

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 23

20 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 23, 2006, 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 C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	Douglas Cline
Councilmembers	Brooks Compton
	Paul Gresham
	Susan Lienesch
	James Singer
	Robert Corbin

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Public Works Director Robert James
 City Engineer Douglas Spittler
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Jennifer Kuschnerus
 Waste Supervisor Kenneth Peters
 Municipal Attorney Scott Liberman

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

Council Meeting - December 19, 2005.
 Work Session Meetings - December 19, 2005.
 January 9, 2006.

Mr. Cline moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ELECTION OF DEPUTY-MAYOR DOUGLAS CLINE

Mrs. Lienesch moved that Councilmember Douglas Cline be re-elected as Deputy-Mayor for the City of Centerville. Mr. Compton seconded the motion. The motion passed by unanimous vote. Mayor Kingseed explained the duties of the Deputy-Mayor and noted that the designation is for a two year term. Mr. Cline thanked Council for this re-election and stated that he looks forward to a very productive two years.

Mayor Kingseed presented a gift certificate to Pastor John Bradosky, the City Chaplain for the City of Centerville. Pastor Bradosky attends the monthly Council Meetings as well as City events and functions. This is a token of appreciation for all of his time and service he gives to the City of Centerville.

Mayor Kingseed reported the following during his Mayor's Report:
 The State of the City Address was given prior to this meeting at the Police Department

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Facility. It will be shown in conjunction with this televised council meeting. It, typically, is done at this January meeting, but it was done a little differently this year. We wanted to have it at the Police Facility as it has a larger capacity. In addition to inviting the general public, citizens who have been involved with City issues over the last year were invited. Invitations were sent to citizens who have served as members of Boards and Commissions, as well as to any citizen who had attended the Neighborhood Improvement Meetings that the City Council has conducted over the past 12 months.

City Council conducted the annual Retreat on Friday, January 20, 2006. The Retreat was conducted at Benham's Grove.

Expressed thanks to the Diversity Council for the great work in organizing the Martin Luther King, Jr. Breakfast that was held at Yankee Trace on January 16, 2006. The event was sold out and is a tribute to the citizens of this community.

Thanked Mike Cornett of the Miami Valley Communications Council for recording the State of the City Address.

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

Introduced Ginger Yonak, the City's new Human Resources Manager. She is a graduate of Capital University in Columbus, has a Bachelor of Arts degree in Business Management, and resides in Miami Township with her husband Reggie.

Tom and Curtis Dick will be having a retirement luncheon held in their honor tomorrow at the Public Works Facility on South Suburban Road.

We are moving forward with many new offerings for golf memberships this year at Yankee Trace, which Council recently approved. We have had some great weather in January and are close to having the best January since opening in 1994-95. Encourage folks to stop out at the Golf Shop, check things out, and play a little January golf.

Centerville has seen a significant amount of business activity in the last sixty days. There have been a number of inquiries in the APD District, as well as businesses looking to locate in Centerville and actually building new facilities. In the next month or two, you will be hearing some interesting discussion about some new businesses that the Economic Development Administrator is speaking with now.

With regard to the Council Retreat, there are two discussion items that the City Staff will be focusing on in the next several weeks and months. The first will be the updating of the Home Occupation Ordinance. Council has directed Staff to try and work out a compromise that will uphold the integrity of the neighborhoods and keep them residential, while at the same time, allowing the direct sales operations to exist on a smaller level. The second item is the Rental Inspection Ordinance, and the goal is to have a draft completed within the next 30 days for mandatory Landlord Registration and Rental Inspection Ordinance.

Mr. Horn and Mrs. Yonak asked Thomas and Curtis Dick to come to the podium. Tom Dick and Curtis Dick have been serving with the City's Public Works Department for over 33 years. Mr. Horn and Mrs. Yonak presented the two brothers with gift certificates for Yankee Trace and plaques. They thanked them both for their service on behalf of the entire community.

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Mrs. Wilder outlined code violations and resolutions for the month of December, 2005, as well as the community calendar for the coming month.

Mayor Kingseed apologized that he was remiss in not expressing sympathy to Joyce Young. Joyce has served for many years as a Washington Township Trustee, and her husband, Fred Young, passed away last week. Fred was a unique individual. All of us who knew him will always remember the enthusiasm and skill that he brought to everything in which he was engaged. He will be greatly missed and expressed his sympathy and prayers to Joyce.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He brought attention to the reappointment of Linda Meily as Chairman to the City Beautiful Commission; to be made by the passage of the Consent Agenda. Mr. Horn gave a brief summary of the Consent Agenda items. Dr. Gresham moved that the following Consent Agenda items be passed:

- A. Resolution Number 01-06, A Resolution Endorsing An Application To The Ohio Department Of Natural Resources For Clean Ohio Trails Program Funds For The Construction Of The Iron Horse Trail From Hemstead Station Drive In Kettering, Southward To The I-675 Limited Access Right-of-Way In Centerville Along The Abandoned Railroad Corridor.
- B. Resolution Number 02-06, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And LJB, Inc. For Professional Design Services For The MOT 675 And Alex-Bell Road Intersection Improvements Project.
- C. Resolution Number 03-06, A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Effect The Securing Of An Easement For Ingress And Egress And Public Parking Over Real Property Owned By W. Richard And Debra L. Teeters.
- D. Resolution Number 04-06, A Resolution Declaring Specific Equipment 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.
- E. Yankee Trace, Section 26 - Letter of Credit release in the amount of \$30,000.
- F. Yankee Trace, Section 27 - Letter of Credit reduction from \$25,000 to \$4,000 (Streets) and Letter of Credit reduction from \$14,000 to \$2,000 (Sidewalks).
- G. Yankee Trace Section 31, Letter of Credit release in the amount of \$15,000.
- H. Yankee Trace, Section 32, Letter of Credit release in the amount of \$25,000 conditioned upon the receipt of a one year Maintenance Bond in the amount of

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\$11,000.

- I. Reappoint Linda Meily, Chairman, of the City Beautiful Commission for an additional year.

Mr. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 18-05 2006 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 18-05. Mr. Horn reviewed the operating budget for the year 2006. Mr. Horn reported that the City has been saving for the past several years for a number of large capital improvement projects and those expenditures now are forthcoming in the year 2006. He commented that the budget includes no increase in taxes. This is the twenty-sixth year that the City is requesting no increase in its Property Tax or Earnings Tax rates. Mr. Horn explained how property taxes are divided among the School District, the County, the Library, Fire Department, the Park District, Washington Township and the City receiving 3.9% of a dollar. He compared revenues and expenditures in the various funds projected for 2006. The major capital improvement project for this year is the new Public Works Facility that is scheduled for construction in late 2006. Again, these are funds that have been accumulated over the past several years. Mr. Singer Sponsored Ordinance Number 18-05, 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, 2006, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 20-05 CITY PERSONNEL

Mr. Schlagheck reviewed an Ordinance to establish rates of pay and regulations for employees of the City of Centerville. Mr. Compton sponsored Ordinance Number 20-05, An Ordinance To Repeal Ordinance Numbers 26-04 And 11-05 In Their 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. Corbin seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 22-05 YANKEE TRACE PERSONNEL

Mr. Schlagheck reviewed an Ordinance to establish rates of pay and regulations for employees at Yankee Trace. Mr. Cline sponsored Ordinance Number 22-05, An Ordinance To Repeal Ordinance Number 28-04 In Its 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. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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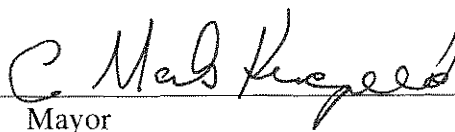
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Mr. Adrian Rose, 104 Cushwa Drive, expressed his gratitude to Curtis and Tom Dick on their retirement and wanted to convey what a great job they had done for the City over the years. He also congratulated the Mayor, City Council and Staff for a job well done in 2005.

Mr. Joseph Koussa, 1537 Beaver Creek Lane, asked that troops come home safely. He urged motorists to conserve on the use of gasoline.

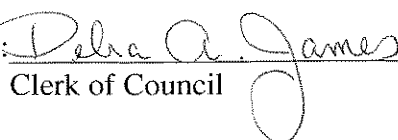
There being no further business, the meeting was adjourned.

Approved:


C. Mark Kepez

Mayor

ATTEST:


Delra A. James
Clerk of Council

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 20, 2006, 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 Deputy-Mayor Douglas C. Cline presiding. Councilmembers and City Staff present were as follows:

Councilmembers Brooks Compton
 Paul Gresham
 Susan Lienesch
 James Singer
 Robert Corbin

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
 Assistant to the City Manager Jennifer Kuschnerus
 Chief of Police Stephen Walker
 Municipal Attorney Scott Liberman

Deputy-Mayor Cline explained that Mayor Kingseed was on vacation and would not be present for this meeting. Dr. Gresham moved that Mr. Kingseed be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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

Council Meeting - January 23, 2006.
 Work Session Meetings - January 23, 2006.
 - February 6, 2006.
 - February 13, 2006.
 Action on Summary Report of Council Retreat:
 - January 20, 2006.

Mr. Compton moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Corbin seconded the motion. The motion passed unanimously, with Dr. Gresham abstaining from the minutes of the Work Session meeting held on February 13, 2006.

Mrs. James announced the resignation of Patricia S. Williams as a member of the City Beautiful Commission.

Mr. Horn presented to Mr. Don Parker a Certificate from Bettie Montgomery, Auditor of State; and also a plaque from the City of Centerville. Mr. Parker had recently retired from the Centerville Police Department after a distinguished career of 21 years of service to our community. Mr. Horn outlined the many accomplishments made by Mr. Parker throughout his career and congratulated him on his retirement from the City. Deputy-Mayor Cline added that he wanted to echo Mr. Horn's comments and stated that Mr. Parker is a good man, a great public

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servant and a great role model to the new officers that have joined the force. He wanted to again congratulate Mr. Parker on his retirement.

Chief of Police, Stephen Walker, introduced Katherine Gerspacher and explained that she began her career with the Centerville Police Department as a Police Explorer. She is a 2005 Centerville High School graduate, currently enrolled at Wright State University, and working as a Police Cadet. Chief Walker also introduced two new police officers, Liz Hansen and Nadia Bebo. Liz Hansen was hired December 2005. She is a graduate of the University of Dayton and previously served on the Pickerington Police Department in Pickerington, Ohio. Nadia Bebo was hired January 2006. She attended Sinclair and Wright State University and has served with the Military Police in the U.S. Army in Saudi Arabia during Operation Desert Storm. Chief Walker welcomed these three women into the Centerville Police Department.

Leigh Ann Juniewicz and Stephanie Yenn, Chairman for the Centerville Relay for Life, were present at this meeting to explain Relay for Life, an event to take place on July 22 and 23, 2006, at the Centerville High School. Relay for Life is sponsored by the American Cancer Society and is their signature event. It is an 18 hour walk around the track, a campaign to raise money to help fight cancer. The event begins at 3:00 p.m. on Saturday and ends at 9:00 a.m. on Sunday morning. Mrs. Yenn explained how this event began in 1995, and they are looking for sponsors and participating teams.

Deputy-Mayor Cline presented a check from the City of Centerville in support of the Americana Festival, Inc. to Chairman of the Board, Ron Weir, and Director of Marketing, Steve Wenstrup. The festival in Centerville is the largest single event of its kind in Southwestern Ohio. Mr. Ron Weir said that this year's theme is "Volunteers-People Who Are Making A Difference." They thanked the City for their support and are looking forward to this year's event.

Mr. Randy Bukas, President for Ohio City/County Management Association, presented the City of Centerville and Washington Township with the Intergovernmental Cooperation Award for the Create the Vision plan. Create the Vision is the new community master plan that will guide the community over the next 20 years. Create the Vision has brought about a more cohesive form of government between the City of Centerville and Washington Township. Deputy-Mayor Doug Cline and Brooks Compton accepted the award on behalf of the City. Mr. Compton emphasized how fortunate the community is to have the dedicated effort and expertise of Mr. Steve Feverston, the City Planner.

Mrs. Angie Tapogna, Project Manager for Create the Vision, was present at this meeting to give an update to Council and to the public. She had given an overview of accomplishments made by Create the Vision last year at the July, 2005 Council Meeting. She stated that Create the Vision has become the model for intergovernmental cooperation. Mrs. Tapogna explained how strategies and objectives have been put in place to improve the quality of life for residents in the community. She also described two of their current projects: the first project is "Adopt a Road" and the second project is a Civic Volunteer Opportunity Handbook. Mrs. Tapogna stated that the public is welcome to get involved and can log on to the web site at Createthevision.org.

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or they are invited to attend one of their Implementation Task Force meetings. The next meeting is scheduled for April 12, 2006, at the Washington Township Government Center at 7:00 p.m.

