City of Centerville. He asked for a waiver of the waiting period for the demolition permit.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 16

20 08

Mr. Liberman explained that the thirty day waiting period for the Ordinance to take effect is required by law; the demolition permit cannot be issued during the interim.

Mr. Singer sponsored Ordinance Number 7-08; as written above be passed. Dr. Gresham seconded the motion. The Motion passed with five ayes.

ORDINANCE NUMBER 8-08: APPROPRIATIONS FOR CURRENT EXPENSES

Mr. Schlagheck noted that several times during the year it is necessary to amend the original appropriations plan formulated at the beginning of the year. Included in this update are several minor changes and a \$400,000.00 increase to the Yankee Trace capital equipment fund. When the original budget was formed, the intent was to get outside funding for the new golf carts, but it has been decided to finance them internally given the current interest rates on savings.

Dr. Gresham sponsored Ordinance Number 8-08, An Ordinance To Amend Ordinance Number 28-07 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, 2008. Mr. Cline seconded the motion. The motion passed with five ayes.

Louis Duchesneau, 921 El Kenna Court in Washington Township, stated his opposition to the merger of Washington Township and the City of Centerville. He represented Washington Township Forever, LLC, a citizens' group to oppose the merger effort. He noted that the group has a website.

Mayor Kingseed asked for the identities of the members of the group (Washington Township Forever) be made public, in fairness, so that the community is able to judge any possible bias on the information they sponsor.

Paul Guglielmetti, 1205 Spring Ash Drive, Washington Township, explained a voluntary program by Dayton Power and Light called "Green Connect" which is meant to encourage the production of electricity by alternate renewable energy sources. For more information residents may call the Customer Solutions Center at 937-331-3900 or check the website at www.dpandl.com.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kingseed
Mayor

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

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

Held *July 21*20 *08*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 21, 2008 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 C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Councilmembers John Beals
 Brooks Compton
 Paul Gresham
 Belinda Kenley
 James Singer

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 City Planner Steven Feverston
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Operations Manager Mary Lou Pence
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Economic Development Administrator Nathan Cahall
 Municipal Attorney Scott Liberman

Dr. Gresham moved to excuse Deputy Mayor Cline who was out of town. Mr. Beals seconded the motion. It passed with six ayes.

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

Council Meetings - June 16, 2008.

 Work Session Meetings - June 16, 2008.
 - June 23, 2008.
 - July 07, 2008.
 - July 14, 2008.

Mr. Beals moved that the minutes of the foregoing meetings, as distributed, be approved. Dr. Gresham seconded the motion. The motion passed with six ayes; however, Mr. Beals abstained from the minutes for the Council Work Session and Council Meeting held on June 16th and the Work Session held on June 23rd. Mrs. Kenley also abstained from the minutes for the Work Session and Council Meeting of June 16, 2008.

Mayor Kingseed invited Mr. Tim Jackson, Treasurer of Citizens for Reduced Property Taxes, to introduce himself and speak on behalf of the group. Citizens for Reduced Property Taxes is a political action committee that is supporting efforts to get the signatures required to get a Merger Study Commission on the November ballot. Mr. Jackson noted that most Centerville residents to whom he has talked are very positive about the merger study

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 2120 08

issue. Donations may be sent to Mr. Jackson at 910 Vintage Lake Court, Centerville, Ohio, 45458.

Mayor Kingseed read the text of a resolution on the evening's agenda in support of the formation of a Merger Study Commission. Each Councilmember in attendance explained the reasons for his or her desire to get the issue on the November ballot. Unanimously they stated support for further consideration of a merger between the City of Centerville and Washington Township by a Merger Study Commission and encouraged registered voters to sign the petitions. Dr. Gresham noted a new website with information about the issues and about making donations to the cause. The address is www.studymergernow.org.

Mayor Kingseed recognized Alexander Foley, a member of Boy Scout Troop 516, for completing the requirements for advancement to the rank of Eagle Scout.

Mayor Kingseed congratulated Centerville/Washington Township students who received excellent or superior ratings on projects at the State Science Day held at The Ohio State University on May 10, 2008. Honored were Evan Albers and Janey Grubmuller of Archbishop Alter High School, Chris Hsu of Dayton Christian School, and Jack Gallagher of Centerville High School.

Mrs. Roberta Goodrich announced that Dr. Diehl of Alex-Bell Veterinary Clinic, 6880 Loop Road, and Dr. Burke of GB Orthodontics, 55 North Main Street, were the winners of the City Beautiful Business Pride Awards for July. Mrs. Goodrich then noted the residential City Beautiful Commission Summer Landscape Award winners as follows:

June

John & Sara Ferrazza
2558 Tedbury Court

Jim & Carolyn Dodok
5014 Rhine Way

David & Lynne Cunningham
132 East Drive

Jerry & Carole McNabb
955 Elk Hollow Lane

Nola Stephens
361 Marsha Jeanne

Harry & Marilou Enslein
1014 Bentgrass Lane

Carma & Jim Schieman
206 Whittington Drive

July

Doris & Tom Cassley
220 Glenburn Drive

The Hattans
306 Cedarleaf Court

Joyce Mason
9839 Rose Arbor Drive

Karla & Susan Jansen
8098 Brainard Woods Drive

Cliff & Diana Thorstenson
6523 Atterbury Court

Tim & Judy Lange
1225 Clubview Drive

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *July 21*20 *08*

At the Mayor's request, Mr. Horn introduced the following new City of Centerville employees:

Carin Andrews, Secretary I at the Police Department.
 Joe Presutti, Maintenance Worker in the Street Department.
 Mark Yandrick, GIS Technician in the Planning Department.

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

He thanked everyone who planned and participated in the Americana Festival.

He clarified the debt of the City related to the Golf Course at Yankee Trace, showing that low interest bonds fund the course and that revenues pay over 90% of the payments, so Yankee Trace is not a burden for taxpayers.

He stated that, with a merger, not only would the responsibility for building and maintaining county roads in the township be transferred to the City, but also some revenues which currently go to Montgomery County would come to the City. He said that residents need to see both sides of this equation. The County Engineer has committed to fund fully the projects currently planned for the next five years.

The Merger Study Commission is not an automatic way to create a merger. The Merger Study Commission will be comprised of an equal number of members from each entity. This group will have the responsibility of examining the facts and deciding whether a merger makes sense. Before terms are discussed and the question of a merger is put back on the ballot, the majority of members from each entity have to agree to recommend a merger.

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

Greg Cole, a mechanic in the Public Works Department, recently retired from City employment after 31 years. Mr. Horn thanked him for his dedicated service.

Mrs. Gopman outlined code violations and resolutions for the month of June, 2008, and presented the community calendar for the coming month.

In the report from the Planning Commission, Mr. Feverston noted a Major Use Special Approval Application by the Kroger Company. The location is on South Main Street at the current site of the Elder-Beerman store. Late today, the owner requested that this application and the companion application for the Record Plat be tabled. The matter may come back to Council at the August meeting. Mrs. Kenley moved to table the discussion of the Major Use Special Approval. Dr. Gresham seconded the motion. It passed with six ayes. Then, Dr. Gresham moved to table the discussion of the Record Plan. Mr. Compton seconded the motion. The motion passed with six ayes.

Mr. Beals asked the City Manager to explain to the public the plan for the southeast corner of SR 48 and Alex-Bell. Mr. Horn stated that the City owns the property, will maintain it and will develop a plan for enhancing it as a gateway to the community. The improvements to this green space will probably be done next year.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 212008

Mr. Compton noted the tenth anniversary of the Centerville Washington Foundation and thanked Sally and John Beals for their efforts in creating this Foundation. The group has reached its initial goal of raising a million dollars in charitable funds.

Mr. Compton also noted that development of Yankee Trace has been the source of a \$300 million economic boon for the area, since the housing provides property taxes to the schools without adding significantly to the number of students.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters the Council has discussed in Work Sessions. Approval of these matters will be as a group with one motion being made. Any Councilmember may ask for removal of an item from the consent agenda. Councilmembers took turns reading the items on the Consent Agenda. Mr. Beals sponsored the following Consent Agenda items:

- A. Ordinance Number 10-08, An Ordinance Amending Sections 1442.02, 1442.03, 1442.04, and 1442.06 Of The Codified Ordinances Of The City Of Centerville To Revise The "Permit Fees" In The Centerville Municipal Code, be set for Public Hearing on August 18, 2008.
- B. Ordinance Number 11-08, An Ordinance Amending Chapter 840 To Further Clarify Section 840.02(B) Access to Rental Unit, be set for Public Hearing on August 18, 2008.
- C. Resolution Number 22-08, A Resolution By The Centerville City Council In Support Of The Merger Study Proposal.
- D. Resolution 23-08, A Resolution Authorizing The City's Participation In A Joint Application For An Ohio Local Government Services And Regional Collaboration Grant Through The Ohio Department Of Development (City of West Carrollton and the Miami Valley Communications Council).
- E. Resolution Number 24-08, 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.
- F. Resolution Number 25-08, A Resolution Authorizing The City Manager To Enter Into An Agreement To Settle Pending Litigation With John And Roberta Gramann.
- G. Resolution Number 26-08, A Resolution Authorizing and Directing the City Manager To Enter Into a Permanent Easement With The Board Of County Commissioners Of Montgomery County, Ohio For The Construction Of Offsite Sanitary Sewer and Water Main Improvement Located At Yankee Trace.
- H. Resolution Number 27-08, A Resolution Accepting The Bid Submitted By Stone Excavating, Inc. Of Sidney, Ohio For Yankee Trace Improvements—The Highlands, Section 2, For The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *July 21*20 *08*

- I. Resolution Number 28-08, A Resolution Accepting The Bid Submitted By L.J. DeWeese Co., Inc. Of Tipp City, Ohio For The Stubbs Park Pedestrian Bridge Replacement And Path Paving Project – 2008 (Project #BI-01-08) For The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- J. Resolution Number 29-08, A Resolution Authorizing The City Manager To Enter Into License Agreement With Richard L. Wiegand and Dolores L. Wiegand To Allow Property Owners To Continue To Locate A Fence In The City Right-Of-Way.
- K. Appointments of the following:
 Paul (Walt) Smucker to the Arts Commission.
 Ginny Strausburg to the Arts Commission.
 Robert Waker to the Arts Commission.
 Christine Quijote-Oakes to the Sister City Committee.
- L. Reappointment of James Briggs to the Planning Commission for a term of four years.

