

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *October 15*20 *07*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 15, 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	Douglas 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
 Public Works Director Robert James
 City Engineer Douglas Spitler
 City Planner Steve Feverston
 Management Analyst Kristen Gopman
 Intern Brian Wafzig
 Municipal Attorney Scott Liberman

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

Council Meeting -	September 17, 2007.
Work Session Meetings -	September 17, 2007.
	October 1, 2007.
	October 8, 2007.

Dr. Gresham moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote. Mr. Cline, Dr. Gresham and Mr. Singer asked to be excused from the vote on the minutes of the Work Session on October 1, 2007. Mr. Corbin was absent on October 8th and asked to be excused from the vote on those minutes.

Mayor Kingseed greeted Joanne Ringer, a representative of Miami Valley South Health Center, and gave her a plaque welcoming this enterprise to the Centerville business community. Ms. Ringer announced that the diagnostic services had opened and that the emergency care is targeted to open on November 5th.

Mayor Kingseed welcomed Bill Gaul, the Chief of the Washington Township Fire Department. Chief Gaul introduced staff who have been hired or promoted since the retirement of Chief Ken Parks in July. Present were Deputy Chief Robert Kidd, who runs the emergency medical portion of the fire department; Deputy Chief Jim Neidhard, who has been in charge of the accreditation process and has added administrative duties; Captain Mike Guadagno, who is a shift commander in training; Lt. Joel Holbrook, in charge of the first responder vehicle and crew; and Firefighter Josh Augustine, a newly hired firefighter.

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In addition, Captain Scott Kujawa has been promoted to the position of shift commander, but he was unable to be present for the meeting. Both Chief Gaul and Mayor Kingseed thanked the men for their commitment to protecting the Centerville-Washington Township Community.

Mayor Kingseed administered the oath of office to Jan Kledzik as a new member of the Sister City Committee.

Mr. Horn introduced Sally Blommel, the new administrator at Benham's Grove who is a twenty-year resident of Centerville and Washington Township.

Mr. Tom Kelly, representing the Montgomery County Commissioners and the Human Services Campaign Committee, gave a report on the Human Services levy which will be on the November ballot. Montgomery County has one collective levy for the needs of all human services agencies as a whole. The clients of Human Services include vulnerable and abused children, frail and elderly adults, those with MRDD, individuals who have lost jobs and pensions, the homeless, and people who need the public health system. The issue that will be on the ballot is a replacement of 5.21 mils and an addition of 2 mils. This levy would add about \$10.00 per month in new taxes for each \$100,000 of a home's value. Failure would affect over forty percent of the funding for the whole program, plus the loss of monies which match local dollars.

Mr. Bob Kyvik, 2555 Goodfield Point in Washington Township, asked if Montgomery County Human Services aid illegal aliens. Mr. Kelly stated that they do not deny people who come forward for services. Although Council has a policy not to endorse specific levies, Dr. Gresham, Mr. Compton, Mayor Kingseed, and Mr. Corbin made statements that they personally support the levy.

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

Recently he attended a naturalization ceremony at the Centerville Library and said it was a moving experience that everyone should witness at least once.

He attended a ribbon-cutting at Savona, a new Italian restaurant, on South Main Street in Centerville.

He encouraged everyone to study the candidates and to vote in the November 6th election. He noted that there are six candidates running for three City Council seats and that Centerville residents will also vote for a Township Trustee.

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

We are still in mediation sessions with Sugarcreek Township. If mediation is not successful, the challenge to the annexation of the Dille property, approximately 270 acres in Greene County, is scheduled to go to trial the second week of November.

Our fall leaf collection program is underway, and the schedule is listed in the *Town Crier* and on the City's website.

Centerville Station Road will be closed October 13-21 for embankment stabilization along the roadway.

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The Forest Brook Ditch project continues with reseeding grass and planting trees where a concrete swale was realigned this summer. A culvert on the east end will be replaced next year.

Construction on Wilmington Pike near Miami Valley South Health Center is basically complete, and our crews will be planting trees along the west side of Wilmington Pike in the near future.

In appreciation for the contributions businesses make to our Community, the annual Mayor's Business Breakfast will be at Yankee Trace on Wednesday, October 17th at 7:30 a.m.

