

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *May 21*20 *07*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 21, 2007, 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	Brooks Compton
	Robert Corbin
	Paul Gresham
	Susan Lienesch
	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 Spittler
 Assistant to the City Manager Jennifer Wilder
 Management Analyst Kristen Gopman
 Municipal Attorney Scott Liberman

The minutes of the following meetings had been distributed prior to this meeting:

Council Meeting -	April 16, 2007.
Work Session Meetings -	April 16, 2007.
	May 7, 2007.
	May 14, 2007.

Dr. Gresham moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Singer seconded the motion. The motion passed unanimously with Mr. Compton abstaining from the minutes of the meetings held April 16, 2007.

Mr. Jim Ehrensberger, President of Centerville Baseball League, and Jim Brown, Treasurer, were in attendance to celebrate the 50th anniversary of the group which currently serves 1,350 youth from first grade through high school. Mayor Kingseed read a proclamation declaring the week of May 21-28, 2007, as Centerville Baseball League week in the City of Centerville.

Jolie Yang, a junior at Centerville High School who has been named "International Youth Advocate of the Year" by the Campaign for Tobacco-free Kids, was present to be honored for her work. She received a Certificate of Recognition for her efforts to educate young people concerning the dangers of smoking.

Mayor Kingseed congratulated five Eagle Scouts from Troop 516 at Southminster Presbyterian Church and read Certificates of Congratulations which detailed their accomplishments. The new Eagle Scouts are Collin Brown, David Evans, Andin Fisher, Steve Kopicky, and Daniel Wood. The Scoutmaster is Mike Fanelli.

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Mayor Kingseed administered the oath of office to Kristina Wassmann, a German teacher from Centerville High School who has been appointed to the Sister City Committee for a term of three years.

Katie Hansen, an American Cancer Society representative, was present to inform the public of the upcoming Relay for Life to be held at the stadium at Centerville High School. Relay for Life is an overnight event started in 1985 that honors both survivors of cancer and those who have died of the disease. Keeping a member walking on the track for the entire event, teams walk to raise money for the American Cancer Society. In Centerville, the event begins on Saturday, June 23, at 3:00 p.m. and closes on Sunday, June 24, at 9:00 a.m. The goal this year is to raise \$32,000. The website at CentervilleRelay.com has information on how to participate and/or donate to this cause.

Jim Weir of the Walkathon Ohio Alliance announced a 5K walk for tuberous sclerosis awareness and research funding. The event will be Saturday, June 9, 2007, with registration at the Centerville High School Stadium at 11:00 a.m.; the walk starts at noon. Tuberous sclerosis is a multi-faceted genetic disease which has symptoms of cancer, epilepsy, lung and heart disease, autism, arthritis and diabetes at the same time. Tuberous sclerosis affects 1 in every 6,000 births; it is more common than cystic fibrosis. Funding for research is urgently needed. More information is available at tsalliance.org.

Mayor Kingseed announced the following events which have taken place and/or will take place in the coming weeks:

DARE graduations have been taking place in the Centerville Schools over the last few weeks. DARE is a nationwide initiative for drug awareness and reduction. In our middle schools, an officer from the Centerville Police Department educates and advises youth concerning the dangers of drugs, alcohol and tobacco.

Mr. Compton read a proclamation declaring May 20-26 to be National Public Works Week and honoring Public Works employees who labor diligently to ensure the health, safety and quality of life for our citizens.

As part of the celebration of the troupe's twentieth anniversary, Mrs. Lienesch read a certificate of recognition for Elizabeth Karns, founder of the South Dayton Dance Theater.

Mr. Horn announced the following during his City Manager's Report:

He expressed appreciation to the Public Works Department for the extraordinary effort put forth during Clean Sweep Week which follows the community-wide garage sale. He also thanked the staff and Maureen Russell-Hodgson for excellent work making the garage sale run smoothly for nearly three hundred participants.

He thanked Mr. Corbin for setting up a meeting regarding Senate Bill 117 with Speaker of the House Jon Husted's Chief of Staff. Steve Husemann, Tom Ireland, and legal counsel were able to represent the interests of our area for this productive session. The greatest concerns are protecting PEG channels (public access, education and government) and the institutional network which we have with eight cities and the City of Dayton for communications and data links.

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Mr. Horn, Dr. Gresham and Sister City Committee members had a video conference with representatives of the Newry and Mourne District in Ireland. In July, Newry and Mourne will send a delegation to Ft. Lauderdale for the Sister City International Conference, and these delegates will visit Centerville from July 22-25, 2007, to explore in greater detail the potential for establishing a formal Sister City relationship.

HarborLink is continuing to work with Scott Ontjes on the installation of the WiFi network, the wireless internet access planned for specific areas around Centerville. This connectivity will be available in the Architectural Preservation District, at Stubbs Park, at Benham's Grove, around the high school, and eventually around Miami Valley South. The formal kickoff will be in the next few weeks.