Deputy-Mayor Cline reported the following during the Mayor's Report:

He reported on the relief trip of February 9th to the Hurricane Katrina areas of Sliddell, Louisiana and Gulfport, Mississippi. He traveled with Rob James, Maureen Russell-Hodgson, Tom Zobrist and Lee Snyder, and several other employees of the City and Township. The Relief Team was able to deliver six police cruisers, a pick-up truck, a four wheeler, and an EMS vehicle, as well as two truckloads of various office and school supplies to a school that had been 85% devastated by the storm damage. All of these items were donated by the Township and the City, had been fully depreciated, and were scheduled to be auctioned as surplus items. They had the opportunity to tour both cities and saw that even six months later, there is still an incredible amount of devastation. Mr. Cline thanked Washington Township and the Centerville School District for their participation in the effort, as well as the City of Centerville. He also thanked Maureen Russell-Hodgson, as she made all of the contacts to make this effort happen.

The sixth Neighborhood Improvement Meeting was held on February 16, 2006. The next meeting will be held on March 30, 2006.

Today is Presidents' Day, and he asked for everyone to pause and reflect for a moment on this great nation of ours.

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

Appreciation was expressed to the members of the Relief Team that traveled to Sliddell, Louisiana. A formal slide presentation of the trip will be presented at the March meeting.

Mr. Scott Ontjes, our new Technology Manager, will be introduced at the March meeting.

There is sometimes some confusion as the City is one of the few government offices that is not closed on Presidents' Day. As a reminder, our refuse pick-up throughout the week is on the normal schedule of operation.

Mrs. Kuschnerus outlined code violations and resolutions for the month of February, 2006, as well as the community calendar for the coming month.

MIAMI VALLEY HOSPITAL - RECORD PLAN

Mr. Feverston reviewed the Record Plan for Miami Valley Hospital, for property located north of Clio Road and west of Wilmington Pike. The zoning on this 98.032 acre site is Business Planned Development, B-PD. The purpose of the proposed Record Plan is to consolidate the property into a single lot and reserve utility easements for construction of the hospital facility. Public rights-of-way are also established on this plan to provide for the future widening of Wilmington Pike and Clio Road. The Planning Commission, by unanimous vote, recommended approval of this Record Plan. Mr. Corbin moved that the Record Plan for Miami Valley Hospital be approved. Mr. Singer seconded the motion. The motion passed unanimously.

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THE LINKS AT YANKEE TRACE, SECTION 1-B (REPLAT)

Mr. Feverston reviewed the Record Plan for the Links at Yankee Trace, Section 1-B, for property located on the northeast corner of Paragon Road and Legendary Way. The zoning on the property is R-1c, Single Family Residential. The request is to replat Lots 1-3 into 2 lots to allow for double units rather than triplex units and to create a small reserve area along Paragon Road. The Planning Commission, by unanimous vote, recommended to approve the Record Plan (Replat) subject to the following condition:

1. The original plat that was approved depicted Reserve Area "E" as split into three (3) areas: Area "G" is for the golf cart path, and Areas "E" and "J" are the lawn areas on either side of the cart path. The replat shall depict the split Reserve Area "E" as shown on the previously approved Record Plat for the Links at Yankee Trace.

Mr. Compton moved that the Record Plan (Replat) for The Links at Yankee Trace, Section 1-B, be approved as recommended by the Planning Commission including the recommended condition. Dr. Gresham seconded the motion. The motion passed unanimously.

Mr. Compton announced that the Unified Development Ordinance Task Force will be meeting on Wednesday, February 22, 2006, at the Centerville Municipal Building at 100 West Spring Valley Road at 6:30 p.m. in the Law Library and stated that the public is welcome to attend.

Deputy-Mayor Cline explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. Mr. Horn gave a brief summary of the Consent Agenda items. Mr. Corbin moved that the following Consent Agenda items be passed:

- A. Ordinance No. 02-06, An Ordinance To Amend Subsection B To Attachment A Of Ordinance Number 20-05, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on March 20, 2006.
- B. Ordinance Number 04-06, An Ordinance To Amend Subsection C And Subsection E To Attachment A Of Ordinance Number 22-05, 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, be set for Public Hearing on March 20, 2006.
- C. Ordinance Number 05-06, An Ordinance Amending Chapter 280 Of The Centerville Municipal Code And Amending Ordinance No. 6-90, Relating To The Arts Commission, be set for Public Hearing on March 20, 2006.

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- D. Resolution Number 05-06, A Resolution Enacted By The City Of Centerville, Montgomery County, Ohio Hereinafter Referred To As The Local Public Agency (LPA), In The Matter Of The Stated Described Project, MOT-SR48-4.33, State Route 48 From Interstate Route 675 To The South Corporation Limit Of Kettering.
- E. Resolution Number 06-06, A Resolution Enacted By The City Of Centerville, Montgomery County, Ohio Hereinafter Referred To As The Local Public Agency (LPA), In The Matter Of The Stated Described Project, MOT-IR675-4.28, Interstate 675 Northbound Exit Ramp (SLM 4.28) To The Alexanderville-Bellbrook Road (SLM-4.47).
- F. Resolution Number 07-06, 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.
- G. Resolution Number 08-06, A Resolution Accepting The Bid Submitted By A To Z Lawn and Landscaping, Inc., For The Landscape Management of Benham's Grove And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith.
- H. Resolution Number 09-06, A Resolution Accepting The Bids Submitted By Gillam Lawncare & Landscaping, Ground Effects Lawn & Landscaping And A To Z Lawn & Landscaping, Inc., For The Maintenance Of Certain Specified City Properties During 2006-2007 Throughout The Community And To Authorize The City Manager To Enter Into Contracts In Connection Therewith.
- I. Resolution Number 10-06, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And ME Companies For Professional Design Services For The Wilmington Pike Improvements-Phase I.

Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Joseph Koussa, 1537 Beaver creek Lane, Kettering, Ohio, asked that our Troops come home safely. He urged motorists to conserve on the use of gasoline.

Mr. Bob Kyvik, 2555 Goodfield Point, is a member of a citizens group that is interested in a study that would combine the City of Centerville and Washington Township under one roof. He has also spoken with the Township Trustees at their Meeting on February 6, 2006. He encouraged the two entities to get together to discuss this subject. Mr. Horn stated that a meeting was tentatively set for March 27, 2006 for the City and Washington Township. Mr. Compton requested that this item be put on the Agenda for March 27, 2006. Mr. Kyvik stated "that the Trustees and Councilmembers are elected by a vote by us, as taxpayers". He believes that the number one priority of these elected officials is to operate as efficiently as possible, and

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that they look for ways to keep from spending tax dollars. Mr. Kyvik asked if the City could postpone the expenditure of a new service building that is proposed for this year. After discussion, Mr. Corbin explained the procedure that is required to effect a merger between a township and a city. It is a two year process. Mr. Cline mentioned that Mr. Kyvik will be notified of the March 27th agenda.

ORDINANCE NUMBER 01-06 CITY PERSONNEL

Mr. Horn reviewed an Ordinance to establish rates of pay and regulations for employees of the City of Centerville. Mr. Singer sponsored Emergency Ordinance Number 01-06, An Emergency Ordinance To Amend Subsection B To Attachment A Of Ordinance Number 20-05, 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 unanimously.

ORDINANCE NUMBER 03-06 YANKEE TRACE PERSONNEL

Mr. Horn reviewed an Ordinance to establish rates of pay and regulations for employees at Yankee Trace. Mr. Corbin sponsored Emergency Ordinance Number 03-06, An Emergency Ordinance To Amend Subsection C And Subsection E To Attachment A Of Ordinance Number 22-05, 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 unanimously.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kungseed*

Mayor

ATTEST: *Debra A. James*

Clerk of Council

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Held March 20

20 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 20, 2006, 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 of the Epiphany Lutheran Church and City Chaplain, and the Pledge of Allegiance to the Flag led by Girl Scout Troop 2279, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	Douglas Cline
Councilmembers	Susan Lienesch
	Paul Gresham
	Robert Corbin
	Brooks Compton
	James Singer

Clerk of Council Debra James

City Manager Gregory Horn

Finance Director Mark Schlagheck

Public Works Director Robert James

City Engineer Douglas Spitler

Assistant to the City Manager Jennifer Wilder

Assistant to the City Manager Jenn Kuschnerus

Municipal Attorney Scott Liberman

The Girl Scouts introduced themselves and it was noted that the girls used sign language as they were reciting the pledge of allegiance to the flag.

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

Council Meeting - February 20, 2006.

Work Session Meetings - February 20, 2006.

- March 6, 2006.

- March 13, 2006.

Dr. Gresham moved that the minutes of the foregoing meetings be approved, as distributed. Mrs. Lienesch seconded the motion. The motion passed unanimously, with Mr. Singer, Mr. Corbin and Dr. Gresham abstaining from the minutes of the meeting on March 13, 2006 and Mayor Kingseed abstaining from the minutes of the Work Session and the Council Meeting held on February 20, 2006.

Mrs. James announced the receipt of a letter of resignation from Pete Flaherty, a member of the Storm Water Drainage Task Force.

Mr. Horn introduced two new employees for the City of Centerville. Mrs. Tricia Rapoch, Benham's Grove Administrator, and Mr. Scott Ontjes, Information Technology Manager.

Mayor Kingseed introduced Ms. Donna Scarlata, Chief of Civilian Personnel, at Wright-Patterson Air Force Base. Ms. Scarlata and Chief Labrie, who was also present, are the base community liaison representatives to the City of Centerville. Ms. Scarlata gave a presentation on the rich aviation history for which Wright-Patterson Air Force Base and the Dayton community are well known for. Wright-Patterson Air Force Base employs over 20,000 people; 10,000 are Air Force civilian employees. There are over 8,000 acres and over 800 buildings and 64 major organizations. She mentioned that WPAFB is the largest single site employer in the State of Ohio. Ms. Scarlata gave a brief overview of the many different organizations with different missions and stated that there is a highly skilled and educated workforce at WPAFB. Ms. Scarlata and Chief Labrie thanked Council for taking the time for their presentation and stated that they are encouraged and look forward to a positive relationship with the City of Centerville.

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Mrs. Lienesch read a Proclamation recognizing March 16, 2006, as Absolutely Incredible Kid Day. Mr. Keith Harrison, Executive Director, Camp Fire USA, and Ms. Jana Katsuyama (Board Member-Camp Fire USA) recognized the following students. They were presented with a letter from Mayor Kingseed which the Mayor read aloud, and a gold medallion from Camp Fire USA was presented to each student.

- Simon Abboud - Centerville High School.
- Brian Beck - Centerville High School.
- Stevie Byrd - Centerville High School.
- Baxter Stapleton - Centerville High School.
- Ty Alexander Nelson-Briscoe - Magsig Middle School.

Mayor Kingseed announced a Relief Effort Trip that was made to the Hurricane Katrina areas of Sliddell, Louisiana and Gulfport, Mississippi on February 9-12, 2006. He introduced Mrs. Maureen Russell Hodgson and thanked her for all of her hard work to make this effort happen. Two elected officials, Deputy-Mayor Doug Cline for the City of Centerville, and Lee Snyder, Township Trustee for Washington Township, along with other City/Township employees delivered six police cruisers, a pick-up truck, a four-wheeler and an EMS vehicle, as well as two truckloads of various office and school supplies. Mrs. Russell Hodgson gave a slide presentation of their trip (Deputy-Mayor Cline also helped narrate the slides). Mayor Kingseed presented a Certificate of Appreciation to the following volunteers:

- Mr. Lee Snyder (was not able to attend-Township Trustee Meeting)
- Mr. Tom Zobrist (was not able to attend-Township Trustee Meeting)
- Mr. Ed Schwab (was not able to attend)
- Mr. Jim Boehmer
- Mr. Phil Jones
- Mr. Doug Cline
- Mr. Rob James
- Mr. Ken Peters
- Mr. Geoffrey Reddens
- Mr. Werner Boehm
- Ms. Maureen Russell Hodgson
- Mr. Ryan Hodgson

Mrs. Carol Kennard, Director, for the Centerville-Washington Park District accepted the Certificate on behalf of the Park District. Dr. Cheryl Reichel, Principal, for Incarnation School accepted the Certificate on behalf of the Incarnation School.

Mayor Kingseed reported the following:

The Washington Township Trustees and the City of Centerville has scheduled a Joint Meeting, March 27, 2006, at 7:00 p.m. regarding the two entities working together on a joint financial study.

The City is considering a draft Rental Inspection Ordinance. The point of this Ordinance is to put safeguards in place to make sure that rental units in the City are maintained at the same level as the surrounding property units.

The seventh and the last of a series of Neighborhood Improvement Meetings has been scheduled for March 30, 2006, at 7:00 p.m.

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

A Washington Township resident, Steve Varmuza, has been meeting with Mr. Huff, Washington Township Administrator, and myself regarding a project he has been trying to promote at the county level and that is the widening and signalization of the Cloyo-Spring Valley Road intersection. Mr. Varmuza is working with officials in Montgomery County and State

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Representative, John White's office to see if the monies can be raised to move forward with the project.

