

## RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 1920<sup>08</sup>

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.

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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.

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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

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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.

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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.

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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 50<sup>th</sup> 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.

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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

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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