

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *August 20**20 07*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 20, 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 Larry Hoffsis 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  
 Captain Bruce Robertson  
 Public Works Director Robert James  
 City Engineer Douglas Spitler  
 City Planner Steven Feverston  
 Management Analyst Kristen Gopman  
 Municipal Attorney Scott Liberman

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

Council Meeting -	July 16, 2007.
Work Session Meetings -	July 16, 2007.
	August 6, 2007.
	August 13, 2007.

Mrs. Lienesch moved for the approval of the minutes of the foregoing meetings. Mr. Cline seconded the motion. The motion passed unanimously with seven ayes.

Mrs. James noted the receipt of an appeal by Crosstowne Properties, Ltd. of a decision by the Planning Commission concerning property located south of Alex Bell Road at James Karras Drive.

Mayor Kingseed welcomed Dr. Charles Goodwin, the recipient of the 2007 Honoree of the Good Scout Award, and read a certificate of recognition honoring him for his many years of dedication to scouting in the Greater Dayton area. Scouts and troop representatives were present to support Dr. Goodwin and to offer their congratulations. Dr. Goodwin thanked Council for the recognition and noted that his greatest satisfaction comes from the successes of the young men he has known as Scouts.

Greg Brush, Montgomery County Clerk of Courts, was present to inform the public concerning services at the Auto Title Bureau which is behind City Hall. The Auto Title Bureau titles autos and boats and is separate from the Bureau of Motor Vehicles. With no fee increase since 1993, the Bureau has dipped into reserves for general operations for the

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last four years. In order to keep offices open in various parts of the county, residents need to take advantage of the full range of services offered, especially passport services. Many people are unaware that the Title Bureau offers the full range of passport services, including photos. Mr. Brush stressed the importance of supporting the Centerville office in order to keep it open.

Mr. Horn introduced several people who have been promoted or are newly hired as City of Centerville employees. Mr. Terry Taylor, an employee since 1993, is the new Golf Maintenance Superintendent for Yankee Trace. He was promoted from Assistant Superintendent with the departure of Mr. John Miller. Mr. Horn also introduced Mr. Matt Dulli who was hired in May as the First Assistant Golf Pro. Captain Bruce Robertson introduced Police Cadet Shannon Schomburg and Police Officer Roger Rose. Mr. Horn also noted that our Police Department was honored recently as a "Flagship Agency" at the annual conference of the Commission on Accreditation for Law Enforcement Agencies in Montreal, Canada.

Roberta Goodrich, a member of the City Beautiful Commission, named Bill's Donut Shop, 268 North Main Street, and Las Piramides Mexican Restaurant, 101 W. Franklin Street, as the Business Pride Award winners for the month of July. She announced the residential Summer Landscape Award Winners for July and August as follows:

### July

Mike and Nancy Kemper  
5301 Glenmina Drive

Robert and Peggy Surdyk  
1124 Greentree Drive

Tom and Mary Moore  
1370 Fenway Court

The Dayne Hasset Family  
325 Tuxworth Road

William and Geri Weber  
161 Lakeview Drive

Larry and Paulette Zizzo  
9717 Olde Georgetown Way

### August

Paul and Marilyn Porcino  
6779 Crossbrook Drive

Joseph and Emily Drayer  
241 South Village Drive

Mel and Julia Stephens  
8030 Brainard Woods Drive

Toby and Larry McLaughlin  
2136 Belleville Lane

Marshall Goodfellow  
40 Peach Grove Avenue

Greg and Mary Colegate  
131 Terrace Villa Drive

Walt and Sue Schenk  
440 Island Lake Court

Beverly and Erica Steinbicker  
1050 Charter Place

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Mayor Kingseed noted the following in his Mayor's report:

The Joint Financial Study for the City of Centerville and Washington Township progresses. The group from the University of Toledo is scheduling interviews. In a few months, the report will be ready and will be made available to citizens so they will know the financial implications of further joint efforts by the City and Township.

Centerville Framing and Gifts, 270 N. Main Street, has opened in the building with Bill's Donut Shop. The Mayor attended the ribbon-cutting for this business which specializes in custom framing and unique gifts.