Vectren, our natural gas distributor in the area, notified the City of four different projects coming up in the month of April. They are replacing some casings of a major gas transmission line. The four areas are: East of Clio Road in front of St. Leonard's; the area of Stubb's Park on Spring Valley Road; North of Revere Village on South Main Street just south of Ashton Glenn Apartments; and Clio Road will be closed between April 3 and April 7 south of St. Leonard and north of Spring Valley Road.

The first seasonal Job Fair at Yankee Trace was held and it was a success. There were between eighty and one hundred residents, mostly youth, showing up for seasonal summer employment opportunities.

The new DARE Vehicle will be unveiled at the April Council Meeting and the business members of the community who have contributed to this project will be recognized.

There is a company that is promoting sanitary lateral drain cleaning in our community. The City is not endorsing or promoting this program. If a person is being approached and has concerns, we recommend that they call the Montgomery County Sanitary Engineers Office at 225-4904.

Mark Schlagheck, our Finance Director will be inducted into the official Forty Under Forty Class on April 19, 2006 at the Schuster Center. This nice honor is well deserved by Mr. Schlagheck.

Mrs. Wilder outlined code violations and resolutions for the month of February, 2006, as well as the community calendar for the coming month.

Mr. Compton gave a brief report on the Unified Development Ordinance, that he and Mr. Cline have been co-chairing that Committee. He mentioned that there are some very innovative and cutting edge zoning approaches that will be taken and will be very compatible to our City. A progress report will be forthcoming in the next couple of months.

Mrs. Lienesch reported on the Property Maintenance Code Task Force in which she stated that the work was completed in January. There have been two work session meetings where Council has been reviewing the updated recommendations from the task force. The recommendations will be brought to Council in the next couple of months.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He brought attention to the appointments to be made by the passage of the Consent Agenda. Mr. Horn gave a brief description on each Resolution. Mr. Cline moved that the following items be passed.

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1. Resolution Number 11-06, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Execute An Agreement With The Greater Dayton Regional Transit Authority To Provide Funding For The Architectural Preservation District Street Furniture Upgrade In The City Of Centerville.
2. Resolution Number 12-06, A Resolution Authorizing The City Manager To Enter Into An Agreement With The Montgomery County Engineer For The Resurfacing Of A Portion Of Alex-Bell Road Located In The City Of Centerville.
3. Resolution Number 13-06, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And LJB, Inc., For Professional Design Services For The State Route 48 and State Route 725 (Alex-Bell Road) Intersection Improvement Project.
4. Appoint Regis Lekan as a member of the Storm Water Drainage Task Force.
5. Appoint Amanda Benson as a member of the Centerville City Beautiful Commission.

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

ORDINANCE NO. 2-06 PERSONNEL

The Public Hearing was held concerning Ordinance No. 2-06. Mr. Horn explained that this revision of the Pay Ordinance is adding the new position of Information Technology Manager. Mrs. Lienesch sponsored Ordinance No. 2-06, An Ordinance To Amend Subsection B To Attachment A Of Ordinance Number 20-05, 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. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NO. 4-06 PERSONNEL

The Public Hearing was held concerning Ordinance No. 4-06. Mr. Horn explained that this revision of the Pay Ordinance is for the First Assistant Golf Pro and Second Assistant Golf Pro positions. Mr. Corbin sponsored Ordinance No. 4-06, An Ordinance to Amend Subsection C and Subsection E to Attachment A Of Ordinance Number 22-05, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food

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Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NO. 5-06 ARTS COMMISSION

The Public Hearing was held concerning Ordinance No. 5-06. Mrs. Kuschnerus explained that with the vacancy of the Arts Coordinator position, the Ordinance covering the Arts Commission has been reviewed and some changes have been made. Mr. Cline sponsored Ordinance No. 5-06, An Ordinance Amending Chapter 280 Of The Centerville Municipal Code, Relating to the Arts Commission, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

Joseph Koussa, 1537 Beaver creek Lane, asked that troops come home safely and urged citizens to buy American-made cars and American-made products.

ORDINANCE NO. 6-06 HOME OCCUPATION

Mr. Horn briefly commented that this Ordinance was discussed a few months ago and there was some controversy with some individuals who have direct home sales operations. Council instructed Staff to go back and try to put together something that would be fair to all parties. He believes that has been accomplished with this Ordinance. Mayor Kingseed asked that a copy of the draft Ordinance be put on the City's web site. Mrs. Lienesch moved that Ordinance No. 6-06, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections That Apply To Home Occupations And Land Uses Associated With Home Occupations In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, be set for Public Hearing on May 15, 2006. Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NO. 7-06 GARBAGE SERVICE COLLECTION PROCEDURES FOR FEES

Mr. Horn explained that this legislation expands the scope of potential recovery of claims for refuse fees that are not paid to the City. Dr. Gresham moved that Ordinance No. 7-06, An Ordinance Amending Chapter 1060 Of The Centerville Municipal Code To Require Municipal Garbage Service For Residents; Establish Collection Procedures For Fees; And To Allow Assessment Of Unpaid Fees To The County Tax Duplicate, be set for Public Hearing on April 17, 2006. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NO. 8-06 BUILDING INSPECTION CODE UPDATE

Mr. Horn explained that periodically the Building Inspection Division will come before Council to have their Code updated. To base it upon the most recent codes that have been adopted for building standards in Ohio - approximately every three years. Mr. Corbin moved that Ordinance No. 8-06, An Ordinance Authorizing A Request To The Ohio Board Of Building Standards To Certify The City Of Centerville, Ohio For Enforcement Of The Residential Code Of Ohio With The Condition That The Division Of Inspection Exercise Enforcement Authority And Accept And Approve Plans And Specifications, And Make Inspections, be set for Public Hearing on April 17, 2006. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: C. Merb Kempstead

Mayor

ATTEST: Debra A. James
Clerk of Council

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 3, 2006, at 8:00 P.M., in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer, and the pledge of allegiance to the flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Douglas Cline
 Councilmembers Brooks Compton
 Paul Gresham
 Susan Lienesch
 James Singer
 Clerk of Council Debra James
 City Manager Gregory Horn
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Jennifer Kuschnerus
 Economic Development Administrator William Covell
 Municipal Attorney Nick Farquhar

Dr. Gresham moved that Councilmember Robert Corbin be excused from this meeting. Mr. Singer seconded the motion. The motion passed unanimously.

Mayor Kingseed explained that there are several items dealing with Pre-annexation agreements. Technically, this is not a public hearing where one would take testimony but the process to follow is one where Mr. Horn, City Manager, is going to give a brief report. If there are members in the audience who wish to speak briefly then we would request that you come up to the microphone. If these items are approved and if development plans come before Council; then there would be a public hearing where there would be formal staff reports and a full opportunity for people to come and present pros and cons as to whether they favored the development.

Mr. Horn gave an overview of the three items at one time. The three resolutions pertain to land in Greene County that is owned by different landowners and authorizing the City Manager to enter into a pre-annexation agreement concerning these various parcels. The property comprising the three resolutions consists of approximately 270 acres. Approximately 173 acres north of I-675 and approximately 96 acres south of I-675 and including about 32 acres of I-675 Interstate right-of-way. The pre-annexation agreement would require the developer to prepare and file annexation petitions within 20 days of this agreement if Council decides to move forward. The City will agree to pass a Service Resolution within 20 days of the filing of the annexation petitions. Once annexation is placed before our City Clerk, Council has 120 days to accept or reject the annexation petitions. Tax Increment Financing will be utilized to assist with the public infrastructure portion of the development in an amount to be determined during a formal process in the future. The developer has done their due diligence on utilities and have stated such in the pre-annexation

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agreement, therefore the City is not obligated to guarantee any provision of utilities - that is the Developer's responsibility. Another provision in the pre-annexation agreements is that the school district (in this case it is the Sugarcreek School District) will be made whole. There will be no negative financial impact regarding any tax increment financing on the school district. Also included is the fact that this is a 100% owner petition. The Developer and future owner approached the City. The City has the full time staff, the expertise, the planners, economic development staff, including CPA's, Registered Engineers and a certified Building Inspection Program to assist with the overall development of this project to make sure it is done in a quality and timely manner.

Mayor Kingseed asked Mr. Horn to explain the process if this land comes into the City and if there were development plans of the annexed land. Mr. Horn explained the process and procedures that the City would go through before any plans would actually be approved. It would most likely be a mixed use type of development. Mr. Feverston went on to explain with regard to a development plan, first of all the land would be zoned into a City Zoning Classification. The public would be invited to a public hearing to comment on any rezoning of this property. The next step would be for the developer to come to the City with the final development plans showing how the property is going to be developed for a portion or all of the property. Most likely that would be in a public hearing setting where the public would be invited for their comments. Once that is done, the Master Plan and the zoning plans are approved, the next step would be the task of the Planning Commission to review and approve the individual parcels. This is not a formal public hearing but a public meeting.

Mr. Dick King, 1429 Sugar Hill Lane, Sugarcreek Township, Vice Chair of the Sugarcreek Township Board of Trustees. Mr. King stated that "he cannot emphasize enough how our Township is so extremely threatened by the resolutions being considered by the Centerville Council". He explained that the Dille property represents approximately 40% of their entire commercial tax base of only 442 acres. This year their citizens experienced significant property tax increases. Some have expressed they are being forced to leave the Township because of the heavy tax burden. He stated that the Township is highly dependent on the Dille property to help share this tax load and protect their quality of life. He urged Mayor Kingseed and Council to reconsider and cancel this annexation initiative. He stated that annexation is totally devastating, an annihilation. He strongly encouraged the City to stay with us as an equal community partner and not become an adversary.

Mr. Mike Pittman, Trustee of Sugarcreek Township, explained that this annexation would be devastating to both Sugarcreek Township as well as the City of Bellbrook. He stated that Sugarcreek Township had implemented a new comprehensive land use plan back in the year 2000. The consultants documented that the citizens paid an exorbitant amount of property taxes due to the fact there is limited commercial development within the Township. The development of the Dille property was to help correct that problem and without it our residents will have to shoulder more of the burden. After a meeting on February 9, 2006 with the City of Kettering, City of Centerville and Sugarcreek Township - they understood that they needed to form a partnership. He stated that it had been Sugarcreek Township's desire to enter into a partnership

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with Centerville. He asked that the City of Centerville work with them and to work out some kind of an agreement or at least to get additional information.

Mr. Randy Pavlak, Fire Chief, Sugarcreek Township, asked Council to look closely at the advantages of JEDD'S, CEDA'S or any other cooperative avenues that would promote regional cooperation and not create a situation that would undermine what both governments have worked so hard for and maintained over the years. To explore all other avenues of a joint relationship for economic development (of the area in question) have been exhausted through good faith and thorough discussion - this is a win-win proposition.

Mr. Peter Jones, 4098 Wagner Road, Sugarcreek Township expressed his concern "of how developers have used both property owners and municipalities as business tools for profit making." He expressed his disappointment in that the Dille Farm is one of the only remaining areas in Sugarcreek Township where we can legitimately pursue commercial development. He feels that this will change the community and will drive citizens out of the Township who can no longer afford the tax burden that this annexation will impose.

Mr. Bill Schieman, Resident of Sugarcreek Township, urged Council to live up to the principles in the Create the Vision plan. He feels if the City continues the annexation of the Dille land, it will actually undermine the very important strategies and objectives in the Create the Vision plan. He stated that if the City were to proceed with this plan it will certainly damage the economic health of your neighbor. He encouraged joint or shared economic development.

Mr. Gary Powell, Attorney with Manley Burke in Cincinnati, Ohio. He stated that one of the reasons he was brought into this matter was to help the Township deal with this very large, very important development. He and the Township officials believe the developer in this case was playing one political subdivision against another. This led to the meeting on February 9, 2006. The Township Officials and special counsel left the meeting thinking that we had pretty much had an agreement the none of the communities would go it alone. The Township officials felt very good about the prospects of cooperation with the City of Centerville. The Sugarcreek Township officials want to cooperate with the City of Centerville and to put forward the best development as possible on this property. We don't want any of the communities to go it alone because we think that it is too important of any area, too important of a project to have one community making all of the decisions. The representatives of Sugarcreek Township would ask you, because we don't see a real urgency with your approving these pre-annexation agreements, they think that it would make more sense for the City to wait until after we have had further discussion and see if we can reach an agreement on a JEDD or a CEDA. "We would like to have cooperation and would like to have the ability to sit down at the table again and renew our discussions that were started on February 9th."