Over the weekend we had the 50,000th round of golf played at Yankee Trace, breaking the record for rounds played in a single year. Play will continue as weather permits.

Maureen Russell-Hodgson coordinated the annual volunteer outing and luncheon which was held on this date at Yankee Trace. Mr. Horn thanked Mrs. Russell-Hodgson and Mrs. Peggy Gribbon, the volunteer coordinator at Yankee Trace.

He extended condolences to the family of Robert Miller, a longtime Centerville businessman who passed away recently. He was sworn in as a member of the Sister City Committee only last month.

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

ORDINANCE NO. 16-07 ADJUSTING BOUNDARIES OF R-PD AND B-PD ZONES IN DILLE NORTH PARCEL

Mr. Feverston gave the report from the Planning Commission. He explained that the developer has asked for small adjustments in the boundaries of the R-PD, Residential-Planned Development, and B-PD, Business-Planned Development, districts as they currently exist in the area bounded by Feedwire Road, Wilmington Pike and Brown Road. Mr. Horn noted that the Dille family still owns the property being rezoned and that the trustee representing the Dille family supports the changes. He advised that An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance, To Adjust The Boundaries Of The R-PD, Residential-Planned Development, And B-PD, Business-Planned Development, Districts East Of Wilmington Pike And South Of Brown Road By Rezoning 2.76 Acres Of A Larger B-PD Parcel From B-PD, Business-Planned Development, To Be Added To A Larger R-PD, Residential-Planned Development, Zone Classification; And Rezoning 4.10 Acres Of A Larger R-PD Parcel From R-PD, Residential-Planned Development, To Be Added To A Larger B-PD, Business-Planned Development, Zone Classification has been recommended for consideration by City Council. Mrs. Lienesch moved that said Ordinance be set for Public Hearing. Mr. Corbin seconded the motion. The motion passed unanimously.

ORDINANCE NO. 17-07 CHANGING THE ZONING OF 44.931 ACRES OF THE DILLE SOUTH PARCEL FROM R-PD TO O-PD

Mr. Feverston presented a request for rezoning in the southern area of the Dille annexation, which is bounded by Wilmington Pike and Possum Run Road, to change the

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zoning for 44.931 acres from R-PD, Residential-Planned Development, to O-PD, Office-Planned Development, Zone Classification. Mr. Feverston advised that An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance, By Rezoning 44.931 Acres More Or Less, From City Of Centerville R-PD, Residential-Planned Development, To City of Centerville O-PD, Office-Planned Development, Zone Classification has been recommended for consideration by City Council. Mrs. Lienesch moved that said Ordinance be set for Public Hearing. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Singer announced the annual meeting of the Storm Water Drainage Task Force in the Law Library at City Hall on Wednesday evening, October 31, 2007, at 7:00 p.m. The meeting is open to the public.

Mrs. Lienesch reviewed the changes to Article 9 and Article 11 of the Unified Development Ordinance which were suggested at the September 26, 2007, meeting of the Unified Development Task Force. She made a PowerPoint presentation to explain the following recommendations:

The definition of "junk" will be updated.

Storage in front yards will be regulated more closely.

During the foreclosure process, the City may make and assess the owner for basic repairs that ensure the security of abandoned homes.

Home improvements must be completed within a one year time period.

Driveway standards will be more stringent with language added for dustless surfaces and contiguous access to the frontage driveway.

"Vehicle" will be defined.

Multiple accessory buildings will be regulated more closely.

Mobile signs (people) will be prohibited because of the safety issues for pedestrians and sight distance for drivers.

Mr. Feverston added that many of the issues have been addressed by amendments to the Property Maintenance Code. Others issues will be amendments to the Zoning Code. The Property Maintenance Task Force has studied the issues and language and made recommendations for changes to the current Zoning Ordinance and the new Unified Development Ordinance when it is adopted. The first step is a review by the City Planning Commission this month during the October 23rd Meeting. A formal hearing at a Planning Commission meeting may occur as early as the last Tuesday in November. The public is invited. Once that hearing takes place, the Planning Commission may refer the matter to the City Council for a public hearing and vote in the early months of 2008. Mrs. Lienesch encouraged citizens to voice their input during the process so that a variety of opinions will be heard in order to create the best possible outcome for all property owners in Centerville.

