

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.

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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.

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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.

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- 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

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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.

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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