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

PUBLIC HEARING ORDINANCE NUMBER 9-08, AMENDING THE SMOKING ORDINANCE

Mr. Liberman gave the staff report for Ordinance Number 9-08. Several years ago, the City of Centerville's Council passed a smoking ban. Eventually the State of Ohio passed a more restrictive smoking ban. When state and local ordinances are different, the one that is more restrictive takes precedence. The proposed legislation eliminates our current exceptions for bars, private clubs, and bowling alleys. If the Council makes the recommended changes, our ban becomes more restrictive and our police department and our prescribed penalties can enforce the smoking ban. Dr. Gresham sponsored Ordinance Number 9-08; An Ordinance Amending Section 660.13 Of The Centerville, Ohio Municipal Ordinances, Smoking In Public Places And Places Of Employment and moved that it be passed. Mr. Compton seconded the motion. The motion passed with six ayes.

There being no further business, the meeting was adjourned.

Approved: *C. Mark King*
 Mayor

ATTEST: *Debra A. James*
 Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 18

20 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 18, 2008, 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	Brooks Compton
	Paul Gresham
	Belinda Kenley
	James Singer
Assistant Clerk of Council	Julia Weaver
City Manager	Gregory Horn
Finance Director	Mark Schlagheck
City Engineer	Douglas Spitler
Operations Manager	Mary Lou Pence
Assistant to the City Manager	Jennifer Wilder
Assistant to the City Manager	Kristen Gopman
City Planner	Steve Feverston
Economic Development Administrator	Nathan Cahall
Municipal Attorney	Scott Liberman

Mr. Cline moved that Mr. Beals be excused from the meeting. Dr. Gresham seconded the motion, and it passed with five ayes. Mr. Singer represented the City of Centerville at tonight's Washington Township Trustees' meeting, in order to congratulate the Washington Township Fire Department for attaining national accreditation.

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

Council Meeting	July 21, 2008.
Work Session Meetings	July 21, 2008.
	August 4, 2008.
	August 11, 2008.

Mr. Compton moved that the minutes of the foregoing meetings, as distributed, be approved. Mrs. Kenley seconded the motion. The motion passed with five ayes.

Mayor Kingseed welcomed Julia Maxton of the South Metro Chamber of Commerce. She presented the City of Centerville an award expressing appreciation for the ongoing support the City has given the Chamber. She explained the role of the South Metro Chamber as an advocate for businesses in the area. Her office also sponsors a leadership academy at Centerville High School which helps students who are interested in a career in business to network with area enterprises.

Mayor Kingseed presented certificates of congratulations to Mr. Chris Hsu and Miss Stephanie Hsu, siblings from Dayton Christian Schools, who received Superior ratings on projects at the State Science Day held at The Ohio State University on May 10, 2008.

He administered the oaths of office, congratulated and thanked the following individuals:

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 18

20 08

Arts Commission: Walt Smucker, Ginny Strausberg and Robert Waker.
 Sister City Committee: Christine Quijote-Oakes.
 Stormwater Drainage Task Force: James Pavliga.

Mrs. Roberta Goodrich announced the Business Pride Award Winners. The two companies that received plaques for the month of August are Hillside Court Apartments at 920 Great View Circle, and China Cottage at 6290 Far Hills Avenue.

Mrs. Goodrich also announced the August residential Summer Landscape Award Winners as follows:

Carol & Tom Baker 1111 Club View Drive	Sandra & Mike Kline 7415 Forest Creek Drive
JoAnn & Tom Spangler 212 Prague Court	Bev & Terry Cole 170 Laurel Oak Drive
Vicki & Ronald Kuhn 300 Shawnee Trail	Doris & Don Schneider 2537 Marscott Drive
Maura & Robert Dashewich 974 Hyde Park Drive	

All the Residential Summer Landscape Award Winners will be invited to attend the September Council meeting to be honored with the presentations of awards.

During the Mayor's Report, Mayor Kingseed noted the following:

He extended congratulations to the Washington Township Fire Department on receiving national accreditation.

He announced that signatures were submitted today to the Board of Elections for certification so that the issue of forming a Merger Study Commission can be on the November ballot. Each Councilmember present made a statement explaining why he or she is in favor of going forward with the merger study process.

Mr. Singer entered the meeting at this time.

Mayor Kingseed stated a commitment to answer questions and offered to debate in public forums in order to get the facts before the voters.

At the Mayor's request, Mrs. Kenley read a proclamation declaring August 24 through August 30, 2008, to be "Elk Week" in the City of Centerville.

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

Work is nearly finished in the Black Oak South/Brainard Woods area: underdrains were installed and curbs were repaired.

Upgraded signage is still needed at the intersection of SR 48 and Alex Bell Road. Some of the new lanes have not been opened yet.

The enhancement project has begun at the I-675/SR 48 interchange in order to make this gateway to the community visually more attractive. A grant from the Ohio Department of Transportation is helping to pay for the decorative pillars and the new fencing along the bridge.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *August 18**20 08*

Mr. Horn thanked Steve Feverston and the others who have worked diligently to reach agreement with the landowners and representatives of Kroger Marketplace, so that Council would be able to take action.

He asked motorists to be watchful of buses and walking youngsters with the start of the new school year.

Mrs. Gopman outlined code violations and their resolutions for the month of July, 2008, as well as the community calendar for the coming month.

During the Standing Committee Reports, Dr. Gresham encouraged residents to attend the production of Macbeth at Stubbs Park on Friday, August 22nd or Saturday, August 23rd.

Mrs. Kenley noted that the Sunday evening concerts at Stubbs Park have been well done and well received. She encouraged everyone to attend the remaining events.

Mr. Singer explained what accreditation means to the Washington Township Fire Department. The Department has set strategic objectives which guide planning and evaluation for the future. Only six fire departments in Ohio have national accreditation; both our police and fire departments are now fully accredited on the national level. Fire Department representatives will be invited to a future Council Meeting for recognition in Centerville.

Mayor Kingseed explained that the Consent Agenda contains procedural administrative matters that have been discussed during Council Work Sessions. Approval of these issues will be as a group with one motion being made. Councilmembers read aloud the titles of the Consent Agenda items before Mr. Cline moved that the following legislation be passed:

- A. A Resolution Ratifying The Action Of The City Manager In Executing A Personal Services Contract With Strategic Public Partners, Inc. For The Management Of Independent Contractors To Serve As Circulators Of Petitions For A Ballot Initiative Authorizing A Merger Study Between The City Of Centerville And Washington Township.
- B. A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Execute An Agreement Between The City Of Centerville And The Centerville City School District For The Presence Of Police Officers In School Buildings.
- C. A Resolution Ratifying The Action Of The City Manager On Behalf Of The City Of Centerville To Make Application To The Ohio Attorney General's Office For Salary Funding Of A DARE Officer.
- D. A Resolution Declaring Specific 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.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 1820 08

- E. A Resolution Accepting The Bid Submitted By Rock River Construction, Ltd., For The Forest Brook Boulevard Culvert Replacement (Project SS-6B-08) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- F. A Resolution Accepting The Bid Submitted By Dixie Excavating, Inc. Of Kettering, Ohio For Concrete Repair And Sidewalk Construction Projects – 2008 (SS-3A-08 And SS-1C-08) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- G. Appointments be Made as Follows:
Christine Nystrom to the Sister City Committee.
Marilou Enslein to the City Beautiful Commission.
- H. Reappointment be Made as Follows:
Marilyn Hoback to the Sister City Committee.

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

PUBLIC HEARING KROGER MARKETPLACE MAJOR USE SPECIAL APPROVAL

Dr. Gresham made a motion to remove the Kroger Marketplace Application for the Major Use Special Approval from the table. Mr. Cline seconded the motion. It passed with six ayes.

Applicant Jonathan Woche of McBride Dale Clarion, Inc., has applied for a Major Use Special Approval for a Kroger Marketplace at the northwest corner of the intersection of SR 48 and Sheehan Road in the Centerville Place shopping complex. Mr. Feverston made the staff presentation for Council; he included photos, aerial views, an updated site plan and building elevations for the re-development of this eighteen acre site that is zoned Business-Planned Development. Planning Commission reviewed an iteration of the plans at its June 24, 2008, meeting. Serpentine mounds with varied landscaping are being required for sound moderation and a visual buffer. The Planning Department has reviewed the revised site plan as submitted by the property owner and Kroger and finds that it is acceptable and that it meets with the intent of the Planning Commission's recommendation. The final agreement on the placement of the fueling center requires that an entrance from SR48 be relocated about forty feet to the north. The existing bus stop and gazebo will need to be moved if Council agrees to the shift. Planning Commission recommended approval of the Major Use plan subject to 16 recommendations; staff recommends that Council add Condition 17 to cover shifting both the driveway near Grismer Tire on S. Main Street and the fueling center slightly to the north as shown on the revised site plan and moving the gazebo and bus stop subject to the approval of the City Planner.