Mayor Kingseed stated that everyone's comments were appreciated. He pointed out that there were a couple of comments he would like to make. The idea of cooperation is one that is not dead, if this land is annexed to the City. The City of Centerville, obviously, has a vital interest

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in the development of this property because it is going to directly impact in a very large way the quality of life of Centerville residents, so it is something that we care deeply about. We also understand that the same thing can be said for the citizens of Sugarcreek Township and in Greene County. That doesn't mean Sugarcreek Township is frozen out of having input. We want open communication. In Ohio, a City government has, because of the way the State law works, does have more resources, more planning resources, more effective ways to manage large scaled developments. One of the reasons that the City wants this land in the City of Centerville is so that we can control that - so we can make sure that it is done right. Again, that does not mean, that we are going to ignore the interests of people that live in Sugarcreek Township. It does not mean that we are not going to be willing to discuss in a reasonable fashion, ways to make sure that there is not economic harm. Mr. Horn talked about the TIF that is structured so it will not be an impact on the schools. That is something that we care deeply about, there is no desire at all on the part of the City to reek economic havoc on any other entity. We do think that this land is going to be developed, that is just an economic fact of life, and the City wants to make sure it is done in a way that minimizes the negative impact that it might otherwise have on the quality of life for both the people of Centerville and the people of Sugarcreek Township.

Mayor Kingseed stated that he had sent a letter to the Township probably two years ago saying that he was interested in talking about a JEDD and didn't get a response. When there was discussion in more recent terms about a JEDD there were a lot of conditions attached to it that frankly made it something that the City couldn't enter into.

Mr. Compton echoed the Mayor's comments and he will support going forward with the Pre-annexation Agreement. The gentleman who took the time to read the Executive Summary of the Create the Vision Plan knows how seriously we take the Comprehensive Plan. The Comprehensive Plan is followed in the City of Centerville and he believes that once this development (if it becomes a part of the City of Centerville through the annexation process), that citizens will be pleased with the result of that process itself. We welcome the participation by those in Sugarcreek Township.

Dr. Gresham stated that we have heard a lot about the meeting of February 9th. He stated that he did not attend that meeting but did attend another meeting in the evening on February 9th and that was the Neighborhood Meeting with citizens from Centerville who actually live in the neighborhood across the street from the Dille property. At that meeting they made it very clear to us that they realize that this land if going to be developed and they hoped it could be developed in the City. He is also going to support going forward.

RESOLUTION NUMBER 14-06 PRE-ANNEXATION AGREEMENT
WITH DILLE LABORATORIES CORP. AND BEAR CREEK CAPITAL, LLC

Mr. Compton sponsored Resolution Number 14-06, A Resolution Authorizing And Directing The City Manager To Enter Into A Pre-annexation Agreement With Dille Laboratories Corp. And Bear Creek Capital, LLC For Property Located In Sugarcreek Township, and moved

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that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 15-06 PRE-ANNEXATION AGREEMENT
CHARLES A. DILLE, JR., TRUSTEE, AND BEAR CREEK CAPITAL, LLC

Dr. Gresham sponsored Resolution Number 15-06, A Resolution Authorizing And Directing The City Manager To Enter Into A Pre-annexation Agreement With Charles A. Dille, Jr. Trustee, And Bear Creek Capital, LLC For Property Located in Sugarcreek Township, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 16-06 PRE-ANNEXATION AGREEMENT
SUGAR CREEK CROSSING, LLC AND SUGAR CREEK CROSSING PERMANENT, LLC

Mr. Cline sponsored Resolution Number 16-06, A Resolution Authorizing And Directing The City Manager To Enter Into A Pre-annexation Agreement With Sugar Creek Crossing, LLC And Sugar Creek Crossing Permanent, LLC For Property Located in Sugarcreek Township, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kuyseel

Mayor

ATTEST: Debra A. James
Clerk of Council

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 17, 2006, 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 of the Epiphany Lutheran Church and City Chaplain, and the Pledge of Allegiance to the Flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Douglas Cline
 Councilmembers Susan Lienesch
 Paul Gresham
 Robert Corbin
 Brooks Compton
 James Singer

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 City Planner Steven Feverston
 Chief of Police Stephen Walker
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Jenn Kuschnerus
 Municipal Attorney Scott Liberman

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

Council Meeting - March 20, 2006.
 - April 3, 2006.

Work Session Meetings - March 20, 2006.
 - March 27, 2006.
 - April 3, 2006.
 - April 10, 2006.

Joint City/Washington Township Meeting - March 27, 2006.

Mrs. Lienesch requested that the April 10, 2006 Work Session Minutes be amended as follows: Page 2, Fourth Paragraph, Third Line - possibly establishing a TIF making the school district whole, perhaps helping with the financing of the Clyo Road Project and helping with the Fire and EMS (and striking through the words - for the EMS and Police through to the word whole) ~~for the EMS and Police (making them whole)~~

Mr. Compton moved that the minutes of the foregoing meetings, as distributed and amended, be approved. Mr. Singer seconded the motion. The motion passed unanimously; however, Mr. Corbin abstained from the minutes of the April 3, 2006, Work Session and Council Meeting.

Mayor Kingseed administered the Oath of Office to City Beautiful Commission member, Amanda Benson.

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Chief Steve Walker and Ronnie Bowling (D.A.R.E. Officer) were present to unveil the Centerville Police Department's new D.A.R.E. vehicle. Chief Walker stated that local businesses have contributed and supported the outfitting of the new D.A.R.E. vehicle. One of the nice things about Centerville is that the community gets so involved in something like this. This is kind of a concept car that we came up with hoping to rally the appeal to the youth in our community for the D.A.R.E. program. The D.A.R.E. Car Sponsors:

Voss Dodge, 90 Loop Road, Centerville, Ohio.

Dayton Wire Wheel, 115 Compark Road, Centerville, Ohio 45459.

The Wheel Source, 3522 Kettering Blvd., Kettering, Ohio 45439.

P & R Communications, 700 East First Street, Dayton, Ohio 45402.

McDonald's of Centerville, 6004 Far Hills Avenue, Centerville, Ohio 45459.

Sound Waves, 8600 Springboro Pike, Dayton, Ohio 45342.

Kirneq Signs, 10997 Dayton-Lebanon Pike, Dayton, Ohio 45458.

Mayor Kingseed read the Certificate of Appreciation that was presented to each business sponsor and acknowledged the important contributions received from individuals and businesses that made this exciting addition to the D.A.R.E. Program. It will benefit the community for years to come.

Mayor Kingseed introduced the following Centerville High School students who will participate in Youth in Government Day on April 25, 2006:

Mayor	James Treadway
Deputy-Mayor	Randy Boll
Councilmembers	Andrew Strickler
	Becky Rhoda
	Andrew Erbland
	Nate Goldstein
	Erica Suprenant
Clerk of Council	Bhupinder Singh
City Manager	Baxter Stapleton
Assistant to the City Manager	Logan Dewey
Assistant to the City Manager	Caroline Lehrer
Finance Director	David Winters
City Planner	Tyler Kinzig
City Engineer	Nachi Deshpande
Chief of Police	Adam Watson
Public Works Director	Jim Hays
Economic Development Administrator	Allison Liebst
Human Resources Manager	Clark Mill
Golf Maintenance Superintendent	Colleen Lienesch
Head Golf Professional	Eric Reno
Director of Food Service	Jeff Anderson

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

A Joint Meeting between the City and the Washington Township Trustees was held on March 27, 2006, and the two entities have been making a significant effort to cooperate in a more detailed way. It was agreed upon that a Joint Financial Study would be done; where both the City and the Township would analyze what it would cost, what would be the impact on the taxpayers in both the City and the Township, if the City and Township were to consolidate. This is not a merger study but it would be an analysis where we simply get a clear understanding of what the financial consequences would be if the City and Township were to eventually get together.

The City recently moved forward with an annexation of some property in Sugarcreek Township. The property owner came to the City and asked to come into Centerville. This is land that is going to be developed over the next several years. This is land that is going to have a vital impact on the City of Centerville. We want to make sure, using our Planning Resources that the land is developed in a way that is appropriate; that it is developed in a way that has a minimal negative impact either on Sugarcreek Township or on Centerville.

Mrs. Lienesch read a Proclamation designating April 27, 2006, as Arbor Day in the City of Centerville, issued by Mayor Kingseed.

Dr. Gresham read a Proclamation designating the week of May 8-11, 2006, as Operation Clean Sweep in the City of Centerville, issued by Mayor Kingseed.

Mr. Horn reported the following during his City Manager's report:

Congratulations were expressed to Richard Scherer on his retirement with the Public Works Department for his 33 years of dedicated service. A luncheon was held in Mr. Scherer's honor and we want to wish him well with his retirement.

It was announced that Thursday, April 27, 2006 is Arbor Day and a ceremony will be held on Fireside Drive at 10:00 a.m. This is the 20th year that the City of Centerville has been designated as a Tree City U.S.A. community.

There have been a few complaints regarding truck traffic on Sheehan Road. There are a couple of businesses that are located just outside the city limits. One is Wilson Concrete Block and the other is the School Bus Garage and due to the fact that they are located on Sheehan Road between Social Row Road and State Route 48, the City has always permitted them free access to and from their businesses. Trucks or buses entering or leaving either one of those establishments have the right to go south or northeast toward S.R. 48. It is noted as a no through truck street so drivers of the trucks that are traversing the entire section from S.R. 48 on through Social Row Road - would be cited for not obeying the through truck traffic regulations. The concrete block facility and the bus garage which have been located in that section of the street have always been permitted to have access from both directions.

Mr. Horn met with Mr. Mike Pittman, Sugarcreek Township Trustee. He had asked to get together, to discuss the proposed annexation north of I-675 and the proposed annexation south of I-675. They discussed the possibility of Joint Economic Development Districts, perhaps in other areas of Sugarcreek Township. Mr. Horn felt it was a good discussion. Mr. Pittman also discussed the extension of Clio Road - how important the extension of Clio Road is to Sugarcreek Township. Mr. Horn told Mr. Pittman that they had discussed that at the City Council

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level and if the annexations proceed forward that are currently being proposed (the 173 acres approximately north of I-675 and the approximate 100 acres south of I-675) that one of the things we were looking at through Tax Increment Financing was being able to potentially participate financially in the extension and improvement of Clys Road because it is an important roadway improvement for Sugarcreek Township and for the area.

As an update on the proposed access road behind the Woodbourne Library and McDonald's Restaurant; Councilmember, Mr. Corbin, and Mr. Horn had a conversation with Cynthia Klinck, Executive Director for the Library. The Library Staff has had a meeting with McDonald's Restaurant and have met with the Connor Group which owns the apartment complex to the east, and the City is continuing to look at this in-house to see what the options are in terms of possible alignment for an access drive for those businesses to get out to North Village Drive to be able to make south bound turns safely.

Mrs. Kuschnerus outlined code violations and resolutions for the month of March, 2006, as well as the community calendar for the coming month.

Mr. Feverston, reporting for the Planning Commission, advised that An Ordinance Amending Ordinance No. 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 1.214 Acres, More Or Less, From Washington Township Agriculture Zone Classification To Centerville R-1C, Single Family Residential Zone Classification has been recommended for consideration by City Council. Mrs. Lienesch moved that said Ordinance be set for Public Hearing for June 19, 2006. Dr. Gresham seconded the motion. The motion passed unanimously.

Mr. Compton reported briefly on the Create the Vision Implementation Task Force and that they have an obligation to report back to the community on an annual basis and this will be an Open House on June 14, 2006. Discussion will be held at that time on what objectives have been accomplished, what strategies have been worked through and what is on the agenda at this point. There will be an open forum for questions with respect to Create the Vision. He wanted to encouraged people to attend the Open House, June 14th at Rec West which is the old movie theater next to the Rec Center, at 7:00 p.m.

John McIntyre, represents the McIntyre Corporation, 70 West Franklin Street and also owns another corporation inside the city limits of Centerville. He expressed his concerns regarding the costs of annexation to the taxpayers of Centerville. His concerns are with regard to legal expenses in a project of this magnitude and infrastructure improvements over time. Mayor Kingseed explained that if the 300 acres come into the City and are developed at the level we expect them to be with a well-planned out development, that the economic benefit to the City would be substantial. The property tax revenues and the income tax revenues that come from that are going to be a significant benefit to the City of Centerville, and that is one reason we are looking favorably on the request of the owners to have that land come into the City. Mr. Horn explained that infrastructure improvements will be funded through direct contributions by the developer or tax increment financing. Mr. McIntyre spoke in opposition to children living in Centerville and going to a different school system.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 17

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Terry Duffy, 327 Silvertree Lane, has been a 27 year resident. He brought photographs into the City a year ago because conditions in his neighborhood had deteriorated significantly. Mr. Duffy asked Council to direct the City Manager and his staff to enforce the code on this property at the corner of Silvertree Lane and Zengel Drive. Mayor Kingseed requested that Council will get a report from Staff as to where we are with this and to see if we have done all we can under the existing ordinances. City Staff will be in touch with Mr. Duffy.

Janice Rogers read from a brochure which described a program removing barriers in the Christian and mental health area and Christian and family counseling.