Mr. Cline noted that a group of local residents partnered with SouthBrook Christian Church to do hurricane relief in Central City near New Orleans. He thanked everyone who participated and said that, although much remains to be done, progress is being made in the Slidell area where our previous efforts had centered.

Mr. Singer asked about the closure of Yankee Street for natural gas line maintenance by Vectren Energy Delivery. Mr. Horn explained that federal requirements necessitate

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crossing checks on all major lines. Since the depth of the line will not allow Vectren to maintain traffic; Yankee Street will be closed just north of the entrance to the Clubhouse at Yankee Trace from November 5 for about a week.

Mr. Compton brought up the Create the Vision Task Force Meeting on Wednesday, October 10, 2007. He noted that the City has endorsed the concepts of Create the Vision; there will be an update on the website by the end of the year. He commended Mr. Feverston and the Planning Commission for incorporating the goals and objectives of Create the Vision into their work.

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 Heidi Miller and Laverne Stebbins as members of the Board of Architectural Review. Mr. Horn briefly explained each of the Consent Agenda items. Mr. Compton requested that Item "I" be pulled from the Consent Agenda and be considered separately. Mr. Cline moved that the following Consent Agenda items be approved minus Consent Agenda Item "I."

- A. Ordinance 18-07, 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 Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, be set for Public Hearing on November 19, 2007.
- B. Ordinance 20-07, An Ordinance Rescinding Ordinance No. 16-03, Passed September 15, 2003, Due To A Change Based Upon Future Maintenance Of The Project Improvements: Enacted By The City Of Centerville, To Cooperate With The State Of Ohio, Director Of Transportation To Enhance The Visual Appearance Of The Intersection Area Of Interstate Route 675 And State Route 48 (MOT-SR48-4.33) be set for Public Hearing on November 19, 2007.
- C. Ordinance 22-07, An Ordinance Amending The Codified Ordinances Of The City Of Centerville To Include Chapter 840 Adding Provisions For Competitive Video Service Authorizations, Establishing Fees, Defining Certain Terms, And Authorizing The City Manager Or Designee To Provide Certain Notice To The Video Service Providers Offering Video Service In The City Pursuant To A State Authorization, be set for Public Hearing on November 19, 2007.
- D. Ordinance 23-07, An Ordinance Amending Section 618.01 Of The Centerville Municipal Code To Provide A Right Of Appeal, To Allow Classification Of Animals And To Make Other Administrative Changes To The Dangerous And Vicious Dogs Provisions, be set for Public Hearing on November 19, 2007.

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- E. Resolution 45-07, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville, To Enter Into An Agreement Between The State Of Ohio, Department Of Transportation And The City Of Centerville To Provide Future Maintenance Of The Interstate 675 And State Route 48 Interchange Enhancement Project.
- F. Resolution 46-07, A Resolution Accepting The Bid Submitted By Double Jay Construction, Inc., For Pedestrian Accessibility Improvements – 2007 (SS-1D-07) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- G. Resolution 47-07, A Resolution Accepting A Proposal For Engineering Services Submitted By Choice One Engineering To Prepare Construction Plans For The Iron Horse Trail Improvement Project.
- H. Resolution 48-07, A Resolution Affirming The Authority Of The Greene County Board Of County Commissioners To Construct, Maintain And Operate Water And Sewer Within The Municipality, Within The Boundaries Of Greene County, Ohio.
- I. Resolution 49-07, A Resolution Authorizing And Directing The City Manager To Enter Into An Economic Development (PIR) Grant Agreement With Huffly Corporation.
- J. Resolution 50-07, A Resolution Ratifying The Action Of The City Manager To Participate In A Contract With The Department Of Administrative Services, Office Of State Purchasing For The Purchase Of Police Vehicles For The City Of Centerville In Accordance With Ordinance Number 19-88.
- K. Performance Bond Reduction–The Highlands at Yankee Trace, Section 1.
- L. Reappoint Heidi Miller as a Member of the Board of Architectural Review.
- M. Reappoint Laverne Stebbins as a Member of the Board of Architectural Review.