During the public hearing, Mr. Jonathan Woche, the applicant for Kroger, thanked staff members for continuing to work with the parties involved as the final plan developed. He stated that Kroger is willing to incorporate the changes being recommended by the Planning Commission. He requested Council's concurrence on the Major Use Special Approval of the modified plan.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 1820 08

Mr. Lyle Swan, 9290 Amchar Drive, stated that noise is a concern of the residents since Kroger is open twenty-four hours a day, seven days a week. He also asked about plans for moving dirt from the mound behind Stein Mart. Mr. Feverston noted that a six-foot high serpentine mound with landscaping is required, but he did not know whether the excess dirt stored in this specific area would be moved. Any variance would need to come before Council.

Mr. Mark Burns, 9373 Sheehan Drive, asked if his buffer yard will be cut into for construction. Mr. Feverston pointed out the areas where streets and mounding will be.

Mr. Ron Lahan, 9398 Shawhan Drive, inquired whether noise from the mechanicals on the Kroger roof would be shielded to the west. Mr. Feverston replied shielding to the east and south was mostly for visual aesthetics and not for sound insulation. Sound deadening would be accomplished mostly by the serpentine mound.

A resident from 180 Devay Avenue voiced concern for empty businesses; she questioned the need for an additional gas station when one at the corner of SR 48 and Spring Valley Road is vacant. Mr. Feverston stated that the expectation is that the vacancies will fill as the markets rebound. Mayor Kingseed added that strong anchors, such as the Kroger Marketplace, bring additional businesses to the area where they locate.

Mr. Paul Clark, Chairman of the Planning Commission, reviewed the history of reaching the current plan. He noted the many hours spent coming to this agreement and asked for Council's approval.

Mr. Singer asked about the drive-through area on the south side of the main building. Dr. Gresham suggested that forethought be put into the issue of shopping carts accumulating at the bus stop. Mr. Cline requested an overview of the timeline for the closing of one Kroger and the opening of the new one and stated excitement that the expanded store would be in Centerville. Mr. Compton and Mayor Kingseed re-echoed Mr. Cline's comments complimenting staff and expressing appreciation for Kroger's investment in the community.

Mr. Compton moved for approval of the Kroger Marketplace Major Use Special Approval Application, as revised by the site plan dated August 13, 2008, subject to the following seventeen conditions:

1. The final design and alignment of all intersections onto State Route 48 and Sheehan Road shall be subject to approval by the City Engineer.
2. The parking lot, access drives and all internal landscape islands shall have a raised curb subject to approval by the City Engineer.
3. The landscape channelizing island located at the northeast corner of the Sheehan Road and the proposed frontage road shall be extended north to provide adequate stacking along the frontage road and reducing the width of the access to Grismer Tire to having a minimum length of 40 feet subject to approval by the City Engineer.
4. The proposed fueling center shall be shifted as shown on the revised site plan.
5. A mountable curb shall be installed along frontage road adjacent to the fueling center subject to approval by the City Engineer.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *August 18*20 *08*

6. Fire Department access shall be established along the front, south side and rear of the Marketplace building.
7. A final landscape and bufferyard plan shall be subject to approval by the City Planner to include the establishment of a landscape island at the southwest corner of the building, replace proposed wooden fence in bufferyard landscaping with evergreen trees, and the establishment of an earthen mound, averaging 3 feet in height, be placed in front of the fuel center.
8. A final exterior lighting plan shall be subject to approval by the City Planner.
9. A final grading and stormwater draining plan shall be subject to approval by the City Engineering Department for the proposed development showing drainage calculations incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
10. The Planning Commission shall approve the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and is visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the flat roof on the proposed marketplace building, false mansard on the fueling center canopy and the metal back of the pediments located along at the main entrances to the building.
11. The architectural cap of the building shall extend around to the rear of the building terminating at the northwest corner of the truck dock subject to approval by the City Planner.
12. The building elevation facing Sheehan Road shall be modified to provide a visual pattern of windows using relief in the masonry subject to approval by the City Planner.
13. Brick screening walls matching the materials and color of the Marketplace building shall be constructed along the west elevation to both loading docks subject to approval by the City Planner.
14. All rooftop mechanicals shall be shielded from view subject to approval by the City Planner.
15. The fueling center design shall be modified to include an architectural base, redesign the canopy fascia to emulate the Marketplace building including color of the metal roof subject to approval by the City Planner.
16. No signage is approved as part of this Major Use Special Approval application.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

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

Held August 18

20 08

17. The existing bus stop shall be relocated subject to the approval of the City Planner. Dr. Gresham seconded the motion. It passed with six ayes.

PUBLIC HEARING KROGER MARKETPLACE RECORD PLAN

Dr. Gresham made a motion to remove the Record Plan for the Kroger Marketplace from the table. Mr. Cline seconded the motion. It passed with six ayes.

Mr. Feverston noted that the Record Plan for this area plats the land and defines public rights of way and utility easements for Sheehan Road and South Main Street at the Kroger Marketplace. At its June 24th meeting, Planning Commission approved the Record Plan subject to five conditions.

Mr. Compton commended the Planning Commission for its extraordinary effort in making this finalized plan come together and moved for approval of the Kroger Marketplace Record Plan, subject to the following five conditions as recommended by the Planning Commission:

1. The property owner shall enter into a license agreement with the City to allow Grismer Tire temporary use of the Sheehan Road public right-of-way for vehicle parking and access subject to approval by the City Attorney.
2. The proposed public right-of-way dedication for Sheehan Road shall be increased to 45 feet in width from centerline between South Main Street and the first driveway into the Kroger Marketplace.
3. In lieu of construction of the required improvements prior to the recording of this plat, a performance bond in an amount equal to the required public improvements shall be posted by the developer with the City subject to approval by the City Engineer and a subdivider's agreement entered into with the City by the developer.
4. The applicant shall provide review and inspection fees in the amount subject to approval by the City Engineer.
5. Sheehan Road shall be improved to include a new 12 foot wide lane of pavement, curb, gutter, stormsewer, and an 8 foot wide hiker/biker path. In lieu of constructing these improvements, the applicant may place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Sheehan Road. The City Engineer may require the developer to make temporary improvements to Sheehan Road, which at this time are expected to include a second left turn from Sheehan Road to South Main Street and a left turn lane into the Kroger Marketplace from Sheehan Road. The estimated cost of any temporary improvements shall be subtracted from the required escrow amount.

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

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held August-18

20 08

PUBLIC HEARING ORDINANCE NO. 10-08: INCREASE IN PERMIT FEES

The Public Hearing was held concerning Ordinance Number 10-08. In the Staff report Mrs. Jennifer Wilder stated that permit fees related to construction were last increased in 2003. As the result of research and discussions with Council, staff recommends a twenty percent across the board increase in fees in order to bring revenues closer to the expenses of the Building Inspection Department. Even with the increases, Centerville's fees will be less than or comparable to most of the surrounding jurisdictions. Mr. Cline moved for approval of Ordinance Number 10-08, An Ordinance Amending Sections 1442.02, 1442.03, 1442.04 and 1442.06 Of The Codified Ordinances Of The City of Centerville To Revise The "Permit Fees" In The Centerville Municipal Code. Mr. Compton seconded the motion. The motion passed unanimously.

PUBLIC HEARING ORDINANCE NO. 11-08: CLARIFYING RENTAL UNIT ACCESS

The Public Hearing was held concerning Ordinance Number 11-08. Stating that over 2000 units have been inspected, Mrs. Wilder reported the successful completion of the first two-year cycle of inspections. The experience of the first two years has pointed out the need for a clearer definition of the responsibilities of the owner/landlord in notifying the tenants and scheduling the inspections. Mr. Horn pointed out the benefits of the program in stabilizing property values since maintenance was usually done prior to the inspections. He also noted that the City has worked closely with owners or managers to schedule inspections at times which were convenient. Mr. Cline moved for approval of Ordinance Number 11-08, An Ordinance Amending Chapter 840 To Further Clarify Section 840.02(B) Access To Rental Unit. Mr. Compton seconded the motion. The motion passed with six ayes.

Mr. Lyle Swan, 9290 Amchar Drive, commended the Centerville City Council and the Planning Commission for the work done and, especially, for listening to the residents as the plans for the Kroger Marketplace were finalized.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kung'eed
Mayor

ATTEST: Juan M. Weaver
Assistant Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *September 15*20 *08*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 15, 2008, 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

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Public Works Director Robert James
 Fire Chief William Gaul
 City Planner Steven Feverston
 City Engineer Douglas Spitler
 Assistant City Engineer John Sliemers
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Municipal Attorney Scott Liberman

Mr. Beals moved to excuse Mr. Singer from the meeting. Mr. Cline seconded the motion which then passed with six ayes.

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

Council Meeting	August 18, 2008.
Work Session Meetings	August 18, 2008.
	September 08, 2008.