Marty Hickey, Sugarcreek Township resident who lives in the Browns Run Development, expressed concern about the development of the Dille property (the proposed annexation on Wilmington Pike and Feedwire Road). She stated that residents in their development are concerned about what will go into that property. She strongly requested for no apartments. She inquired as to what meetings the residents can come to stay updated as to what is going to happen to the Dille property and to the house. Mayor Kingseed encouraged that the residents stay involved with the Planning Commission Meetings and the Council Meetings.

Joseph Koussa, 1537 Beaver creek Lane, asked that the troops come home safely, and encouraged citizens to buy American-made products. He also encouraged listeners to save on gasoline.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He brought attention to the appointment of Mark Leonard to the Planning Commission to be made by the passage of the Consent Agenda. Mr. Horn gave a brief description on each Resolution. Mr. Singer moved that the following items be passed.

1. Resolution Number 17-06, A Service Resolution In Support Of The Proposed Annexation Of Property Containing 173.135 Acres More Or Less From Sugarcreek Township, Greene County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Section 709.023 Ohio Revised Code.
2. Resolution Number 18-06, A Resolution Accepting The Annexation Of Property Owned By John T. Reese, Jr. And Mary K. Reese Which Is Contiguous To The Corporate Limits Of The City Of Centerville And Which Is Located In The Unincorporated Area Of Washington Township.
3. Resolution Number 19-06, A Resolution Of Intent To Appropriate Certain Interests In Real Property For Public Roadway Purposes From John T. And Roberta J. Gramann and Located At 1 N. Main Street, Centerville, Ohio.
4. Resolution Number 20-06, A Resolution Accepting The Bid Submitted By Barrett Paving

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Materials, Inc. For The 2006 Street Program (Projects #SS-1A-06 And BI-1B-06) Concrete And Asphalt Repair And Asphalt Resurfacing In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.

5. Resolution Number 21-06, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power & Light Company To Extend Electric Distribution From Yankee Substation To Yankee Street.
6. The Woodlands at Yankee Trace, Performance Bond Reduction - Letter of Credit be Reduced from \$87,600.00 to \$36,000.00.
7. Mark Leonard be appointed as a member of the Centerville Planning Commission.

Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 7-06 GARBAGE SERVICE
COLLECTION PROCEDURES FOR FEES

The Public Hearing was held concerning Ordinance Number 7-06. Mr. Horn explained that we provide residential refuse service in the community. There is a provision in our current code that allows for the refuse not to be picked up if a resident is delinquent on an account; what is needed are better tools to make sure that payments are paid because not picking up the refuse is not a long term solution. This legislation would provide the City with three options: 1) placement of a lien 2) it allows for prosecution and 3) filing of a civil suit if necessary.

Mr. Compton sponsored Ordinance Number 7-06, An Ordinance Amending Chapter 1060 Of The Centerville Municipal Code To Require Municipal Garbage Service For Residents; Establish Collection Procedures For Fees; And To Allow Assessment Of Unpaid Fees To The County Tax Duplicate, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 8-06 BUILDING INSPECTION CODE UPDATE

The Public Hearing was held concerning Ordinance Number 8-06. Mr. James explained that last year the State passed House Bill No.175 which will require all cities that enforce a residential building code to do certain things. The City must use the State Residential Building Code which has been in existence since 1993. We have adopted that Code and currently use it. This will be a requirement that all municipalities; cities, counties, townships will be required to adopt this Code which gives a state wide uniform code. We also have to have inspectors become state certified to do residential inspections. We also must become a state certified residential building department. This legislation allows the city to apply for the certification.

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Mr. Singer sponsored Ordinance Number 8-06, An Ordinance Authorizing A Request To The Ohio Board Of Building Standards To Certify The City Of Centerville, Ohio For Enforcement Of The Residential Code Of Ohio With The Condition That The Division Of Inspection Exercise Enforcement Authority And Accept And Approve Plans And Specifications, And Make Inspections, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: C. Mark Keigood
Mayor

ATTEST: Debra A. James
Clerk of Council

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 15

20 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 15, 2006, 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 of the Epiphany Lutheran Church and City Chaplain, and the Pledge of Allegiance to the Flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	Douglas Cline
Councilmembers	Susan Lienesch
	Paul Gresham
	Robert Corbin
	Brooks Compton
	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 Spitler
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Jenn Kuschnerus
 Municipal Attorney Scott Liberman

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

Council Meeting - April 17, 2006.
 Work Session Meetings - April 17, 2006.
 - May 1, 2006.
 - May 8, 2006.

Mr. Singer moved that the minutes of the foregoing meetings, be approved. Mr. Compton seconded the motion. The motion passed unanimously.

Mayor Kingseed administered the Oath of Office to Planning Commission member, Mark Leonard.

Mr. Horn introduced new employee, Mr. Jay Delaney, Arts Commission Coordinator.

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

A Memorial Day Service will be held on Monday, May 29, 2006, at Stubbs Park. The ceremony will begin at 9:00 a.m.

Dr. Gresham read a Proclamation designating Tuberos Sclerosis Complex Awareness Day in the City of Centerville - May 15, 2006. Mayor Kingseed brought attention to the walkathon at the Centerville High School track on Sunday, May 21, 2006, beginning at noon. He introduced Jim and Nancy Weir and their daughter, Emily, who were in the audience.

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Mr. Horn reported the following during his City Manager's report:

Appreciation was expressed to the Public Work's Department for Operation Clean Sweep Week which was held the week of May 8-11, 2006. The City wide garage sale was a success. There were 280 families that participated.

Mayor Kingseed, Bill Covell and Mr. Horn will be attending (May 16th) on behalf of the City before the Greene County Commissioners regarding the Dille property annexation (approximately 173 acres). It is technically an Expedited Type II Annexation, therefore it is not really a public hearing but simply a review of the documents. The Commissioners are expected to take action on this annexation process on May 18, 2006.

The Town Hall Parking Lot project is continuing to move forward and with the wet weather winding down we should see the paving crews begin their work.

Congratulations were expressed to Sargent Bill Osmanski from the Police Department. He recently graduated from PELC (Police Executive Leadership Conference) This is an extensive program that is conducted by the Ohio Chiefs of Police in Columbus, Ohio.

Congratulations were expressed to Ginger Yonak, Human Resources Manager. She has been attending classes on the weekends at Wright State University for the PHR designation which stands for the Professional Human Resources title.

Condolences were expressed to the family of Melanio Dominguez. Melanio was a member of our Yankee Trace Food Service Staff. He passed away on Friday May 5, 2006.

Also condolences were expressed to the family of Fred Hess. Fred was a member of our Sister City Committee, a Yankee Trace volunteer and a World War II Veteran. He passed away on Saturday, May 6, 2006.

Mrs. Wilder outlined code violations and resolutions for the month of April, 2006, as well as the community calendar for the coming month.

Mr. Compton announced the Create the Vision Open House to be held June 14, 2006, at Rec West (located at 965 Miamisburg-Centerville Road) at 7:00 p.m. This will be the first update to the public and the annual Report will be presented followed by Keynote Speaker, Sylvia Lovely, President, NewCities Institute and CEO, Kentucky League of Cities. The public was encouraged to attend the Open House.

Mr. Cline reported on a program that Mayor Kingseed has sponsored with our faith-based organizations. A group of people will be traveling to Slidell, Louisiana, as a follow-up to our trip in February of this year, to work on some of the homes of Hurricane Katrina victims. The date for the trip is June 10th through the 17th. We will be working with a group known as Operation Blessing. He encouraged anyone who is interested in going on this trip to please call the City Building and ask for Maureen Russell Hodgson at 433-7151.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He brought attention to the reappointments of Judy Stang, Centerville City School District Personnel Appeals Board, and Mary Ann Gasior as Chairman to the Arts Commission, to be made by the passage of

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the Consent Agenda. Mr. Horn gave a brief summary of the Consent Agenda items. Mr. Cline moved that the following items be passed.

- A. Ordinance Number 10-06, An Ordinance Amending Chapter 1611, Centerville Municipal Code By Adopting The 2005 Southwest Ohio Fire Safety Council Unified Standards In Lieu Of The 1994 Edition Thereof By Reference, be set for Public Hearing on June 19, 2006.
- B. Ordinance Number 12-06, An Ordinance Repealing Ordinance No. 35-94 And Adopting Course Rules And Regulations For The Golf Club At Yankee Trace, be set for Public Hearing on June 19, 2006.
- C. Ordinance Number 13-06, An Ordinance Enacting A Residential Rental Unit Mandatory Registration And Inspection Requirement, be set for Public Hearing on July 17, 2006.
- D. Resolution Number 22-06, A Resolution Authorizing The Purchase Of A Schwarze A7000 Street Sweeper Body From Southeastern Equipment Through The Office Of State Purchasing And The Purchase Of A Sterling Cab And Chassis From Tri-State Sterling.
- E. Resolution Number 23-06, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Board Of Commissioners Of Montgomery County, Ohio For The Use Of The County's Water Tower For Placement Of Equipment For Public Safety Communications Purposes.
- F. Resolution Number 24-06, A Resolution Authorizing The City Of Centerville To Participate In The ODOT Cooperative Purchasing Program.
- G. Resolution Number 25-06, A Resolution Accepting The Bid Submitted By Tri-State Concrete Construction For Clyo Road Improvements And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.

H. The Following Reappointments be Made:
Judy Stang to the Centerville City School District Personnel Appeals

Board.

Mary Ann Gasior as Chairman to the Centerville Arts Commission.

Mr. Singer seconded the motion. The motion passed unanimously.

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ORDINANCE NO. 6-06 HOME OCCUPATIONS

The Public Hearing was held concerning Ordinance Number 6-06. Mr. Horn mentioned that over the past several months Staff has had dialogue with the Planning Commission, City Council in Work Session settings, and had a significant amount of public input on updating our Home Occupation Ordinance. There was an Ordinance that was actually proposed a few months ago by Council, and there was some feedback from the community; it went back to the drawing board and some changes were made that have incorporated some of the concerns that were expressed. Mr. Feverston stated that a Public Hearing was held in September 2005 on the original Home Occupation Ordinance. On that particular Ordinance a public hearing was opened and the Ordinance was tabled for further consideration. This revised Ordinance basically has five changes to it. The principle change is providing for direct sales of consumer products or services. In addition, there are some modifications made to the square footage of a dwelling unit where a home occupation could be conducted. Principally permitting some incidental storage in the garage of a single family home and limiting that to about 50 square feet. Another small change with regard to deliveries and shipping of vehicles. The revised Ordinance prohibits any large vehicle from making any pick-ups or deliveries from a Home Occupation. Minor changes to when home occupations could be conducted, again providing for the direct sales and lastly providing a definition for direct sales of consumer products or services. Those are the substantive changes from the September draft. Mrs. Lienesch asked how the interested parties were contacted. Mr. Feverston explained that they were able to email the actual draft of the Ordinance to the interested citizens, and Staff received comments that the draft was acceptable. Mr. Corbin sponsored Ordinance Number 6-06, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections That Apply To Home Occupations And Land Uses Associated With Home Occupations In Accordance With The Provisions of Chapter 713 Of The Ohio Revised Code, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

Mr. Joseph Koussa, 1537 Beaver Creek Lane, Kettering, Ohio, asked that troops come home safely and encouraged residents to buy American-made products. He also brought attention that it is Police Memorial Week and encouraged residents to honor their fellow policemen.