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

RESOLUTION 49-07 AGREEMENT WITH HUFFY CORPORATION

Mr. Compton recused himself. Item "I" from the Consent Agenda was then addressed. The Huffly Corporation will occupy the IKON building and bring to Centerville eighty to ninety professional employees and an annual payroll of five to six million dollars.

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The Huffey Corporation has asked the City for a PIR grant to offset relocation expenses. This Property Investment Reimbursement Grant Agreement would authorize payments over five years; the total would not exceed \$100,000; twenty percent would be paid each year for five years. Mr. Cline sponsored Resolution 49-07, A Resolution Authorizing And Directing The City Manager To Enter Into An Economic Development (PIR) Grant Agreement With Huffey Corporation and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mr. Compton re-entered the meeting at this time.

ORDINANCE NUMBER 11-07 AMENDING THE ZONING ORDINANCE TO PROHIBIT SIGNS WITH ELECTRONIC MESSAGE CENTERS

A public hearing was held to consider legislation regulating signs with electronic message centers. Mr. Feverston gave the history of the issue, noting that Planning Commission and the City Council became concerned over the increasing number and types of electronic signs, especially LED signs, being put up in the Community. In March the City Council passed a moratorium and then extended it in order to give time for careful consideration of this issue. Planning Commission's research of electronic message centers both locally and nationwide revealed safety issues and aesthetic concerns. Mr. Feverston showed slides of a variety of signs within the Greater Dayton area.

Mr. Monte Williams, owner of KAP Signs, 1608 Kuntz Road, Dayton, Ohio, noted that schools and churches are his largest customers. These signs allow them to get messages out in a more effective way.

Mayor Kingseed asked about the efforts to inform the business community of the public hearing. Mr. Feverston said only the ordinary newspaper notice of public hearing had been done. Mr. Corbin asked if studies verify an increase of accidents caused by electronic signs. Mr. Feverston indicated studies show more side-swipe accidents in those areas. Mr. Singer asked about limiting existing signs. Mr. Liberman stated that two options exist. Grandfathering would allow existing signs to remain until they have to be replaced. A sunset provision would put a limit on the amount of time existing signs could stay. Mayor Kingseed recommended asking input from the business community at the upcoming Business Breakfast. Mr. Corbin moved that Ordinance No. 11-07, 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, be tabled at this time. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 15-07 UPDATE OF PUBLIC RECORDS POLICY

Mr. Horn announced that the State of Ohio recently passed legislation establishing new requirements for access to public records. All entities must adopt and post formal record policies which define copy fees, timely response and redaction. This resolution

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names Mrs. James as the primary records administrator for the City, with the exception of police records, and puts us in compliance with the new law. Mr. Corbin stated that he was opposed to the Ordinance, because he was against the actions of the State in making these requirements. Mr. Compton sponsored Ordinance Number 15-07, An Ordinance Adopting The City Of Centerville Public Records Policy and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with 6 ayes, with Mr. Corbin voting in opposition.

RESOLUTION NUMBER 51-07 ADDING STUDY AREAS J AND K TO THE CREATE THE VISION MASTER PLAN

Mr. Cline moved to remove Resolution 51-07 from the table for consideration. Dr. Gresham seconded the motion. The motion passed unanimously. Mr. Feverston explained that the proposed legislation is an amendment to Volume Two of Create the Vision, creating Study Areas for the Dille property that was annexed into the City last year. The north parcel is Study Area J, and the area south of I-675 is Study Area K. The north section of this prime infill land is zoned R-PD, Residential-Planned Development and B-PD, Business-Planned Development. The study encourages uses that have positive impact for this gateway to the City; quality-controlled development is a primary concern. Suggestions include careful planning of the internal roadway network, linking of the bikeway to existing bike paths, encouraging a mix of retail, residential, hotel and office uses, locating a large retail to the east and south, providing for traffic calming, and continuing the residential pattern along Brown Road.