Mr. Compton moved that the minutes of the foregoing meetings, as distributed, be approved. Dr. Gresham seconded the motion. The motion passed with six ayes. Mr. Beals asked to abstain from the August 18, 2008 Work Session Meeting and the Council Meeting.

Mrs. James announced the following resignations from boards and commissions:

Brett Kottmann	from the City Beautiful Commission.
Sally Ann Harris	from the Sister City Committee.
Deb Dyer	from the Arts Commission.

Mayor Kingseed welcomed Fire Chief Bill Gaul and congratulated him for the Washington Township Fire Department's attainment of national accreditation from the Commission on Fire Prevention International. Fire Chief Gaul noted that the national accreditation process identifies strengths and weaknesses, sets strategic objectives and evaluates progress. Because accreditation is to be renewed every five years, this elite certification leads to ongoing improvement and the attainment of long-term goals. Former Chief Ken Parks, Councilman Jim Singer and Deputy Chief Neidhard were among the

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *September 15*20 *08*

individuals in the community who were highly committed to helping the Washington Township Fire Department gain this honor.

Mr. Tom Ireland, Interim Executive Director, gave the quarterly update for the Miami Valley Communications Council. Services that MVCC provides to the community include the following:

- Coordinates collective buying power for some contracts for the eight member cities.
- Provides emergency notification with scrolling messages on cable television and with telephone calls at a rate of 60,000 citizens per hour.
- Broadcasts community events like football games, Council Meetings and the Americana Festival Parade, connecting schools and governments with the citizens.
- Broadcasts particular programs for each member city—*Let's Talk Centerville*, *Centerville Reports*, *Centerville Connections*, and *Centerville Notes*.
- Makes streaming videos of local events available worldwide on the Internet.
- Gives on-the-job training to two Centerville High School interns.
- Works with police departments to screen and enhance surveillance videos.
- Airs "Meet the Candidates" for the League of Women Voters at election time.

Mr. Ireland encouraged feedback from the Council and citizens so that the consortium may continue to meet the needs of the community. Mayor Kingseed and Mr. Compton complimented the staff at Miami Valley Communications Council for their professionalism. The Mayor pointed out that MVCC will be broadcasting debates about the formation of the merger study commission.

Mayor Kingseed administered the oaths of office to Marilou Enslein for the City Beautiful Commission and Christine Nystrom for the Sister City Committee. He congratulated them and thanked them for their service.

Mrs. Roberta Goodrich, co-chair of the City Beautiful Commission, noted the damage to trees and landscaping due to the weekend windstorm before she announced the Business Pride Award Winners for September. Louise Gaertner accepted the plaque for the Deer Run Homeowners Association, and Pat Williams accepted the award for the Forest Walk Homeowners Association. Both groups received the Business Pride plaques for their quality plantings and outstanding maintenance of the common areas.

Mrs. Patty Kraft, the other co-chair of the City Beautiful Commission, explained the activities of the City Beautiful Commission and then honored all the residential Summer Landscape Award Winners with a slide show. Each family will receive an engraved decorative stone. The winners were as follows:

June

John & Sara Ferrazza
2558 Tedbury Court
David & Lynne Cunningham
132 East Drive

Jim & Carolyn Dodok
5014 Rhine Way
Jerry & Carole McNabb
955 Elk Hollow Lane

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 1520 08

Nola Stephens
361 Marsha Jeanne
Jim & Carma Schieman
206 Whittington Drive

Harry & Marilou Enslein
1014 Bentgrass Lane

July

Tom & Doris Cassley
220 Glenburn Drive
Joyce Mason
9839 Rose Arbor Drive
Cliff & Diana Thorstenson
6523 Atterbury Court

Kenneth & Wendy Hattan
306 Cedarleaf Court
Kenneth & Karla Jansen
8098 Brainard Woods Drive

August

Tom & Carol Baker
1111 Club View Drive
Tom & JoAnn Spangler
212 Prague Court
Ronald & Vicki Kuhn
300 Shawnee Trail
Robert & Maura Dashewich
974 Hyde Park Drive

Mike & Sandra Kline
7415 Forest Creek Drive
Terry & Bev Cole
170 Laurel Oak Drive
Don & Doris Schneider
2537 Marscott Drive

MAYOR'S AWARD

Tim & Judy Lange
1225 Club View Drive

The Council recessed at this time to the Law Library for a short reception with the award winners and the City Beautiful Commission.

When the Council reconvened, Mayor Kingseed thanked Mr. Horn and all staff members who have put in many extra hours since yesterday's windstorm from Hurricane Ike. He announced Community Forums on the Merger Study Commission issue on October 14th at the Central Theater at Centerville High School, October 21st at the Training Room at the Centerville Police Department, and October 28th at the Central Theater at Centerville High School. All are from 7-8:30 p.m.

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

- He gave an update on the power outages and noted that, in the area, 200,000 customers of DP&L are still without power. Estimates are that it will be the weekend before power is restored to many residents.
- He apologized for the lack of service for the Municipal telephones earlier in the day.
- He explained policies for yard debris and limb and branch pickup.
- He noted that clean up would take several weeks and encouraged residents to check the Centerville website for updates.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 15

20 08

- Officers have been working extra shifts for traffic control while traffic signals are out and for security in darkened areas of town.
- Damage at City-owned facilities is being assessed.
- Mr. Horn thanked the staff, the Police Department, the Public Works Department and the countless volunteers for their efforts since the storm.

Mrs. Gopman outlined code violations and their resolutions for the month of August, 2008, as well as the community calendar for the coming month.

Mrs. Kenley congratulated the Arts Commission members for the efforts that made the summer concert series so successful.

Mr. Compton asked Mr. Feverston to explain the timetable for the Unified Development Ordinance to come before Council. Mr. Feverston stated that in October the Council would be asked to set the Unified Development Ordinance for Public Hearing at the December meeting. The City Planning Commission has reviewed and recommended the UDO to Council.

Mayor Kingseed explained that the Consent Agenda contains procedural administrative matters that have been discussed during Council Work Sessions. Approval of these issues will be as a group with one motion being made. Before the Councilmembers read aloud the titles of the other items, Mayor Kingseed noted that Item "U" was being removed from the Consent Agenda. Following discussion of the increase in the price of highway rock salt, Dr. Gresham moved that the following legislation, minus Item "U," be passed:

- A. An Ordinance To Amend Ordinances Number 28-07 And 8-08 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, 2008, be Set for Public Hearing on October 20, 2008.
- B. An Ordinance Prohibiting The Use Of Engine Brakes Within The City Of Centerville, be set for Public Hearing on October 20, 2008.
- C. Resolution 36-08, A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor.
- D. Resolution 37-08, A Resolution Estimating The Probable Amount Of Public Monies To Be Deposited, Setting A Date For The Designation Of Public Depositories And Authorizing Notice.
- E. Resolution 38-08, A Resolution Designating A Public Depository And Awarding Public Monies. (Fifth Third Bank)
- F. Resolution 39-08, A Resolution Designating A Public Depository And

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 15

20 08

- Awarding Public Monies. (J. P. Morgan Chase Bank, N.A.)
- G. Resolution 40-08, A Resolution Designating A Public Depository And Awarding Public Monies. (KeyBank National Association)
- H. Resolution 41-08, A Resolution Designating A Public Depository And Awarding Public Monies. (LCNB National Bank)
- I. Resolution 42-08, A Resolution Designating A Public Depository And Awarding Public Monies. (Liberty Savings Bank)
- J. Resolution 43-08, A Resolution Designating A Public Depository And Awarding Public Monies. (National City Bank)
- K. Resolution 44-08, Resolution Designating A Public Depository And Awarding Public Monies. (U.S. Bank)
- L. Resolution 45-08, A Resolution Designating A Public Depository And Awarding Public Monies. (WesBanco Bank, Inc.)
- M. Resolution 46-08, A Resolution Designating A Public Depository And Awarding Public Monies. (Park National Bank)
- N. Resolution 47-08, A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Purchase And Sale Of Real Property From Yankee Trace Development, Inc. For Property Located In The Yankee Trace Development Pursuant To The June 27, 1994 Agreement And Its Amendments.
- O. Resolution 48-08, A Resolution Authorizing The City Manager To Prepare And Submit An Application To Participate In The Ohio Public Works Commission State Capital Improvement And/Or Local Transportation Improvement Program(s) And To Execute Contracts As Required.
- P. Resolution 49-08, A Resolution Accepting The Bid From The Morton Salt Company And Authorizing The City Manager To Enter Into An Agreement With The Morton Salt Company For The Purchase Of Highway Rock Salt For Snow And Ice Control For The City Of Centerville For The Year 2009.
- Q. Resolution 50-08, A Resolution Accepting The Bid Submitted By Topp Shape Enterprises, Inc., For Village South Ditch Improvements – Phase Two (Project SS-6A) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *September 15**20 08*

- R. Resolution 51-08, A Resolution Accepting The Bid Submitted By White Allen Chevrolet For The Purchase Of A Dump Truck With Hydraulics And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- S. Resolution 52-08, A Resolution Accepting The Bid Submitted By Stoops Freightliner Of Dayton For The Purchase Of A Side Loading Satellite Refuse/Recycling Truck And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- T. Resolution 53-08, A Resolution Supporting And Encouraging General Motors To Reinvest In The GM Moraine Assembly Plant Located At 2601 Stroop Road.
- V. Appointment of Kim Engelman to the City Beautiful Commission.
Mr. Cline seconded the motion. The motion passed with six ayes.