EMERGENCY ORDINANCE 14-06 APPROPRIATE CERTAIN REAL PROPERTY LOCATED AT 1 N. MAIN STREET

Mr. Liberman explained that this is the second step in the process of appropriating land in the public parking project downtown. At the April 17, 2006 Council Meeting a resolution was passed authorizing Staff to make a proposal to the owner of the property. The proposal was delivered to the owners of the property. This step is authorizing Staff to file a petition in court to declare the property for road purposes and to deposit an appropriate sum with the court, thus giving the property to the City. The sum that was determined was based on an appraisal of the property. During this process, and even after, depositing the money, the City can still resolve the issue with the landowner. This legislation will give the City the authority to file the petition in

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common pleas court and to take the next step towards appropriating the property. Mr. Compton moved that the Emergency Ordinance Number 14-06, An Emergency Ordinance By The Council Of The City Of Centerville, Montgomery County, State Of Ohio To Appropriate Certain Real Property Located At 1 N. Main Street, Centerville, Ohio For Public Purposes; And Declaring An Emergency, be passed. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

EMERGENCY ORDINANCE 11-06 ADOPTING COURSE RULES AND
REGULATIONS - THE GOLF CLUB AT YANKEE TRACE

Mrs. Wilder explained that it is the first update to our rules and regulations since 1995. This Ordinance does basically two things; an upgrade of the golf course regulations and it also includes the 2006 fees that were passed by Council last December. The biggest change is the age requirement for children on the golf course. It is recommended that children under the age of 6 not be allowed on the course. Children under the age of 5 would not be allowed on the range. It can be very busy, and children need adequate supervision. Children under 5 may use the club house putting green when accompanied by an adult. Mr. Cline asked how is the City going to communicate the changes in the rules. Mr. Horn answered that it would be in the Town Crier Newsletter, posted in the ProShop and on the Golf website. Dr. Gresham moved that Emergency Ordinance Number 11-06, An Emergency Ordinance Repealing Ordinance No. 35-94 And Adopting Course Rules And Regulations For The Golf Club At Yankee Trace, be passed. Mr. Corbin seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: *E. Mark Kerpel*
Mayor

ATTEST: *Debra A. James*
Clerk of Council

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 5

20 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 5, 2006, at 8:00 P.M., in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer, and the pledge of allegiance to the flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Douglas Cline

Councilmembers Paul Gresham
Susan Lienesch
James Singer

Clerk of Council Debra James

Assistant Clerk of Council Julie Weaver

City Manager Gregory Horn

Finance Director Mark Schlagheck

Public Works Director Robert James

City Engineer Douglas Spitler

Assistant to the City Manager Jennifer Wilder

Assistant to the City Manager Jennifer Kuschnerus

Municipal Attorney Scott Liberman

Mr. Singer moved that Brooks Compton and Robert Corbin be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 26-06 SERVICE RESOLUTION (173.18 ACRES-SUGARCREEK TOWNSHIP)

Mr. Horn reviewed a proposed Resolution that was prepared in consultation with Mr. Dick Brahm, Special Counsel, for this annexation. A Service Resolution was before Council several weeks ago and subsequent to that action it was denied by the Greene County Commissioners. There are very minor changes to this proposed Resolution. The Annexation Petition has been refiled. One of the changes is that there is an estimated date (December 1, 2006) for providing the services the City is able to provide to an area proposed to be annexed to the City of Centerville. This proposed Resolution does not address Fire and EMS Services because that will be provided by Sugarcreek Township. Dr. Gresham sponsored Resolution Number 26-06, A Service Resolution In Support Of The Proposed Annexation Of Property Containing 173.18 Acres More Or Less From Sugarcreek Township, Greene County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Section 709.023 Ohio Revised Code, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 27-06 ZONING BUFFERS IN A PROPOSED ANNEXATION OF PROPERTY (173.18 ACRES-SUGARCREEK TOWNSHIP)

Mr. Horn reviewed a proposed Resolution to make sure that appropriate buffers would be

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provided. (This is in line with the Ohio Revised Code that requires, if there is a potential for incompatible uses, existing uses that would border this area and would be protected through a buffer or other acceptable means.) Mrs. Lienesch sponsored Resolution Number 27-06, A Resolution Regarding Zoning Buffers In A Proposed Annexation Of Property Containing 173.18 Acres More Or Less From Sugarcreek Township, Greene County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Section 709.023(C) Ohio Revised Code, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 28-06 SERVICE RESOLUTION
(94.987 ACRES-SUGARCREEK TOWNSHIP)

Mr. Horn reviewed a proposed Resolution which indicates the services the City is able to provide to an area proposed to be annexed. This property is the southeastern quadrant of the intersection of Wilmington Pike and I-675. This is undeveloped land and also includes right of way areas of Wilmington Pike and I-675. The Petition for Annexation was not accepted by the Greene County Commissioners, because of the omission of a date on the Petition. It has been resubmitted to the Greene County Commissioners. Dr. Gresham sponsored Resolution Number 28-06, A Service Resolution In Support Of The Proposed Annexation Of Property Containing 94.987 Acres More Or Less From Sugarcreek Township, Greene County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Section 709.023 Ohio Revised Code, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 29-06 ZONING BUFFERS IN A PROPOSED
ANNEXATION OF PROPERTY (94.987 ACRES-SUGARCREEK TOWNSHIP)

Mr. Horn reviewed a proposed Resolution dealing with appropriate buffers as required by law. Mr. Singer sponsored Resolution Number 29-06, A Resolution Regarding Zoning Buffers In A Proposed Annexation Of Property Containing 94.987 Acres More Or Less From Sugarcreek Township, Greene County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Section 709.023(C) Ohio Revised Code, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kinsey*
Mayor

ATTEST: *Debra A. James*
Clerk of Council

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Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *June 19*20 *06*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 19, 2006, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Don Mershon, Youth Minister at Epiphany Lutheran Church, and the Pledge of Allegiance to the Flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Douglas Cline
Councilmembers Susan Lienesch
 Paul Gresham
 Robert Corbin
 Brooks Compton
 James Singer

Clerk of Council Debra James
Finance Director Mark Schlagheck
City Planner Steven Feverston
Public Works Director Robert James
City Engineer Douglas Spittler
Assistant to the City Manager Jennifer Wilder
Municipal Attorney Scott Liberman

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

Council Meetings - May 15, 2006.
 - June 5, 2006.
Work Session Meetings - May 15, 2006.
 - June 5, 2006.
 - June 12, 2006.

Dr. Gresham moved that the minutes of the foregoing meetings be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously with Mr. Compton and Mr. Corbin abstaining from the June 5, 2006 Work Session Meeting and the Council Meeting. Mr. Cline abstained from the June 12, 2006 Work Session Meeting.

Mayor Kingseed expressed congratulations to Ryan Versen for his great accomplishment of becoming an Eagle Scout. Ryan is a recent graduate of Centerville High School and he is a third generation Eagle Scout; other family members who have been Eagle Scouts include his two brothers, his father, an uncle, a grandfather and two great uncles. He was presented with a Certificate of Congratulations and a City of Centerville Achievement of Excellence key chain.

Mayor Kingseed explained that one of the initiatives that Council has tried to do in the City over that last several years is to link up the volunteer services that are available through the faith-based organizations in this community with some of the community needs. DASH-E is a great example of this cooperation. Mayor Kingseed introduced the team leaders: Caroline Dunn, Jody McGrath and Lance Yount who represented DASH-E "Dayton Area Students Helping the Environment." DASH-E is a coalition of Christian youth groups coming together to assist the community with services that impact the environment in positive ways. These students volunteered

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to help plant 250 pine seedlings near the Vintage Course #7 Hole at the Golf Club at Yankee Trace. A Certificate of Appreciation was presented to the team leaders and the students were recognized.

Carol Echols, member of the City Beautiful Commission presented the Business Pride Award for the month of June to WesBanco at 6291 Wilmington Pike. Mr. Mark Whitt accepted the award on behalf of WesBanco.

Mike Engler, City Horticulturist, presented to Mayor Kingseed the Tree City USA Award on behalf of the City Beautiful Commission and the National Arbor Day Foundation. A ceremony was held in April, 2006, in Cincinnati, Ohio. This is the 20th consecutive year the City has received this designation. The program is by the National Arbor Day Foundation and every year they recognize cities that have made a commitment to the natural urban resources.

Mayor Kingseed reported the following:

There has been quite a bit of press coverage on the annexation issues dealing with the Dille Property in Sugarcreek Township. The issue is now in front of the Greene County Commissioners and they will be voting to either accept or reject the annexation request at some point over the next month or so. He addressed this in the Mayor's Message in the latest issue of the Town Crier which laid out in some detail why we think this is a good thing for the City. The bottom line is that as long as the property owners want to come into the City of Centerville, this is something that we think would benefit this City greatly. We do intend to go forward with it and as mentioned in the Mayor's Message in the Town Crier, we are fully committed to trying to cooperate with Sugarcreek Township and with Greene County. If this land does come into the City, we do intend to be good neighbors; we do intend to work with the neighboring communities to make sure that this is developed in a way that benefits Sugarcreek Township and Greene County, and the City of Centerville. We are in the middle of legal proceedings at this point and we suspect that process will go forward for some months to come.

The Americana Festival will be held on July 3 and 4, 2006, with the concert on Monday, July 3rd, and the parade and fireworks on Tuesday, July 4th.

Mr. Schlagheck was filling in for the City Manager, Greg Horn and reported the following during the City Manager's report:

Appreciation was expressed to the Friends of Benham's Grove for all of their hard work for Garden Fest which was held at Benham's Grove the weekend of June 10, 11, 2006. It was another successful event this year.

Panera Bread in the center of town is scheduled to open in mid July. The parking improvements should be completed in the next couple of weeks.

Mrs. Wilder outlined code violations and resolutions for the month of May, 2006, as well as the community calendar for the coming month.

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Mr. Feverston, reporting for the Planning Commission, advised that An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 1.361 Acres, More Or Less, From O-PD, Office Planned Development Zone Classification To R-PD, Residential-Planned Development Zone Classification, has been recommended for consideration by City Council. Mr. Compton moved that said Ordinance be set for Public Hearing for August 21, 2006. Mrs. Lienesch seconded the motion. The motion passed unanimously.

THE HIGHLANDS AT YANKEE TRACE, SECTION 1 RECORD PLAN

Mr. Feverston reported for the Planning Commission. He reviewed the Record Plan for The Highlands at Yankee Trace, Section 1. He located the subject property on a map, being situated on the east side of Paragon Road, south of Legendary Way and south of Hole #6. It involves 3 and a 1/3 acres approximately and 20 units (and these units will be duplex units). The zoning is R-1c single family residential, however, as part of the golf course community - a lifestyle community overlay was placed on this portion of Yankee Trace (east of Paragon Road) which allows for single family attached housing. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council with the following conditions:

1. The Record Plan shall be modified to shift the lot lines between Lots 15-16 and 17-18 to the west placing the side-entry driveways on the east side of each building (buildings #22 and #23 on the construction plans) for improved access subject to approval by the City Planning Department.
2. Lots 19 and 20 shall be modified to provide for a driveway angle of at least seventy-five (75) degrees to Mackenzie Court as shown on the construction plans subject to approval by the City Planning Department.
3. A five (5) foot wide sidewalk shall be constructed along Paragon Road subject to approval by the City Engineering Department.
4. Paragon Road shall be re-stripped by the applicant at the intersection of Mackenzie Court to include a left-turn lane subject to approval by the City Engineering Department.
5. The record plan shall be modified to include a storm sewer easement located on the north side of Lots 3-11, subject to approval by the City Engineering Department.
6. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.

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- 7. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided prior to any construction.
- 8. In lieu of construction of the required improvements prior to the recording of 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 Engineering Department and a subdivider's agreement entered into with the City by the developer.
- 9. The applicant shall provide review and inspection fees in the amount of \$423.20.
- 10. The Montgomery County Sanitary Engineering Department is requiring the extension of the sanitary sewer along Paragon Road. The Record Plan shall be modified to include a sanitary sewer easement along Paragon Road from Mackenzie Court to the southern property line, subject to approval by the City Engineering Department.

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

Mrs. Lienesch gave an update on the Property Maintenance Code Task Force which has met since June, 2005, and they have studied model legislation to enhance our Code and Ordinances to meet the ever growing wants of our community. The Public Hearing is scheduled for July 17, 2006 to adopt the International Property Maintenance Code and our recommendations will be incorporated into this Code. She wanted to publicly thank Staff and those in the community who have helped work on this task force.

Mr. Cline gave an update on the Unified Development Ordinance Task Force and stated that a Joint Meeting was held with the Planning Commission and City Council on June 5, 2006. It was an educational session and brought everyone up to speed with the progress that the UDO Task Force has made with regard to the design of the document. The Task Force has been meeting since the fall of 2005. He feels that the UDO Task Force will be finishing their responsibilities later this fall and will bring the finalized plan to the Planning Commission and to City Council at that time.

Mr. Compton reported on the Open House for Create the Vision which was held on June 14, 2006. He and Tom Zobrist (Fiscal Officer for Washington Township) co-hosted the event. It was held at Rec West (next to the Recreation Center). There was a presentation of what had taken place over the course of the last year or so for Create the Vision. An Executive Summary of the status of Create the Vision and a full annual report will be available in mid July. There was a nice turn out of citizens at the Open House. He thanked Council for their strong support and Staff, especially Mrs. Angie Tapogna and Mr. Steve Feverston, for their efforts related to the Open

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House.

Dr. Paul Gresham expressed appreciation to the Friends of Benham's Grove for Garden Fest which was held June 10th and 11th. He also thanked the Arts Commission for the concerts that are held in Stubbs Park throughout the summer months. He encouraged everyone to attend.

Mr. Cline gave a brief overview of their trip to Slidell, Louisiana with one of the faith based initiative groups during the week of June 10th-17th. It was a group of 12 people representing the City of Centerville, South Brook Church, Fairhaven Church, Incarnation Church and Hope United Methodist Church. They were involved in a disaster relief effort under the name of Operation Blessing, a faith-based organization. He reported that it was very arduous work but rewarding. This was the second trip down to Slidell and there has been dialogue with their Mayor, with setting up an ongoing relationship - not a sister city but a neighbor city. There is still a long road of recovery in that part of the country. He congratulated Maureen Russell Hodgson as she has been the driving force/organizer for both trips.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He brought attention to the appointment of Jeanie Weidlick to the Sister City Committee and the reappointment of Paul Clark as Chairman to the Planning Commission for an additional year to be made by the passage of the Consent Agenda. Mr. Corbin moved that the following items be passed.

