

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.

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- 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.

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- 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.

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- 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.

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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.

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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

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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