RESOLUTION 54-08 COMMUNITY CONTRACT RELATED TO THE MERGER STUDY COMMISSION

Item "U," a pledge by the Council to make sure certain concerns were to be addressed before it would support a merger if one were recommended by the Merger Study Commission, was then considered. Mayor Kingseed stated support for the formation of the Merger Study Commission because of the possible benefits for the citizens of both the City and Washington Township. In listening to people, the Council has realized that it is important to address the concerns of residents. He stated that, if the Merger Study Commission should decide that merger is in the best interest of our jurisdictions, the Council would have seven standards or items that would need to be addressed before the Council could support a merger. Councilmembers stated support for the formation of the Merger Study Commission and for these promises to the Centerville/Washington Township Community. Doug Cline moved that Resolution 54-08, A Resolution By The Council Of The City Of Centerville, OH To Adopt A Community Contract Relating To The Merger Study Commission, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with six ayes.

RECONSIDERATION OF THE KROGER MARKETPLACE RECORD PLAN

Due to changes in the outlot, Mr. Beals made a motion to reconsider the Kroger Record Plan that was approved at the August 18 meeting of Council. Mrs. Kenley seconded the motion. The motion passed unanimously with six ayes.

Mr. Feverston, in giving the staff report, explained that the current owners of the property have requested a change in the record plan to create a separate lot on the portion of the site occupied by Grismer Tire. The new lot line would run in the center of the access drives that outline the area as described in the original record plan. Such an action would simplify the legal description of the properties. Since the previous meeting, Mr. Spitler has submitted the Engineer's Report for the plat to the Planning Department. Staff has reviewed

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 15

20 08

the proposed record plan and recommends approval of the change subject to the following additional conditions:

- 1. All conditions of the original record plan shall apply.
- 2. Cross access and maintenance easements shall be established for the driveways that are subdivided by the proposed plat and be subject to approval by the City Planner.
- 3. The Applicant shall co-ordinate with the City Engineer for the location of the bus stop easement and storm sewer easements.

Mr. Beals voiced concern with centerline boundaries when there could be two owners involved in decisions. Before moving for approval of the record plan as amended, Mr. Beals noted the need for clear definition of responsibilities for maintenance and snow removal. Mr. Compton seconded the motion. It passed with six ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Krueger
Mayor

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *October 20**20 08*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 20, 2008, 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 led by Cub Scout Pack 116 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

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Public Works Director Robert James
 City Planner Steven Feverston
 City Engineer Douglas Spitler
 Assistant City Engineer John Sliemers
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Municipal Attorney Scott Liberman

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

Council Meeting	September 15, 2008.
Work Session Meetings	September 15, 2008. October 06, 2008. October 13, 2008.
Joint Meeting with Washington Township	September 15, 2008.

Mr. Compton asked that the minutes of the Joint Meeting with Washington Township be amended to reflect that, after the presentation by Mrs. Young for the Trustees, a request for additional discussion was denied by Mrs. Young and the meeting was adjourned. Mr. Cline made a motion to approve the minutes as amended. Mrs. Kenley seconded the motion. The motion passed unanimously. Dr. Gresham abstained from the vote on the minutes of October 6, and Mr. Singer abstained from the vote on the minutes of the meetings on September 15, 2008.

Mrs. James announced that she had received notice of Mary Joyce Ahmad's resignation from the Centerville Arts Commission.

Mayor Kingseed welcomed Dr. Gary Smiga, Superintendent of Centerville City Schools, who presented information related to Issue 51, a 5.9 mil operating levy for the day-to-day operations of the schools. Additional funds from the levy would be used for teachers, textbooks, technology, and transportation. Dr. Smiga noted the excellent ratings and numerous honors earned by the Centerville City Schools. He said that the district

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 2020 08

spends a larger percentage of the funds collected on services related directly to the students and less on administration (7.9%) than nearly any Ohio district. He asked for support for the levy.

Mrs. Kenley noted the awards won by the Centerville Schools for financial accountability. Mr. Cline stated the strong connection between excellent schools and stable property values. Mr. Compton brought up the need to continue to support the schools for the benefit of each future generation. Councilmembers congratulated Dr. Smiga and wished him well with his upcoming retirement in July 2009.

Mayor Kingseed welcomed Mr. Craig Self, Committee Chair of Cub Scout Pack 116 that is centered at Ida Weller Elementary School and is celebrating its 60th Anniversary this year. After the Mayor read a Certificate of Congratulations, Mr. Self thanked the Council, and the pack came forward for a photo.

Mayor Kingseed administered the oath of office to Ms. Kim Engelman of the City Beautiful Commission. He congratulated her and thanked her for her service.

Public Works Director Rob James showed pictures and described the damage done by the winds of September 14, 2008. He explained the response and equipment used by the Centerville crews. After Mr. Cline read a Certificate of Appreciation, Mayor Kingseed invited the men and women of the Public Works Department to come forward for recognition of the extraordinary clean up effort. Moving several thousand loads of tree debris, most of these employees had worked twelve hour days, six days a week, for four weeks. Mr. James announced the names of the employees and presented certificates and key chains to the following individuals:

Street Division—Marty Tackett, Tom Imwalle, Scott Matthews, Bill Pennington, Jeff Moody, Mark Cole, David Watts, Brad Kavalunas, Steve Kelley, David Laird, Terry Poe, Larry Sewell, Dan Doherty, Geoff Reddens, Chris Sharp, Tom Nugent, Joe Presutti, Mark Byrd, Andrew Focke and Patty Smith.

Refuse Division—Werner Boehm, Tim Heinlein, Rick Hawkins, Joe Rhoads, Sam Wright, Larry Rayle, Curtis Dick, Tom Dick and James Moncrief.

Vehicle/Equipment Maintenance Division—Jim Robinson, Jeremy Schul and Clarence Houser.

Administration—Terri Himes and Laura Ward.

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

He announced the first annual Mayor's Charity Event at Yankee Trace on November 1 from 7-12 p.m. Everyone in the City of Centerville and Washington Township is invited to help raise funds for three local charities—Rebuilding Dayton Together, a group which helps qualifying homeowners repair their homes; Food 2 Go, supplemental food for weekends for children who receive free lunches during the school year; and a third charity to be named by the largest single benefactor at the event.

The Mayor expressed sympathy to the family of Mr. James Pavliga. Shortly before his unexpected death, Mr. Pavliga had been appointed as a member of the Stormwater Drainage Task Force.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held *October 20*20 *08*

The Mayors and Managers Association is working with DP&L to set up a blue ribbon task force to concentrate on ways to improve communication with local governments in the event of unusual catastrophic events like the winds of September 14th.

Mayor Kingseed noted that Issue 7 in the City and Issue 48 in the Township will be on the ballot on November 4, 2008. He urged citizens to study carefully the issue of a merger study commission to consider the benefits and problems of a merger between Washington Township and the City of Centerville. Even if the commission would recommend a merger, there would be an additional vote before a merger would be approved. The study by the University of Toledo indicated that all the taxpayers in the City and the vast majority of taxpayers in the township would pay less property tax if the governments were to merge. Meetings on the issue will be Wednesday, October 22 at 1:30 and at 7:30 p.m. at the Washington-Centerville Library and, on October 21st at the Police Department from 7-8:30 p.m., Mayor Kingseed and Mr. Horn will be available to answer questions. In addition, on October 28th there is a forum at Centerville High School at the Central Theater at 7:00 p.m.

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

He noted the meeting with DP&L at GovTech following the completion of the repairs due to the winds of September 14th. DP&L quelled rumors and admitted the need for better communications with cities in order to keep residents informed. The Mayors and Managers will be continuing to address this issue with ongoing discussions.

In spite of the uncertain economic climate, Yankee Trace is having a strong month in both golf and food service. In another financial matter, through September, the earnings tax collection is running a little ahead of 2007.

We are planning a Capital Improvement Work Session on Monday, November 3, at 6:00 p.m. in the Law Library and an Operating Budget Work Session on Monday, November 10. The public is invited to these sessions as Council works on fiscal 2009.

Mrs. Gopman outlined code violations and their resolutions for the month of September, 2008, as well as the community calendar for the coming month.

ORDINANCE NUMBER 14-08, UDO LEGISLATION, SET FOR PUBLIC HEARING

Mr. Feverston, in giving the report of the Planning Commission, noted that the Planning Commission has sent two ordinances related to the Unified Development Code to the Council to be set for Public Hearing in December. The first ordinance is the text of the code itself as recommended by the Planning Commission, and the second ordinance would amend the first to include provisions for sunseting certain requirements related to recreational vehicles. Dr. Gresham moved to set Ordinance 14-08, An Ordinance Enacting The Unified Development Ordinance For The City Of Centerville, Ohio, For The Classification And Regulation Of All Uses Of Land And Structures Within The City Of Centerville In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code. Also, This Ordinance Repeals Existing Ordinance Number 11-86, An Ordinance Enacting Revised Zoning Districts And Regulations For The City Of Centerville In

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 2020 08

Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code Adopted On July 21, 1986 And All Amendments Thereto; Chapter 838, Adult Entertainment; Part 12, Title Four, Subdivision Regulations; Chapter 1202, Planning Commission; Chapter 1204, Parklands; Chapter 1206, Landmarks; Chapter 1460, Erosion And Sedimentation Control; Chapter 1462, Flood Damage Prevention; Chapter 1466, Outdoor Dish-Type Antennas; And Chapter 1468, Outdoor Illumination be set for Public Hearing on December 15, 2008. Mr. Compton seconded the motion. The motion passed unanimously.

