

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

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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.

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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.

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- 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