After the City Manager's Report, Mayor Kingseed added that, effective September 28, Time Warner will be changing the channels for government and educational programs. Centerville Council Meetings will be found on Channel 5; educational programming will be on Channel 21; the Public Access Channel will remain on Channel 23.

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

The City received a thank you note from Charlie Casey of the District of Newry & Mourne in Ireland, a potential Sister City partner, thanking the Sister City Committee and staff for hosting their delegation in July. Mr. Horn thanked Sister City Co-Chairs Carolyn Basford and Suzi Walk, their husbands, the Mayor and members of Council for the efforts during the visit. He also thanked Mr. Bill Covell, the Economic Development Director, and Mr. John Beals for setting up tours and helping to make business connections for the group. He expressed appreciation to Bob Ross Buick for the use of a van to transport the visitors.

Mr. Horn noted that Carolyn Rice of the Auditor's Office was here last month to explain that Homestead Exemptions for relief of a portion of property taxes are available for any homeowner sixty-five and older without income restrictions. An application is required and forms are available at [www.mcrealestate.org](http://www.mcrealestate.org), by calling the Auditor's Office at 225-4341 or at the front desk at City Hall.

Vickie Joyner who has been a clerk in our Finance Department will be retiring with thirty years of service at the end of August. Mr. Horn thanked her for her dedication to the City.

Mr. Horn extended congratulations to Jennifer, her husband Lucas and son Grant. Mrs. Jennifer Wilder, an Assistant to the City Manager, gave birth to Owen Bradley Wilder, a 10 lb. 8 oz. baby boy, on Friday, August 17.

Open positions in the City of Centerville at this time include police officer, records communication specialist, and assistant finance director. Interviews are taking place for a Benham's Grove administrator, finance clerk, assistant golf superintendent, and groundskeeper. Check the City website for the latest information and job descriptions, or call Human Resources at 433-7151.

Mr. Horn thanked the Washington Township Firefighters and the area departments that provided mutual aid for putting out the fire at City Barbeque. Personnel and equipment from Bellbrook, Sugarcreek and Kettering gave assistance that saved Graeter's Ice Cream from additional damage.

In spite of the sweltering heat on Tuesday, August 7, a record crowd of 1,015 people participated in Mystery Night Out run by the Police Department at Stubbs Park. Mr. Horn thanked Deputy Mayor Cline for his participation in this event.

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Mrs. Gopman outlined code violations and resolutions for the month of July, 2007, and presented the community calendar for the coming month. Mr. Corbin noted that Hithergreen Senior Center has changed its name to "Hithergreen Center."

Mr. Feverston, reporting for the Planning Commission, advised that An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Prohibit Signs That Incorporate An Electronic Message Center In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, has been recommended for consideration by City Council. Dr. Gresham moved that said Ordinance be set for public hearing at the Council Meeting on October 15, 2007. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mr. Cline reported that the City of Centerville is organizing a trip for hurricane relief in the Gulfport/Slidell area. The group will be leaving Centerville on September 29 and returning on Friday, October 6, 2007. The trip will be coordinated through Operation Blessing and is open to anyone over 18 years of age able to work gutting homes. Transportation and lodging will be provided. For information about volunteering, please call Maureen Russell-Hodgson at 433-7151.

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 appointments of Robert Miller and Louise Gaertner as members of the Sister City Committee and the reappointments of John Beals to the Sister City Committee and Martha Sheley to the Board of Architectural Review. Mr. Horn gave a brief overview of the other items on the Consent Agenda. Mr. Singer moved that the following Consent Agenda items be approved:

- A. Ordinance 12-07 Enacting A Hotel-Motel Tax For Property Located In Greene County, Ohio, (Set for Public Hearing September 17, 2007.)
- B. Resolution 32-07 By The Centerville City Council Extending The Moratorium On Sign Permits For Changeable Copy, Electronic Display, And LED Signs In The City Of Centerville, Ohio, For Another Period Of Six Months (180 Days).
- C. Resolution 33-07 Authorizing An Agreement With Montgomery County Related To The Relocation And Upgrade Of The Master Meter Pit At The Northwest Corner Of Clyo Road And Wilmington Pike.
- D. Resolution 34-07 Accepting The Bid Submitted By Les Wenning Motors Inc. For The Purchase Of Two Cabs And Chassis And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.