SET ORDINANCE NUMBER 15-08, UDO SUNSET PROVISIONS, FOR PUBLIC HEARING

Mr. Compton made a motion to set for public hearing on December 15, 2008, Ordinance Number 15-08, An Ordinance Amending Section 3.13(H) Of The Centerville Unified Development Ordinance. Dr. Gresham seconded the motion which passed with seven ayes.

In Standing Committee Reports, Mr. Beals noted some of the activities of the City Beautiful Commission and commended the members for the work done each year.

Mrs. Kenley pointed out that she had attended the Ohio Municipal League Conference in Columbus and had appreciated a helpful seminar about open meetings and public records.

Dr. Gresham announced that he would be attending the National League of Cities meeting in Orlando in early November and that he has been endorsed by the Ohio Municipal League for a seat on the Board of the National League of Cities and he will be running to be elected. Mayor Kingseed thanked him for representing Centerville on a national level.

Mr. Compton noted that all the Councilmembers are willing to take calls and emails to answer questions with respect to the Merger Study Issue for the November 4th ballot.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Council Work Sessions. Approval of these issues will be as a group with one motion being made. Before the Councilmembers read aloud the titles of the other items, Mayor Kingseed noted that Item "G" had been added to the Consent Agenda during the Work Session earlier in the evening. Mr. Compton moved that the following legislation be passed:

- A. Ordinance 16-08, 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, be set for Public Hearing on November 17, 2008.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 20

20 08

- B. Resolution 55-08, A Resolution Authorizing And Directing The City Manager To Enter Into A Lease Amendment And Renewal Agreement With The Board Of County Commissioners Of Montgomery County.
- C. Resolution 56-08, A Resolution Authorizing The City Manager To Execute A Sixth Amendment To An Agreement Between The City And The Corporate Predecessor Of Yankee Trace Development, Inc. Originally Executed On June 27, 1994.
- D. Resolution 57-08, A Resolution Adopting An Identity Theft Policy.
- E. Resolution 58-08, A Resolution Recognizing The First Annual Mayor's Charity Celebration Event As An Event Which Serves The Public Purpose Of Raising Money For Dayton-Area Charities.
- F. Appointments be Made as Follows:
 Martin Holzinger to the Arts Commission.
 Mary Pizza to the Sister City Committee.
- G. Resolution 59-08, A Resolution Authorizing And Directing The City Manager To Enter Into An Economic Development (PIR) Grant Agreement With Innova, Inc.

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

ORDINANCE NUMBER 12-08 AMENDING APPROPRIATIONS FOR FISCAL YEAR ENDING DECEMBER 31, 2008.

Finance Director Mark Schlagheck explained that the ordinance is one of several periodic adjustments to appropriations which are done every year. He noted increases to the following funds: general fund, street construction fund and maintenance fund, the special assessment bond retirement fund, and the state highway fund. The high cost of salt requires increases in the street construction and maintenance fund and the state highway fund. The increase for the special assessment bond retirement fund is due to an earlier error in calculations which is now being corrected. The general fund increase is due to additional expenses in the general fund this year. When no one came forward to address Council on the matter of these appropriations, Mr. Beals moved for approval of Ordinance Number 12-08, An Ordinance To Amend Ordinances Number 28-07 and 8-08 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, 2008. Mr. Singer seconded the motion. It passed with seven ayes.

ORDINANCE NUMBER 13-08 PROHIBITING USE OF ENGINE BRAKING

Mr. Horn thanked Lt. Mark Casey for his dedication and efforts after the winds of September 14 and invited him to give the staff report concerning engine brakes. Lt. Casey noted complaints from citizens concerning noise from engine brakes at entrances to the City of Centerville, on hills and in construction zones. Research by the Police Department

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 20

20 08

showed that most cities have an ordinance against engine braking. If this ordinance is passed, the Centerville Police Department would use it as an educational tool and issue warnings to truck drivers unless repeat violations occur. Council asked if signs will be required to notify truckers of the ordinance. Mr. Horn said that the warnings would serve to educate drivers, making signs unnecessary. Mr. Singer made a motion for the approval of Ordinance Number 13-08, An Ordinance Prohibiting The Use Of Engine Brakes Within The City of Centerville. Dr. Gresham seconded the motion. It passed with seven ayes.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Krueger*
Mayor

ATTEST: *Debra A. James*
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *November 17*20 *08*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 17, 2008, 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 led by Cub Scout Pack 530 and Pack 516 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

Clerk of Council Debra James
 City Manager Gregory Horn
 Assistant Finance Director Elizabeth Ward
 Public Works Director Robert James
 City Planner Steven Feverston
 City Engineer Douglas Spitler
 Assistant City Engineer John Sliemers
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Economic Development Administrator Nathan Cahall
 Municipal Attorney Scott Liberman

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

Council Meeting	October 20, 2008.
Work Session Meetings	October 20, 2008.
	November 03, 2008.
	November 10, 2008.

Mr. Compton made a motion to approve the minutes. Mr. Cline seconded the motion. The motion passed unanimously. Mr. Beals and Mrs. Kenley abstained from the vote on the minutes of November 10, 2008, because they were out of town for the National League of Cities Conference.

Mrs. James announced that she had received notice of Francine Riley's resignation from the Centerville Arts Commission.

Mayor Kingseed welcomed Adam Schultz who recently completed the requirements for attaining the rank of Eagle Scout. Mayor Kingseed read a certificate, expressed his congratulations, and thanked Adam Schultz for the work done for the community at the Centerville Washington Park District.

Mayor Kingseed administered the oath of office to Martin Holzinger as a member of the Arts Commission and to Mary Pizza as a member of the Sister City Committee. He congratulated them and thanked them for their service.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held *November 17*20 *08*

Mayor Kingseed gave background on the First Annual Mayor's Charity Event held on November 1, 2008, at Yankee Trace. The sponsors of the charity celebration will be listed on the website of the City of Centerville. He called forward Ms. Amy Radachi of Rebuilding Together Dayton and Centerville Christian Fellowship Pastor Chad Current, Jim Dubro, Linda Parks, and Kay Eckert representing Food 2 Go, in order to present a check to each of the two groups in the amount of \$3,893.00.

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

- Veterans' Day in the City of Centerville was commemorated at Stubbs Park on November 11, 2008. Mr. Robert Corbin was the special guest speaker.
- At the November 4th election, the merger study issue passed in the City of Centerville by about a two-thirds vote, but was defeated by a large margin in Washington Township. The issue is therefore dead. The Mayor thanked those who supported the issue and assured the Community that the Council will continue to look for ways to reduce taxes.

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

- He expressed congratulations to the Mayor and Mrs. Kingseed for the success of the charity event.
- He congratulated Finance Director Mark Schlagheck, who has taken a position as the City Manager in the City of Bellbrook. Mr. Schlagheck's departure is a significant loss for the City of Centerville; he did a tremendous job and earned many awards and commendations.
- The holiday tree lighting ceremony will be held at Benham's Grove, 166 North Main Street, on Sunday, November 23, at 5:30 p.m. The Hometown Holiday Walk will be downtown from 1-5 p.m. as well.
- The leaf crew is staying on schedule; heavy collections are expected this week as many leaves have fallen. He advised residents to check the website, read the *Town Crier* or call the Municipal Building for further information on pickups.

Mrs. Gopman outlined code violations and their resolutions for the month of October, 2008, as well as the community calendar for the coming month.

RECORD PLAT FOR CORNERSTONE SOUTH

Mr. Feverston gave the report of the Planning Commission on the record plat of Cornerstone South Section 1 in the area of Wilmington Pike, I-675, and Possum Run Road. Bear Creek Capital, the developer, is proposing four lots for the seventy one and a half acres in this parcel. One large lot would be north of the future Miami Valley Drive East and two main lots would be to the south. The LifeCare facility is planned for Lot 2, between Miami Valley Drive East and the Clio Road extension. A small fourth lot, about 1.4 acres to the south and east near Possum Run Road, is for green space or public use since it is unbuildable at this juncture. The record plat has been reviewed and approved by the Planning Commission with the following eight conditions.

1. Miami Valley Drive shall be extended east to intersect Possum Run Road subject to the approval of the City Engineer.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *November 17**20 08*

2. Possum Run Road north of the intersection of Miami Valley Drive East shall be improved and right-of-way dedicated in accordance with the approved Cornerstone South Major Use Plan at the time when Lot 3 is developed or subdivided or Clyo Road is constructed, whichever comes first, subject to approval by the City Planner.
3. All new public streets, except Clyo Road, that are approved as a part of the Cornerstone South Major Use Plan and are not shown on this record plat, shall be dedicated and constructed at the time when Lot 3 is developed or subdivided.
4. A 30 foot wide utility easement shall be established along the west side of the Clyo Road Highway Easement and along the north property line from Clyo Road to I-675 subject to approval by the City Planner.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Greene County Sanitary Engineer.
6. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency and firefighting purposes shall be provided.
7. In lieu of completion of the required improvements prior to recording this plat, a performance bond in an amount equal to the required public improvements shall be posted by the developer with the City subject to approval by the City Engineer and a Subdivider's Agreement entered into with the City by the developer.
8. The applicant shall provide review and inspection fees in the amount subject to approval of the City Engineer.