1. Ordinance No. 16-06: An Ordinance Of The City Of Centerville, Ohio Adopting The 2006 Edition Of The International Property Maintenance Code, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures; By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use; And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use, And The Demolition Of Such Existing Structures In The City; Repealing Of Title Eight Of The Centerville Municipal Code And All Other Ordinances And Parts Of Ordinances In Conflict Therewith, be set for Public Hearing on July 17, 2006.
2. Ordinance No. 17-06: 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 July 17, 2006.

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- 3. Resolution No. 30-06: A Resolution Adopting The Solid Waste Management Plan For The Montgomery County Solid Waste Management District.
- 4. Resolution No. 31-06: A Resolution Declaring Specific Equipment 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.
- 5. The following appointment be made:
Jeanie Weidlick to the Sister City Committee.
- 6. The following reappointment be made:
Paul Clark, Chairman, to the Planning Commission for an additional year.

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

ORDINANCE NO. 9-06 ZONING ORDINANCE AMENDMENT
REZONING 1.214 ACRES FROM WT-A TO R-1C

The Public Hearing was held concerning the Rezoning Request. This is an area of the City that was recently annexed back in February/March of this year. It is a small 1.213 acre parcel just south of Shawnee Trail and Rose Estates, and it is ultimately to be developed as part of The Highlands at Yankee Trace. It currently carries a Washington Township Agricultural zone and will be rezoned to R-1c, Single Family Residential matching all of the zones that are currently in place for The Highlands at Yankee Trace as well as Yankee Trace in its entirety. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Request to City Council. Mr. Compton moved that Ordinance Number 9-06, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 1.214 Acres, More Or Less, From Washington Township Agriculture Zone Classification To Centerville R-1C, Single Family Residential Zone Classification. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NO. 10-06 ADOPTING THE 2005 SOUTHWEST OHIO
FIRE SAFETY COUNCIL

The Public Hearing was held concerning Ordinance Number 10-06. Chief Ken Parks from the Washington Township Fire Department reported that the State of Ohio adopted a new fire code last September, 2005. This is to bring the chapters of the Southwest Code which is shared by this area down through Cincinnati and bring that forward so that we can enforce those codes locally rather than have to go through Columbus. Fire Marshall Mike Long was here to answer any questions. Dr. Gresham moved that Ordinance Number 10-06, An Ordinance Amending Chapter 1611, Centerville Municipal Code By Adopting The 2005 Southwest Ohio Fire Safety Council Unified Standards In Lieu Of The 1994 Edition Thereof By Reference.

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Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NO. 12-06 ADOPTING COURSE RULES AND REGULATIONS
THE GOLF CLUB AT YANKEE TRACE

The Public Hearing was held concerning Ordinance Number 12-06. Mr. Schlagheck reported that there was a staff report at the May meeting as it was passed as an Emergency Ordinance. Mrs. Lienesch moved that Ordinance Number 12-06, An Ordinance Repealing Ordinance No. 35-94 And Adopting Course Rules And Regulations For The Golf Club At Yankee Trace. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Joseph Koussa, 1537 Beavercreek Lane, Kettering, Ohio, asked that troops come home safely. He explained that for the past six years he has gone from one City Council Meeting to another and wanted to comment that he was born and raised in Beirut, Lebanon. He came to this country in May of 1966. He became a U.S. citizen in 1971. He is proud to be an American citizen.

ORDINANCE NO. 18-06 RESIDENTIAL RENTAL UNIT MANDATORY
INSPECTION REQUIREMENT

Mr. Schlagheck reported that this is an amended version and there is already one set for public hearing for July 17, 2006. This amended version drops the registration requirement. There will be a full staff report at the July meeting. Mr. Singer moved that Ordinance Number 18-06, An Ordinance Enacting A Residential Rental Unit Mandatory Inspection Requirement, be set for Public Hearing on July 17, 2006. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kengseed*
Mayor

ATTEST: *Debra A. James*
Clerk of Council

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 10, 2006, at 8:00 P.M., in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer, and the pledge of allegiance to the flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor Douglas Cline
- Councilmembers Paul Gresham
- Robert Corbin
- Susan Lienesch
- James Singer
- Brooks Compton

- Clerk of Council Debra James
- City Manager Gregory Horn
- Finance Director Mark Schlagheck
- Public Works Director Robert James
- City Engineer Douglas Spitler
- Assistant to the City Manager Jennifer Kuschnerus
- Acting Municipal Attorney Nick Farquhar

ORDINANCE NUMBER 19-06 RESIDENTIAL RENTAL UNIT MANDATORY INSPECTION REQUIREMENT

Mr. Horn briefly reviewed the proposed Ordinance which will allow Council to consider a few basic changes to the legislation that has been set for Public Hearing on July 17, 2006. The first amendment is on page 2 of the Ordinance, B. 5. This is to remain in accordance with the Ohio Revised Code Section 5323.02. Recently the State of Ohio enacted legislation to place the County Auditors in charge of maintaining rental registration information, and this will follow that precedent by allowing an inspection to be triggered if a rental property owner does not keep a current property registration on file with the County Auditor. Another section was omitted from the earlier legislation and that was a provision that allowed for funds to be received from the rental inspection program to be strictly utilized for the rental inspection program. Since this program will not be self-sustaining, monies coming in and monies being expended will be taken from the general fund. There are no provisions in this legislation for rental registration in general. Dr. Gresham moved that Ordinance Number 19-06, An Ordinance Enacting A Residential Rental Unit Mandatory Inspection Requirement, be set for Public Hearing On July 17, 2006. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 32-06 SETTLE CLAIMS AMERICAN MOTORIST INSURANCE COMPANY (CENTERVILLE POLICE HEADQUARTERS)

Mr. Horn explained that the City had the Open House for the Police Headquarters in March 2002, and has been working with legal counsel for the past three years trying to get some

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of the construction issues resolved. This Settlement Agreement will settle all disagreements, all claims against the Surety (American Motorist Insurance Company) for an amount of \$639,000.00 and in addition to that, the retainage that is still on file in the Finance Office for this project, will be turned over to the City in the amount of \$137,597.00. That money will be used to go back and remediate the problems that have arisen with the construction defects. This Settlement Agreement does not prohibit the City from additional potential action against L.B. Robinson, or the Architects or others involved in the project. We still have some outstanding issues with the HVAC. We will be pursuing those issues but this Settlement Agreement resolves the outstanding issues against American Motorist Insurance Company as Surety. Mr. Corbin sponsored Resolution Number 32-06, A Resolution Authorizing The City Manager To Enter Into An Agreement To Settle Claims With American Motorist Insurance Company As Surety For L.B. Robinson, Inc. For The Project Known As Centerville Police Headquarters, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kengessel*
 Mayor

ATTEST: *Debra A. James*
 Clerk of Council

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 17, 2006, 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 of Epiphany Lutheran Church, and the Pledge of Allegiance to the Flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	Douglas Cline
Councilmembers	Susan Lienesch
	Paul Gresham
	Robert Corbin
	Brooks Compton
	James Singer

Clerk of Council Debra James
 Finance Director Mark Schlagheck
 City Planner Steven Feverston
 City Engineer Doug Spitler
 Chief Building Official Doug Filaseta
 Zoning Inspector Sande Heck
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Jenn Kuschnerus
 Municipal Attorney Scott Liberman

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

Council Meetings	- June 19, 2006.
	- July 10, 2006.
Work Session Meetings	- June 19, 2006.
	- July 10, 2006.

Mr. Compton moved that the minutes of the foregoing meetings, as distributed, be approved. Mr. Cline seconded the motion. The motion passed unanimously.

The mayor noted the resignation of Don Eadie from the City Beautiful Commission and thanked him for his service to the community.

Mayor Kingseed administered the Oath of Office to Sister City Committee member, Jeannie Weidlich.

Carol Echols, Chairman of the City Beautiful Commission, gave the Centerville Business Pride Award along with a certificate for brunch at Yankee Trace to Far Hills Florist located at 278 North Main Street and J.D. Wearley Building Contractor, Inc., located at 88 East Franklin Street.

Mayor Kingseed reported the following during his Mayor's Report:

He acknowledged the opening of Panera Bread and noted that bringing the enterprise to the community is the culmination of three years of effort and a good example of a public-private

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partnership. The 110 public parking spaces were developed with the cooperation of the business, the City of Centerville, Washington Township and a grant from Montgomery County.

Congratulations were extended to the Centerville-Washington Township Historical Society on its fortieth anniversary.

An update was given explaining that the Greene County Commissioners recently approved the petitions for annexations of the areas in Sugarcreek Township and the annexation process will continue. Meetings with Sugarcreek Township leaders are being arranged.

He reminded the community of the Relay for Life being held at Centerville High School on Saturday and Sunday, July 22-23, 2006.

Mr. Schlagheck reported the following during the City Manager's Report:

Appreciation was expressed to members of City Staff who helped with the Americana Festival in various capacities for their outstanding support in making the festival run smoothly.

Road work at Zengel Drive and SR 48 started earlier than anticipated because a contractor cut a phone cable. The work will continue for the next few weeks as a sanitary sewer is installed.

He also reminded the community of the importance of the Relay for Life and noted that significant contributions had been made by some Councilmembers and challenged the others and staff to donate also.

Mrs. Wilder outlined code violations and resolutions for the month of June, 2006, and Mrs. Kuschnerus reviewed the community calendar for the coming month.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues would be as a group with one motion being made. He brought attention to the appointment contained in the Consent Agenda. Mr. Singer moved that the following Consent Agenda items be approved:

1. Resolution 33-06, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City of Centerville, To Make An Application To The Ohio Attorney General's Office For Salary Funding Of The D.A.R.E. Officer, be passed.
2. Doris Ventolini be appointed as a member of the City Beautiful Commission.

Mr. Cline seconded the motion. The motion passed unanimously.

Mayor Kingseed explained the procedures to be followed during the public hearings next on the agenda.

ORDINANCE NUMBER 16-06 INTERNATIONAL PROPERTY MAINTENANCE CODE

The Public Hearing was held concerning Ordinance Number 16-06. Mrs. Wilder gave the historical background relative to this proposed Ordinance to adopt the 2006 International Property

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Maintenance Code and Repeal Title Eight of the existing code which is in conflict therewith. She outlined remedies for vacant properties, requirements for property identification, requirements for handrails and guardrails, the definition of "junk" and time limits for outside storage and use of tarps. This legislation is the first major update of the Property Maintenance Code since 1984; it will be updated every three years. Mrs. Lienesch, as Chair of the Property Maintenance Code Task Force, thanked the members for their diligent work preparing this update to the Code. The members include Brooks Compton, Dan Carfagno, Jack Lobeck, Connie Pavliga, Jim Gallagher, Tom McDermott and City Staff. Mrs. Lienesch sponsored Ordinance Number 16-06, An Ordinance Of The City Of Centerville, Ohio Adopting The 2006 Edition Of The International Property Maintenance Code, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures; By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use; And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use, And The Demolition Of Such Existing Structures In The City; Repealing Of Title Eight Of The Centerville Municipal Code And All Other Ordinances And Parts Of Ordinances In Conflict Therewith, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

ORDINANCE 17-06 APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS IN THE CODES OF CODIFIED ORDINANCES

The Public Hearing was held concerning Ordinance Number 17-06. Mr. Schlagheck explained that this proposed Ordinance which approves the annual recodification of the Centerville Municipal Code to include certain Ordinances and Resolutions passed by City Council during the past year and to bring it in conformance with the Ohio Revised Code. Mr. Cline sponsored Ordinance Number 17-06,

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, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ORDINANCE 13-06, ORDINANCE 18-06 and ORDINANCE 19-06 RESIDENTIAL RENTAL UNIT MANDATORY INSPECTION REQUIREMENT

The Public Hearing was held concerning Ordinance Numbers 13-06, 18-06 and 19-06.

Mr. Schlagheck explained that the three ordinances were different versions of the same ordinance that evolved over time. The original ordinance contained language for both rental inspections and mandatory registration of rental units and landlords. Since Ordinance 13-06 was first penned, the Ohio legislature passed a bill requiring landlords to register with the county auditor effective September 28, 2006. Therefore a second version of the ordinance, Ordinance 18-06, was composed eliminating the need for registration with the City. Another change in language caused a third version to be under consideration and recommended for passage tonight.

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Ordinance 19-06 includes a statement that a rental unit inspection can be triggered if a landlord fails to register with the county auditor.