Mr. Horn thanked all of Council for prioritizing the time to attend the Volunteer Salute. He noted that the Mayor presented two volunteer of the year awards. John and Barb Moraites received recognition for the countless hours they have worked on video productions about the community, and Peggy Gribben was honored for coordinating hundreds of volunteers at Yankee Trace over the last ten years.

He thanked and recognized Joe McKenzie and Bob Daley who volunteer behind the scenes, running the video production of the monthly meetings.

As a follow-up to the comments about Senate Bill 117, Mr. Cline noted that this is a critical week in the legislative process. He encouraged citizens to make their opinions known to their state representatives. PEG channels could be at risk; Council is not against competition but some important services could be hurt. Dr. Gresham asked those who were watching live to let Representative John White know that they value seeing the meetings. Mr. Compton stated that comparisons of cable rates do not compare apples to apples, but apples to oranges, because programs provided on public access channels may not be available at all if the bill passes in its present form. Programs on public access channels convey what is going on in the local community, and these could be drastically limited in the future. Bob Corbin said that the bill needs further "tweaking" so that services can continue. He, too, encouraged citizens to contact the legislators. Mr. Singer asked for John White's phone number, and Mr. Corbin stated that it is 614-466-6504.

Mayor Kingseed thanked Mr. Corbin for setting up the meeting and publicly recognized him for facilitating the presentation of the concerns of the Miami Valley Communications Council in this matter. The Mayor reiterated that, if the bill passes in its present form, the ability of the Council to communicate with the public will be reduced. He asked that citizens contact John White to encourage him to take the needs of local governments into account before passing the bill.

Mrs. Gopman outlined code violations and resolutions for the month of April, 2007, and presented the community calendar for the coming month.

Mr. Feverston, reporting for the Planning Commission, stated that staff is recommending that the Resolution Amending The Create The Vision Comprehensive Long Range Master Plan For The City Of Centerville, Ohio By Adding Study Areas J And K be tabled by the Council for a month. Mr. Corbin moved that the Resolution be tabled for a month until the June 18, 2007 Council Meeting. Mr. Cline seconded the motion. The motion passed unanimously.

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Mr. Feverston, reporting for the Planning Commission, then addressed the Record Plat for the Highlands at Yankee Trace, Section 1. The property is located east of Paragon road and south of Legendary Way and it is zoned R-1c Single Family Residential. The acreage is about 5.4 acres and is part of the Residential Lifestyle Community Master Plan for Yankee Trace. Twenty lots are proposed for this section on the property south of golf hole six on the Vintage Course. The Planning Commission did review this Record Plat at their April 24, 2007 Meeting and unanimously recommended approval to City Council subject to nine conditions:

1. In lieu of completion of the required improvements prior to the recording of this plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.
2. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
3. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
4. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided prior to any combustible construction.
5. The lot line between Lots 19 and 20 shall be modified by rotating it approximately five (5) to seven (7) degrees clockwise to provide Lot 20 a right angle driveway intersection to Mackenzie Court to the greatest extent practical, subject to approval by the City Engineering Department.
6. A landscape mound with an average height of three (3) feet shall be constructed in Reserve Area "B" subject to approval by the City Planning Department.
7. The City shall receive from the developer and approve a detailed plan for all "skin" improvements including mounding, limestone walls, landscaping, and electric street lights as required by the Lifestyle Community Master Plan.
8. The proposed sidewalk along Paragon Road shall extend to the south property line.
9. An overhead street light shall be installed at the intersection of Paragon Road and Mackenzie Court subject to approval by the City Engineer.

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Mr. Feverston reviewed the recommendation for approval of the Record Plan by the City Engineer subject to the following conditions:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to assure the completion of the public improvements (earthwork, storm sewer, pavement, sidewalk along Paragon Road, striping on Paragon Road and erosion control) in the amount of \$185,000.00, which represents the total estimated cost for public streets, curb, drainage and payment.

3. Inspection fee in the amount of \$423.20.

A one year Maintenance Bond in the amount of 4% of the original performance bond will be required when the public improvements are completed and the Performance Bond released.