The City Engineer recommends approval of this Plat subject to the following:

1. Execution of a Subdivider's Agreement is required with the City of Centerville.
2. In lieu of requiring the construction of Miami Valley Drive and the temporary connection to Possum Run Road, the developer shall be required to place monies in escrow with the City to cover those future improvements. This amount is estimated to be \$1,076,020.00 based upon the plans submitted and the recommended changes by the Planning Commission. The final amount shall be subject to approval by the City Engineer.
3. The final design shall be submitted for review and approval.
4. Provide for review and inspection fees in the amount of \$2,641.60.

Dr. Gresham moved for approval of the record plat for Cornerstone South subject to the conditions of the Planning Commission and the City Engineer. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

REPLAT FOR SOUTH SUBURBAN COMMERCIAL – PUBLIC WORKS SITE

Mr. Feverston explained the City's request for the replat of the South Suburban Commercial area where the public works facility will be located. It is proposed that three lots be consolidated into a single parcel at the site. One lot is currently in the South Suburban Commercial parcel and the other two are not. In addition to the consolidation, several utility easements that are no longer required would be eliminated. The Planning

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held November 1720 08

Commission reviewed the record plan and recommended the replat with the following condition:

1. The existing 5 foot wide utility easement along South Suburban Road shall be extended to the south property line.

Mr. Beals asked about the status of the railroad easement on the property. Mr. Feverston indicated that the old right-of-way easements are no longer in effect. Mr. Beals moved for approval of the record plat for the South Suburban Commercial parcel. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

In Standing Committee Reports, Mrs. Kenley stated that the Centerville Arts Commission will be displaying the recent photography contest submissions at the Centerville Police Department on Sunday, November 23, from 3-5 p.m. and will be awarding the prizes at that time.

Mr. Beals, Mrs. Kenley and Dr. Gresham reported on the activities and seminars of the National League of Cities. Topics included energy efficient vehicles, Leadership for Energy and Environmental Design, and Energy Star. Mrs. Kenley has applied for a position on the Policy Committee on Energy, Environment and Natural Resources. Dr. Gresham is a member of the Human Development Committee which made recommendations to NLC lobbyists concerning universal health care in the United States, the need for a reduction in healthcare costs and the need to tie the definition of the poverty level to the cost of living in various regions of the country, instead of having one standard.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Work Sessions. Approval of these issues will be as a group with one motion being made. Councilmembers read the titles of the legislation as follows:

- A. Ordinance Number 18-08, An Ordinance To Amend Ordinance Number 25-07, Adopting All Fees, Rules And Regulations Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, be set for Public Hearing on December 15, 2008.
- B. Ordinance Number 19-08, An Ordinance Amending Section 1028.05 Of The Centerville Municipal Code To Allow The Posting Of A Violation On The Property, be set for Public Hearing on January 26, 2009.
- C. Ordinance 20-08, An Ordinance Amending Section 660.03(c) Of The Centerville Municipal Code To Allow The Posting Of A Violation On The Property, be set for Public Hearing on January 26, 2009.
- D. Resolution 60-08, A Resolution Authorizing Actions Of The City Manager In Regards To A Purchase Agreement With The Oberer Companies To Effect The Sale Of Real Property.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *November 17*20 *08*

- E. Resolution 61-08, A Resolution Authorizing Participation In The National League Of Cities/CVS Prescription Discount Card Program.
- F. Resolution 62-08, 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.
- G. Resolution 63-08, A Resolution Approving And Ratifying The Expenditure Of Public Funds To Inform Centerville And Washington Township Residents Regarding The Merger Issue And To Encourage Centerville And Washington Township Residents To Vote "Yes" On The Merger Issue.
- H. Reappointment:
Jaime Garrett to the Board of Architectural Review.

Mayor Kingseed asked that more information on the CVS discount cards be presented at an upcoming council meeting. Mr. Horn stated that, when available, information about the cards will be posted on the City's website. Dr. Gresham sponsored the above legislation and made a motion for approval of the Consent Agenda. Mr. Compton asked to abstain from the vote on Item "E." Mr. Singer seconded the motion. The motion passed with seven ayes.

ORDINANCE NUMBER 16-08, RECODIFICATION OF THE MUNICIPAL CODE

Mr. Horn explained that this measure is an annual update to the Municipal Code in order to add new legislation and delete matter in the appropriate sections of the City's legal record. Mr. Compton sponsored Ordinance Number 16-08, 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 Ordinance; And Repealing Ordinances And Resolutions In Conflict Therewith and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

EXTENSION FOR RECORDING OF THE PLAT FOR YANKEE TRACE, THE LINKS SECTION 1-C

Yankee Trace Development has requested a sixty day extension for the recording of the plat for Yankee Trace Development, The Links, Section 1-C that was passed at the Council Meeting on May 19, 2008. Mr. Beals moved for approval of the sixty day extension. Mr. Compton seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held November 17

20 08

EMERGENCY ORDINANCE NUMBER 17-08 FOR GOLF FEES, RULES AND REGULATIONS AT YANKEE TRACE

Mr. Horn stated that Mrs. Wilder has worked with Council at work sessions, with staff, and with personnel on the updates needed at the Golf Club at Yankee Trace for 2009. Traditionally, Council has passed an emergency ordinance so that holiday gift certificates for rounds of golf may be purchased at the correct prices for the coming year. Mrs. Wilder will give a more detailed report next month when the non-emergency ordinance is before Council. Dr. Gresham sponsored Ordinance Number 17-08, An Emergency Ordinance To Amend Ordinance Number 25-07, Adopting All Fees, Rules and Regulations Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed unanimously.

Mr. Bob Kyvik, 2555 Goodfield Point, thanked the Mayor and Council for bringing the merger study issue to the ballot.

Mr. Louis Duchesneau, 921 El Kenna Court, Washington Township, asked how much money was spent by the City of Centerville in promoting the merger issue. Since authorizations have been done in segments, Mayor Kingseed and Mr. Horn said they would have to research the matter. Mayor Kingseed reiterated the fact that Centerville citizens could have saved millions of dollars in taxes, in the long run, had a merger come to fruition.

There being no further business, the meeting was adjourned.

Approved: C. M. B. Kenney
Mayor

ATTEST: Debra A. James
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 15

20 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 15, 2008, 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
	James Singer

Clerk of Council Debra James
 City Manager Gregory Horn
 Acting Finance Director Elizabeth Ward
 Public Works Director Robert James
 City Planner Steven Feverston
 City Engineer Douglas Spitler
 Assistant City Engineer John Sliemers
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Economic Development Administrator Nathan Cahall
 Municipal Attorney Scott Liberman

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

Council Meeting	November 17, 2008.
Work Session Meetings	November 17, 2008.
	December 01, 2008.
	December 08, 2008.

Mr. Singer made a motion to excuse Mrs. Kenley from the meeting. Dr. Gresham seconded the motion. The motion passed unanimously. Mr. Compton made a motion to approve the minutes, as distributed. Mr. Cline seconded the motion. The motion passed unanimously with six ayes.

Mrs. James announced that the Clerk's Office had received notice of Dianne Nelson-Acosta's resignation from the Centerville Arts Commission. Mayor Kingseed accepted her resignation with regret and wished her well in her future endeavors.

Mayor Kingseed recognized Pastor Bradosky for the time and effort he extends volunteering on behalf of the City. The Mayor thanked Pastor Bradosky and presented him with certificates from Yankee Trace.

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

- He extended sympathy to the family of Bill Meily who passed away recently. Mr. Meily served with distinction on the Charter Review Commission and his wife, Linda Meily, was Chair of the City Beautiful Commission for many years.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 15

20 08

- Recognizing the employees at Yankee Trace, Public Works, the Police Department, City Hall and Benham's Grove, Mayor Kingseed expressed appreciation for the dedicated employees from all the departments who quietly do their jobs with excellence and contribute to the quality of life for our citizens.
- He extended best wishes for a happy and safe holiday season.

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

- Automated trash collection is in its second week with the single large containers being used on one of the three daily routes. Over 63% of the customers on the affected route are using the 96 gallon carts required for the automated pickup; additional requests for participation should be directed to 433-7151. Mr. Horn explained the reasons for the new program.
- Leaf collection is completed. Anyone still having leaves should bag them and put them out with trash.
- Mr. Horn named the employees who recently received longevity awards for twenty or more years of service with the City of Centerville. The following list includes the individuals and their tenure:
 - Twenty years*—Lieutenant Mark Casey, Centerville Police Department; Steven Kelley, Public Works; and Scott Matthews, Public Works.
 - Twenty five years*—Bill Pennington, Public Works.
 - Thirty years*—Captain Bruce Robertson, Centerville Police Department.
 - Thirty-five years*—Karen Byrd, Building Inspection.
- He noted that the oral arguments related to the litigation over the annexation of the Dille property are set for January 12, 2009, and, if the trial goes forward, it will be May 11.
- Dr. Steven Hinshaw is our newly hired Finance Director. He will officially begin his duties on January 2, 2009, and will be invited to the January meeting to be introduced. Mr. Horn thanked Elizabeth Ward, the Acting Finance Director, and Mark Schlagheck, the former Finance Director, for their efforts in putting together the end of the year financial items.

