

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.

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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.

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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

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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.

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- 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.

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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. Kenley
Mayor

ATTEST: Debra A. James
Clerk of Council