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- E. Resolution 35-07 Accepting The Bid Submitted By Bell Equipment Company Of Ohio For The Purchase Of A Knuckle Boom Grapple Loader And Trailer And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- F. Resolution 36-07 Accepting The Bid Submitted By K.E. Rose Company For The Purchase Of A Dump Bed With Hydraulics Mounted And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- G. Resolution 37-07 Declaring Specific Property No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein.
- H. Resolution 38-07 Authorizing The City Manager To Prepare And Submit An Application To Participate In The Ohio Public Works Commission State Capital Improvement And/Or Local Transportation Improvement Program(s) And To Execute Contracts As Required.
- I. Resolution 39-07 Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Make Application To The Ohio Attorney General's Office For Salary Funding Of A DARE Officer.
- J. Appoint Robert Miller as a Member of the Sister City Committee.
- K. Appoint Louise Gaertner as a Member of the Sister City Committee.
- L. Reappoint John Beals as a Member of the Sister City Committee.
- M. Reappoint Martha Sheley as a Member of the Board of Architectural Review.

Dr. Gresham seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 10-07 AMENDING THE PROPERTY MAINTENANCE CODE FOR REPEAT VIOLATORS

The Public Hearing was held concerning Ordinance 10-07. Mr. Liberman gave staff comments on the addition of Section 106.7 to the Property Maintenance Code. He stated that major changes have occurred in the past year, including the adoption of a uniform code. In implementing the changes it became obvious that a method was lacking to deal with repeat violators who have the same offense occurring within a two year period. Mayor Kingseed noted that the goal of the changes has been to require properties to be adequately maintained for the benefit of the entire community. Mr. Corbin sponsored Ordinance Number 10-07, An Ordinance Amending The Property Maintenance Code Of The City Of

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Centerville By The Addition Of Section 106.7 Relating To Repeat Violators and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

**APPEAL BY CROSSTOWNE PROPERTIES AGAINST A DECISION RENDERED BY  
THE PLANNING COMMISSION CONCERNING PROPERTY AT JAMES KARRAS  
DRIVE FOR RELIEF OF CONDITION NUMBER 3.**

The Public Hearing was held concerning an appeal of a decision of the Planning Commission related to the completion of the whole of James Karras Drive with the development of County Down Village, a proposed community of sixty units in fifteen buildings with a clubhouse on the Karras property south of Alex Bell Road, west of Wilmington Pike and north of John Elwood Drive. Mr. Compton recused himself because of a prior business relationship with a member of the Karras family. In the staff report, Mr. Feverston noted that the zoning is primarily Residential-Planned Development with a small portion in the buffer zoned Office-Planned Development. The segment of land just north of the proposed County Down Village is zoned Office-Planned Development. At issue for this hearing is Condition No. 3 of the Planning Commission's approval of County Down Village, the requirement for the completion of the entirety of James Karras Drive. The developer claims that adding the costs of the completion of the total length of James Karras Drive to the requirements for the construction of the bridge on James Karras Drive, the extension of John Elwood Drive, the emergency gate into Springbrooke Condominiums, and the buffers for the surrounding areas would be prohibitive. When the matter was before Planning Commission, the members felt they could not overturn the conditions set in April 2005 by the City Council in its approval of the master plan for the development of the property. Condition No. 4 of the Master Plan Approval required that "proposed public streets south of the White's Corner Tributary including the bridge over the stream shall be constructed in their entirety when the second parcel develops south of the creek." Council's Condition No. 4 became Condition No. 3 of the Planning Commission's approval of County Down Village. The developers of County Down Village are proposing to extend John Elwood Drive, to build James Karras Drive from Wilmington Pike to John Elwood Drive, and to construct the bridge over the creek connecting it to the existing portion of James Karras Drive off of Alex Bell Road. Building the bridge is needed to allow construction traffic for County Down Village to come from Alex Bell Road. The developer does not want to incur the cost of connecting the two segments of James Karras Drive. Planning Commission encourages City Council to build James Karras Drive in its entirety at this time.