Mrs. Gopman outlined code violations and their resolutions for the month of November, 2008, as well as the community calendar for December and January.

Mr. Beals announced that the Verdin clock had been set at Town Hall. The clock is a cooperative effort of the City of Centerville, Washington Township, the Centerville-Washington Foundation and the Beals family. A dedication is set for February 22, 2009.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Work Sessions. Approval of these items will be as a group with one motion being made. Councilmembers read the titles of the legislation as follows:

- A. Approval of the 2009-2013 Capital Improvement Program.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 15,

20 08

- B. Ordinance Number 23-08, 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, 2009, be set for Public Hearing on January 26, 2009.
- C. Ordinance Number 25-08, An Ordinance To Repeal Ordinance Number 32-07 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 26, 2009.
- D. Ordinance Number 27-08, An Ordinance To Repeal Ordinance Numbers 34-07 And 2-08 In Their 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 26, 2009.
- E. Ordinance Number 29-08, An Ordinance To Repeal Ordinance Number 36-07 In Its Entirety And To Establish The Personnel Manuals Of The City Of Centerville, be set for Public Hearing on January 26, 2009.
- F. Resolution Number 64-08, A Resolution Authorizing and Directing The City Manager To Enter Into An Economic Development (PIR) Grant Agreement With The Connor Group, A Real Estate Investment Firm, LLC.
- G. Resolution Number 65-08, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The City Of Kettering For The Confinement Of Male Prisoners In The Kettering Municipal Jail.
- H. Resolution 66-08, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville and Northwest Consultants, Inc. For Professional Design Services For the Sheehan Road Improvements, Phase One.
- I. Resolution 67-08, A Resolution Accepting The Bid Submitted By Everybody's Workplace Solutions For The Recarpeting Project At the Golf Club At Yankee Trace In The City Of Centerville and Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- J. Approval of Release of Performance Bond – The Links At Yankee Trace Section 1 (Legendary Way).
- K. Approval of Performance Bond Amount And Inspection Fees For The Links At Yankee Trace, Section 1-C.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 15

20 08

- L. Appointment of Betty Lou Carney to the Arts Commission.
- M. Appointment of Suzanne Holloway and Marilyn Hoback as Co-Chairs of the Sister City Committee.

Mr. Beals sponsored the legislation and made a motion for approval of the Consent Agenda. Mr. Singer seconded the motion. The motion passed with six ayes. Mayor Kingseed asked that it be noted that Mr. Compton abstained from the vote on Item "I."

ORDINANCE NUMBER 14-08: UNIFIED DEVELOPMENT ORDINANCE

Mr. Feverston gave background on the proposed Unified Development Ordinance which is the result of several years of work by the Unified Development Code Task Force, the Planning Commission, Attorney Scott Liberman, Mr. Cline, Mr. Compton, and staff from numerous departments. He also noted input from the Property Maintenance Code Task Force and the Board of Architectural Review. The need for the revision of the code came to light during the meetings for Create the Vision. The UDO consolidates all regulations that govern land use and development, including zoning, subdivision, property maintenance, applications and reviews; it is designed for ease of use by the public and for consistent interpretation and enforcement. The UDO establishes base zoning districts for the City that make no substantive changes from current zoning. The UDO also establishes overlay zoning districts that are a new type of district to allow for more creative development and to allow portions of the City, particularly some of the older neighborhoods, to become legally conforming with regards to lot size, setback, etc. Finally, the UDO creates a new zoning district, R-1e. At its August meeting, the Planning Commission recommended the UDO for approval by City Council.

Mr. Cline asked that communication with Washington Township on this issue be revisited. Mr. Compton asked Mr. Feverston to explain an overlay district and how it differs from traditional zoning. Mr. Compton complimented the Planning Commission and Mr. Feverston on the extensive work done on the UDO. Mayor Kingseed thanked everyone for the hours put into its development. Dr. Gresham sponsored Ordinance 14-08, An Ordinance Enacting The Unified Development Ordinance For The City Of Centerville, Ohio, For The Classification And Regulation Of All Uses Of Land And Structures Within The City Of Centerville In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code. Also, This Ordinance Repeals Existing Ordinance Number 11-86, An Ordinance Enacting Revised Zoning Districts And Regulations For The City Of Centerville In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code Adopted On July 21, 1986 And All Amendments Thereto, Chapter 838, Adult Entertainment; Part 12, Title Four, Subdivision Regulations; Chapter 1202, Planning Commission; Chapter 1204, Parklands; Chapter 1206, Landmarks; Chapter 1460, Erosion and Sedimentation Control; Chapter 1462, Flood Damage Prevention; Chapter 1466, Outdoor Dish-Type Antennas; And Chapter 1468, Outdoor Illumination and moved that it be passed. Mr. Singer seconded the motion. The motion passed with 6 ayes.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

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

Held December 1520 08

ORDINANCE NUMBER 15-08: THE UNIFIED DEVELOPMENT ORDINANCE'S SUNSETTING PROVISIONS

Mr. Feverston gave the staff report for this ordinance. As City Council reviewed the documents from Planning Commission, it became apparent that Council wished a more stringent sunset provision for those having recreational vehicles not in compliance with the new code. The UDO requires that recreational vehicles be parked on a hard surface; Council wishes for all owners to be in compliance within eighteen months after the adoption of the amendment. Mr. Cline asked for a proactive approach to notification of owners of RV's. Mrs. Wilder noted that there is a database for existing recreational vehicles and that a letter will be drafted and notification of changes will be sent. Mr. Beals added that homeowners may use the open concrete blocks such as those used at Yankee Trace for overflow parking. Mr. Beals sponsored Ordinance Number 15-08, An Ordinance Amending Section 3.13(H) Of The Centerville Unified Development Ordinance, and moved that it be approved. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 18-08: RULES, FEES & REGULATIONS AT THE GOLF CLUB AT YANKEE TRACE

Mrs. Wilder gave the staff report on the recommendations for changes in rules, green fees, rentals and compensation for personnel at the Golf Club at Yankee Trace. She enumerated decreases and increases in fees and packages. A ten percent discount for residents would continue. She explained minor changes in dates for advance registrations online and in the requirement for notification of the Golf Club concerning damage by golfers to the property of the homeowners along the course. Mr. Compton sponsored Ordinance Number 18-08, An Ordinance To Amend Ordinance Number 25-07, 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. Cline seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NUMBER 21-08: APPROPRIATIONS FINISHING 2008

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 2008, the Finance Department recommends reducing appropriations from \$36,000,468.28 to \$32,635,928.00. The reduction is primarily in the Capital Improvement Program since there has been a minimal expenditure of funds for the new public works facility; the project will not be bid until 2009. A slight increase to the general fund is needed to close out the year. Mr. Cline sponsored Emergency Ordinance Number 21-08, An Ordinance To Amend Ordinances 28-07, 8-08 And 12-08 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, 2008, and moved for its approval. Dr. Gresham seconded the motion. It passed with six ayes.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 15*20 *08*

EMERGENCY ORDINANCE NUMBER 22-08: APPROPRIATIONS FOR 2009

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 23-08 for Public Hearing on January 26, 2009. Appropriations for 2009 are \$15,018,164.00 in the general fund, with total appropriations of \$35,720,826.00. Funds for the construction of the public works facility are included in the 2009 Capital Improvement Program approved earlier in this meeting. Emergency Ordinance Number 22-08 will give authority for appropriations until a regular ordinance is in place so that the City may do business immediately in 2009. Mr. Beals sponsored Ordinance Number 22-08, 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, 2009 and moved that it be passed. Mr. Cline seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NUMBER 24-08: 2009 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 25-08. This measure allows the City to function in the interim. The measure includes a 3.1% increase for most City employees. Dr. Gresham sponsored Emergency Ordinance Number 24-08, An Emergency Ordinance To Repeal Ordinance Number 32-07 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. Mr. Beals seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NUMBER 26-08: 2009 TITLES, PAY RANGES, GRADES, RATES OF PAY, REGULATION AND COMPENSATION AT THE GOLF CLUB AT YANKEE TRACE

Mrs. Yonak will make the formal presentation on this annual update at the January meeting with the Public Hearing for Ordinance Number 27-08. This measure allows the Golf Club at Yankee Trace to function in the interim. Mr. Compton sponsored Emergency Ordinance 26-08, An Ordinance To Repeal Ordinance Numbers 34-07 And 2-08 In Their 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. Cline seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NUMBER 28-08: 2009 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 29-08 is considered. Most of the updates are utilitarian in nature, with few substantive changes being recommended. Dr. Gresham sponsored Ordinance 28-08, An Emergency Ordinance To Repeal Ordinance Number 36-07

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 15* 20 *08*

In Its Entirety And To Establish The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mr. Beals seconded the motion. The motion passed with six ayes.

Mr. Jim Hastings, 6729 Winding Cove, Centerville, thanked the Council for the efforts to pass the merger study issue. He noted that Centerville residents passed the issue by nearly a two thirds majority and expressed the hope that someday Washington Township residents would see the logic and benefits of this initiative.

Mayor Kingseed noted that a joint meeting with the Washington Township Trustees will be set after a new person is appointed to fill Mr. Blair's vacancy. He wished everyone, "Happy Holidays," before Mr. Horn thanked Bob Daley and Joe MacKenzie for their efforts in broadcasting Council Meetings and other events.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kingseed*
Mayor

ATTEST: *Debra A James*
Clerk of Council