Study Area K, bordered by Wilmington Pike and Possum Run Road, is one parcel with about 74 acres and a single owner, currently zoned O-PD, Office-Planned Development and R-PD, Residential-Planned Development. A rezoning is pending to rezone the entire area to O-PD, Office-Planned Development. Traffic is a concern, since there is intense commercial development in the surrounding area. Key recommendations are to promote economic expansion for office and business developments, integrate land uses, improve access, protect wooded areas, introduce gateway elements, and create and link bikeways.

The Planning Commission has recommended approval of the addition of these Study Areas to the Master Plan. Mr. Compton noted that the Create the Vision Task Force was aware of the proposed changes and has voiced no opposition to the addition of these areas to the Master Plan. Mr. Corbin sponsored Resolution 51-07, A Resolution Amending The Create The Vision Comprehensive Long Range Master Plan For The City Of Centerville, Ohio By Adding Study Areas J And K. Mr. Singer seconded the motion. The motion passed unanimously.

EMERGENCY ORDINANCE NUMBER 19-07 RESCINDING ORDINANCE 16-03 FUTURE MAINTENANCE OF THE I-675 ENHANCEMENT PROJECT

Mr. Horn stated that the Ohio Department of Transportation has requested this action and that it is related to Resolution 45-07 on the Consent Agenda, earlier this evening. The old ordinance must be rescinded so that the new resolution can take effect, binding the City to provide maintenance for the visual enhancement improvements along I-675. Mr. Singer

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sponsored Emergency Ordinance No. 19-07, An Emergency Ordinance Rescinding Ordinance No. 16-03, Passed September 15, 2003, Due To A Change Based Upon Future Maintenance Of The Project Improvements: Enacted By The City Of Centerville, To Cooperate With The State Of Ohio, Director Of Transportation To Enhance The Visual Appearance Of The Intersection Area Of Interstate Route 675 And State Route 48 (MOT-SR48-4.33) and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

EMERGENCY ORDINANCE 20-07, AMENDING THE CODIFIED ORDINANCES RELATED TO FEES, AUTHORIZATIONS AND NOTICE TO VIDEO SERVICE PROVIDERS

Mr. Horn explained that Senate Bill 117, which was recently passed, requires that communities take positive action to retain franchise fees up to five percent. The timetable requirements for SB 117 require that this be an emergency ordinance. The other seven cities of the Miami Valley Communications Council will be taking similar action. Earlier we asked that the Ordinance be set for Public Hearing, but we also need immediate authorization. Dr. Gresham moved for acceptance of Emergency Ordinance 20-07, An Emergency Ordinance To Amend The Codified Ordinances Of The City Of Centerville To Include Chapter 840 Adding Provisions For Competitive Video Service Authorizations, Establishing Fees, Defining Certain Terms, And Authorizing The City Manager Or Designee To Provide Certain Notice To The Video Service Providers Offering Video Service In The City Pursuant To A State Authorization; And Declaring An Emergency. Mr. Cline seconded the motion. The motion passed unanimously.

Mr. Jim Rhoads, 6611 Brigham Square, Lexington Meadows Condominium Association addressed the Council to state that there is confusion over the turn lane into Miami Valley South and that it has created near misses for accidents. He also asked for greater synchronization of the timing of the traffic signals on Wilmington Pike. Mr. Spitler stated that the Greene County Engineer's Office is in charge of the signals at the present time.

Bob Kyvik, 2555 Goodfield Point, Washington Township, came forward to stress the importance of the people of Centerville knowing the candidates for local offices. He reiterated that citizens should vote for township trustee. There will be a Trustees night at the Washington Township Centerville Library on October 23, 2007, at 7:30 p.m. The League of Women's Voters will tape the question and answer session for later broadcast. The Centerville Council candidates will be on television tomorrow at 1:00 p.m. Please study the candidates and vote for your choices for these offices.

Mr. Corbin asked to be excused and left the meeting as Mr. Koussa came to the podium.

Mr. Joseph Koussa, 1537 Beavercreek Lane, Kettering, invoked God's blessing on our troops and asked that candidates discuss issues and not resort to mud-slinging.

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There being no further business, the meeting was adjourned.

Approved: C. Mark Kugzeed
Mayor

ATTEST: Delna A. James
Clerk of Council