Representatives of the applicant included Steve Lisle with the Reinke Group, Craig Crossley of Crosstowne Properties, George Reinke of the Reinke Group, members of the Karras family, and John Koverman as Counsel for the Karras family. Mr. Lisle explained the background of the approval process from the initial approval of the Planning Commission to approvals from Bellbrook, the Washington Township Fire Department, and the Springbrooke Condominium Association. Mr. Lisle noted that the group has been cooperative in doing more than would be required as normal costs for this type of development. Costs that would not always be part of a development are the extension of John Elwood Drive, construction of James Karras Drive to Wilmington Pike, buffering the areas zoned Office-Planned Development, and constructing the permanent stream crossing. Mr. Lisle showed examples of the gate and pillars for emergency access to Springbrooke

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Condominiums. When considering these other costs, the completion of James Karras Drive becomes prohibitively expensive.

Mr. Crossley of Crosstowne Properties, the proposed builder-developer of County Down, showed pictures as an overview of the products he builds, describing some of the 400 condominiums and clubhouses he has built in the last ten years.

Mr. Koverman, attorney of the Karras Family Advancement Group, noted that Craig Crossley has agreed to the stream crossing to ensure the connection to Alex Bell Road and that both ends of James Karras Drive will be in place. What will remain to be completed is the construction of a straightforward roadway. The Karras Family Group is willing to sign an easement agreement with an exact property description for the roadway. Part of the agreement would be the Karras's commitment that there will be no additional development on the Office-Planned Development ground unless the completion of the whole of James Karras Drive is part of the plan. They would also agree to have no further division of the parcel for piecemeal development. Mr. Liberman has been working with them in the preparation of the proposed agreement.

Paul Clark from the Planning Commission explained that the original decision by Council approving the Master Plan necessitates the building of the street and the bridge at this time. Planning Commission could not override that decision. Even without that stipulation, Planning Commission does feel it would be best for the City to require the completion of the street at this time.

Mr. Corbin asked for clarification that Council has created this issue. Mr. Liberman replied in the affirmative. Mr. Corbin then reiterated that the developer knew from the time of the approval of the Master Plan that the cost of the roadway would be required at this point. Mr. Liberman noted that cost is not the Planning Commission's main consideration. The members watch out for the interests of the citizens and the City. Since the developer is asking for one part of the condition to be relaxed; Mr. Liberman suggested that Council look at its intent in setting the initial condition. Mr. Cline verified that Council would not be agreeing to build the remaining street at taxpayer expense now or in the future.

When asked by the Mayor for his opinion, Mr. Horn said that he understood and appreciated the work of the Planning Commission, yet he felt that this attractive single story condominium development would be an ideal in-fill use for the land in question. He noted that the developer is making a significant investment in perimeter improvements. He stated that if the City can get a solid agreement that has an easement and a commitment that the road will be constructed as currently planned when the O-PD section is developed, then the intent of the original condition would be met. Mr. Singer asked for the reading of Condition No. 3: "Jame Karras Drive and bridge shall be constructed in their entirety as conditioned by City Council in its approval dated April 18, 2005 for the Terry Karras, Karras Family Trust Major Use Special Approval Plan."

After discussion of the wording of a motion, Mr. Corbin moved to grant the appeal of Condition No. 3 and not require the completion of the entirety of James Karras Drive at this time. Approval is to be conditioned upon a written easement agreement being executed between the property owner and the City of Centerville and being satisfactory to the City Manager and the Municipal Attorney. The bridge, the extension of John Elwood, and the James Karras Drive connection to Wilmington Pike are to be constructed with the development of County Down Village. Mrs. Lienesch seconded the motion. A vote resulted in six ayes in favor of the motion. Mr. Compton re-entered the meeting at this time.

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Mr. Corbin objected to the appearance of Mr. Koussa; he asked to be excused and left the meeting at this time. Mr. Joseph Koussa, 1537 Beaver creek Lane, Kettering, asked God to protect the American troops and bring them home safely. He suggested that the Vice President of the United States be given additional specific duties because the scope of the Office of President is too much for one person to oversee.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kingseed*  
Mayor

ATTEST: *Debra A. James*  
Clerk of Council