Mr. Singer moved that the Record Plan for The Highlands at Yankee Trace, Section 1, be approved, subject to all conditions recommended by the Planning Commission and the City Engineer. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters. Approval of these issues will be as a group with one motion being made. He noted that the Consent Agenda included the reappointments of Paul Clark as Chairman of the Planning Commission and of Harish Trivedi as a member of the Arts Commission. Mr. Horn briefly explained each of the Consent Agenda items. Mr. Corbin moved that the following Consent Agenda items be passed:

- A. Ordinance Number 5-07, An Ordinance To Amend Subsection B And Subsection C To Attachment A Of Ordinance Number 35-06, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio. (Set for Public Hearing on June 18, 2007)
- B. Resolution Number 20-07, A Resolution Ratifying The Action Taken By The City Manager To Submit An Application To The Montgomery County Board Of Commissioners For A Community Development Block Grant To Provide For Stubbs Park Handicapped Accessibility.
- C. Resolution Number 21-07, A Resolution Declaring The Official Intent And Reasonable Expectation Of The City Of Centerville On Behalf Of The State Of Ohio (The Borrower) To Reimburse Its Capital Improvement Fund For The Centerville Station Road And Clio Road Reconstruction/ Widening CD18I With The Proceeds Of Tax Exempt Debt Of The State Of Ohio.
- D. Resolution Number 22-07, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With Tim Hobgood For Building And Electrical Inspections.
- E. Resolution Number 23-07, A Resolution Accepting The Bid Submitted By The L. J. DeWeese Co., Inc. For The Black Oak South Improvements-

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Phase I, (Part Of SS-1) For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.

F. Reappoint Paul Clark, Chairman of the Planning Commission.

G. Reappoint Harish Trivedi as a member of the Centerville Arts Commission for an additional term of three years.

Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NO. 1-07 REZONING (SUGARCREEK CROSSING)

The Public Hearing was held concerning Ordinance No. 1-07. Mr. Feverston stated that this is a City initiated application requesting the rezoning of Sugarcreek Crossing which is located at the southeast corner of Wilmington-Dayton Pike and Feedwire Road. The 11.8 acre parcel is currently zoned Sugarcreek Township B-2, and the request is to rezone it to Centerville B-PD, Business Planned Development. This request is to designate the property with an appropriate Centerville zoning designation as this property has been annexed to the City. The Planning Commission did recommend approval to City Council at their February 27, 2007 meeting. Mr. Singer sponsored Ordinance No. 1-07, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 11.8 Acres, More Or Less, From Sugarcreek Township B-2 Zone Classification To Centerville B-PD, Business Planned Development Zone Classification, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

**ORDINANCE NO. 3-07
YANKEE TRACE PERSONNEL**

The Public Hearing was held concerning Ordinance No. 3-07. Mr. Horn explained that several changes are being proposed for Yankee Trace employees. This ordinance creates a golf cart support position. It affects banquet server captains and banquet servers and gives them an hourly wage. He noted that other facilities have been changing from gratuity-based pay to an hourly wage and that the changes have been recommended by City Staff. Mr. Corbin sponsored Ordinance No. 3-07, An Ordinance To Amend Subsection D and Subsection E To Attachment A Of Ordinance Number 37-06, Establishing 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. Compton seconded the motion. The motion passed by unanimous vote.

**RESOLUTION NUMBER 24-07 CITY/TOWNSHIP FINANCIAL STUDY
UNIVERSITY OF TOLEDO
AND WRIGHT STATE UNIVERSITY**

The Public Hearing was held concerning Resolution Number 24-07. Mrs. Gopman reported that two Requests for Proposals had been received by the City and Township for a Comprehensive Joint Financial Study. It was noted the study from the University of Toledo

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together with Wright State University would investigate the cost savings for a combined government of the City and the Township. The total fee for the study will be split between the City and Township and is estimated to be \$44,905.00. The study would focus on the costs for a combined government to provide the existing level of services; the revenue sources necessary to support these services; and the projected effects on property and income taxes. It was noted that neither government entity is pushing a merger at this time. Additionally, the Township is separately going to fund the study by Burnsteen & Company, as they favor a balance sheet approach. Once the studies are completed the citizens could decide what action should be taken. Mr. Cline moved that Resolution Number 24-07, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And The University Of Toledo Urban Affairs Center And Wright State University Center For Urban And Public Affairs Accepting The Comprehensive City/Township Financial Study Proposal As Submitted, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

EMERGENCY ORDINANCE NUMBER 4-07 – CITY PERSONNEL

Mr. Horn explained that this Ordinance is to create a Captain’s position (a non-overtime position) at the Police Department, and a Public Works Supervisor position (also an overtime exempt position). Mr. Corbin sponsored Emergency Ordinance Number 4-07, An Emergency Ordinance To Amend Subsection B And Subsection C To Attachment A Of Ordinance Number 35-06, Establishing 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. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Adrian Rose, 104 Cushwa Drive, expressed his appreciation to Council and greeted the Mayor back. He thanked Centerville for taking an active role in Senate Bill 117 and expressed his gratitude to Dr. Gresham for his article in the Centerville Bellbrook Times. He also expressed his concerns regarding Senate Bill 117.

There being no further business, the meeting was adjourned.

Approved: C. Mark Keresood
Mayor

ATTEST: Debra A. James
Clerk of Council