Mrs. Wilder, Assistant to the City Manager, gave the historical perspective on the need for and the development of Ordinance 19-06. She stated that the ordinance was the result of over three years of effort of various groups and was needed to protect the health, safety and investments of citizens in an aging housing market where conversions from single family homes to rental units were becoming more numerous. She summarized the details of the ordinance.

Mr. Mike Ratcliff, Executive Director of the Mayors and Managers of Montgomery and Greene Counties offered additional background on the Ordinance. He stressed that the issue began with regional concerns about housing, that an assessment team from the National Vacant Properties Campaign recommended that such an ordinance be passed in local jurisdictions, that the Greater Dayton Area Apartment Association was consulted for input, and that the Mayors and Managers support a regional effort to stabilize housing. Mr. Ratcliff says the National Vacant Housing Campaign assured area leaders that such an ordinance had been an effective tool in other locales.

Mrs. Wilder showed a video of recent problems in an apartment at the Villager Apartments, stating that the new ordinance would help the City to resolve the issues at the complex.

Mary Wyke, 115-B North Village Drive, lives below the apartment in the video at the Villager Apartments. The vacant apartment has been in deplorable condition for approximately seven or eight months. Her two cats died of complications of flea bites (even though they were in flea collars). A neighbor made her aware of the filth in the apartment above hers, and she tried to call the Management Company on July 3, 2006. The flea infestation is supposedly under control. She has been out of her apartment for two weeks and it took a week for Ms. Wyke to get any kind of response from the Management Company.

Kenneth Marcroft, 6030 Ironside Drive, stated that he is a property owner and that between the time an eviction notice is served and the tenant vacates the property, a landlord is not allowed to enter his own property. He asked Council to be careful to give landlords a little help and be aware of the legal constraints working against them.

Mary Kuonen, 115 North Village Drive, expressed her concern regarding big business apartment owners; maintenance issues are not addressed in a timely manner. She cited examples of geese living in the swimming pool, water in her bathroom having a foul smell, sewer backups in which flooded areas did not have the carpet replaced, broken limbs remaining on the ground for long periods, and burned out lights or broken stairs not being replaced.

Dimitri Hatzifotinos, 1294 West First Avenue, Columbus, Ohio, represented the Ohio and Columbus Apartment Associations and also the Dayton Apartment Association. He came to speak against this Ordinance and believes that this legislation will break private business and public relationships because of the statutory implications, ordinance implications and practical implications. He stated that Section 5321.04 of the Ohio Revised Code, a portion of the Landlord Tenant Act, addresses the concerns of this Ordinance. It already says that landlords must "make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition." It imposes strict liability on landlords who fail to do so and gives

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tenants the right to put their rent in escrow. He believes this Ordinance will be onerous on owners and will be a negative from a business point of view. He also stated that he believes statutorily, laws such as these are being challenged. He also believes that there are substantial costs and time to the City and the Landlords.

Connie Pavliga, 1100 Kentshire Drive and a member of the Property Maintenance Code Task Force, stated that she took her job seriously. The Task Force looked at this issue from many standpoints. She owned an apartment and would have welcomed the rental inspection checklist and inspections. She believes it would have brought up the value of her investment. As it was, others did not keep up the property and values fell. She felt that that the Ordinance does not go beyond what is needed from a safety standpoint. The goal is to ensure that everyone lives in safe housing, especially as more and more homes turn into rental units. Properties of out of state landlords who refuse to do anything fall apart.

Jim Ritterhoff, 2785 Orchard Run Road, in Miami Township, is President of Simms Management, a company that owns and manages 550 rental units in the south Dayton area. He sees this as trying to solve problems of the few with an ordinance that affects everyone. This can drive away good owners, who keep good, decent and affordable units and do not have this hassle and expense elsewhere. Everyone wants the same things: upkeep of the housing stock of the community. He feels it is unfair to blanket the entire rental industry which punishes the renter through higher fees and taxes and punishes the good property owners. He requested that Council use existing codes, rather than pushing away good owners who care for their properties.

Brian Beason, 856 Revere Village Drive, encouraged Council for fairness for each side and suggested not making a decision this evening.

John Stalnaker, owner of Revere Village Apartments, expressed appreciation for the candor and respect he has received from City Council Members as he has had good phone conversations with them over the last ten days. However, he doesn't agree with this legislation and believes that the existing ordinances can take care of existing problems, and that privacy is a particular issue.

Ken Hahn, 311 South Village Drive, expressed concern over single family homes becoming rentals. A great number of properties have become rental homes on his street. His home is a significant part of his net worth, so property values in his neighborhood are a concern. Renters do not have a financial stake in the property they occupy. Absentee owners may not be as attentive to maintenance and have little incentive to upgrade. He supports the Ordinance.

Larry Laski, 8910 Treeland Lane, Washington Township, is an owner of a multi-unit complex in Centerville. He expressed his concerns that this Ordinance is like comfort food, that the City thinks will make problems go away. He believes it will not solve things in the long run. Ordinances are already on the books; the City can bring a nuisance civil suit against problems. With this legislation there will be costs in personnel, legal fees and PERS. Adding a bill for comfort is not going to be comfortable in the long run.

Kathleen O'Herron, 6895 Castlerock Trail, is in favor of this Ordinance. Good property managers can get their hands tied because they are not the owner and have to call owners for interventions for property maintenance. Sometimes they do not have the authority or expertise to solve problems. You cannot assume that renters will use the escrow account option. There are obstacles to the process.

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Joseph Dixon, 900 Greatview (Hillside Court Apartments), expressed his appreciation for the good job that his apartment complex does regarding maintenance. He feels that this Ordinance could hurt the school district and the stores, if it hurts apartment complexes.

Adam Zengel, 6759 Green Park Drive, said that Zengel Apartments have been in Centerville since the mid-sixties and that they have 44 properties and manage 12 other properties. He explained that inspections are costly to landlords, to the city and to tenants. Scheduling can be a nightmare. Tenants aren't available until after 5:00 - they make you reschedule, wasting time and effort. He believes that the examples cited could be taken care of by the existing Ordinances. Rental housing is only a small percentage of the problems of neglect and maintenance issues in the community and solutions should not focus on this group only. To be fair the City should inspect all houses, not just rental housing.

Janelle Packet, 1954 Cuyuse Court, lives in Vandalia and works in Centerville. She manages property and stated that many residents oppose this ordinance. She believes whether you rent or are a homeowner, people deserve the same respect. She asked that the Ordinance not be passed until talking to more residents.

Darinda Reis, 7560 Pine Frost Drive (lifetime resident and owns a business here), believes this is a privacy issue and suggested that education of landlords and renters would help as much as new codes. She suggested that funding a navigator who would educate people and walk them through the processes that are already available would perhaps be money better spent. She asked Council to make the system user friendly.

John Grossman, representing the Greater Dayton Apartment Association, 2555 S. Dixie Drive, Suite 100, and Greater Dayton Real Estate Investors Association, 440 Colonial Drive, Beavercreek, Ohio, spoke in opposition to this Ordinance and believes that new legislation is not justified. He also commented that the Associations want to maintain the quality of housing stock. The general impression that long distance landlords let properties run down is not always true. The Ordinance would create a double standard because owner occupied housing is not subject to inspection. He asked Council to be proactive and enforce the code that is current.

Julie Couch, 418 Blackstone who has been a property manager since 1988, expressed her concerns regarding privacy and expense. She suggested that Council take the money to be spent on the inspections, get the list from the County Auditor, obtain the addresses of the renters and educate the renters on the forms of recourse that they have. That way, the bad landlords are made accountable and good landlords can go about their business.

Larisa Butcher, 920 Revere Village Ct., asked Council to enforce the current code. She is a renter and feels it is an invasion of her privacy.

Maxine Halasz, 912 Revere Village, has lived at Revere Village for 24 years. She believes inspections are an invasion of her privacy and, if being done, should also include owner-occupied housing.

Lisa Triplet, 802 Revere Village Ct., is opposed to this Ordinance and asked that a vote not be taken until more questions are answered.

Mary Dolle, 230 Glenburn Drive, has lived in Village South for 27 years. There have been three homes that have become rental units within the past year-20% of her street is now rental. Typically homeowners increase the value of homes with upgrades. Rentals are typically maintained only. She is in favor of this Ordinance.

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Kelsey O'Herron, 6895 Castlerock Trail (Hillside Court), completely supports the Ordinance for reasons of health and safety of people who rent. She believes the Ordinance will encourage the owners to keep things in good shape.

Adrian Rose, 105 Cushwa Court, commented that the City has enough Ohio Revised Code to take care of problem situations. If it is passed, he strenuously objects to the \$75 an hour for re-inspections.

Mayor Kingseed thanked everyone who gave input and opened discussion for Council.

Mr. Compton pointed out that if Council is elected to help protect the health, welfare, property values and interests of everyone in the community, then there is a cost-benefit analysis that needs to be done. The Council must look at the costs and decide what is a reasonable tradeoff for the goal of maintaining housing in the community. The biggest thing we have heard is that no one wants anyone else in their homes, but nearly everyone is already contracted to have that happen. Our inspections could be coordinated if landlords or managers are already going in one or two or three times a year. Our inspections are only going to be once every other year. It seems reasonable to expect that they would be coordinated between the City and the large scale places like Revere Village or Hillside Court.

In relation to the privacy issues that have been raised, Mayor Kingseed explained that this Ordinance would require tenants to allow the city inspector in, but if they refused for whatever reasons, the City would have to go to court and ask the judge for a search warrant. At that point, the City would have to show probable cause.

Mr. Singer commented that he felt there was fine input from the audience, and he would be glad to discuss this further. He requested to postpone the vote.

Mayor Kingseed agreed that there has been great input on all sides. He explained that Council had been working on this legislation for almost two years. There is a sense that there are some problems in some areas of the City with property values, and, that Council has an obligation to do whatever it can to alleviate this and to maintain the health, welfare and safety of the City. The Ordinance gives the City additional teeth, so that the City can help to maintain property values. No one wants to over regulate. Having an inspection every two years is not an unfair standard to put on landlords. The privacy concerns have been raised, but again, the tenant, if they choose may refuse the inspection and then the City would have to convince a judge that there is probable cause for the inspection to occur. The Mayor said that as far as the legal fees are concerned, he would suggest that the Landlords' Association and individual landlords work with the City and get together 12 or 18 months from now with the task force to analyze how this Ordinance is working in real life. If there are ways to make it better, to revise or to tweak it, Council would consider suggestions at that time.

Mr. Corbin sponsored Ordinance Number 19-06 which would take effect on September 28, 2006, An Ordinance Enacting A Residential Rental Unit Mandatory Inspection Requirement. Mrs. Lienesch seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Singer and Dr. Gresham voted no.

Mayor Kingseed asked if there were any comments from Council.

Mrs. Lienesch reported that during the Neighborhood Meetings there were many concerns about single family homes becoming rental properties. Until this recent state law requiring

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registration with the County Auditor, we had no way of tracking this trend.

Mrs. Wilder explained that the City has seen the challenge in tracking down the owners of many of these properties. The owner must be cited, not the tenant. Even with certified mail for out of state, it is difficult to get things done in a timely manner.

Mr. Compton moved to make a motion to reject Ordinance 13-06, An Ordinance Enacting A Residential Rental Unit Mandatory Registration And Inspection Requirement, and Ordinance Number 18-06, An Ordinance Enacting A Residential Rental Unit Mandatory Inspection Requirement. Mr. Cline seconded the motion. The motion passed unanimously.

Mr. Corbin called a point of order and objected to Mr. Koussa making comments and moved to make a motion to prohibit Mr. Koussa from speaking. Mr. Koussa is not a resident of Centerville and he does not raise issues which require Council action. Mr. Compton seconded the motion. A roll call vote to prohibit Mr. Koussa from speaking resulted with one aye in favor of the motion. Mrs. Lienesch, Mr. Compton, Mr. Singer, Dr. Gresham, Mr. Cline, and Mayor Kingseed voted no.

Mr. Corbin left the meeting at this time.

Mr. Koussa, 1537 Beaver creek Lane, asked that troops come home safely and stated that the Fourth of July reminds him of the military men and women who fight for our safety and freedom. Also he mentioned that there is a picture in the Kettering-Oakwood Times of Mayor Kingseed and Mrs. Young who said thanks to the many volunteers who help make Centerville-Washington Township a wonderful place to call home.

Darinda Reis, 7560 Pine Frost Drive, urged Council to listen to the citizenry. The option was there to table the motion tonight. Many are disappointed.

Mayor Kingseed explained that Council did not take their input lightly. It is important for people attending tonight to know that this final meeting is the culmination of a three year process. There have been discussions with citizens, landlords, Landlord Associations, experts, Neighborhood Improvement Association, and the Mayor and Managers. Hundreds of people have been involved over a long period of time. This Council is serious about reassessing this in 12 - 24 months and making changes needed.

Darinda Reis, also urged Council to take this opportunity to educate the public, to inform the citizens, to be proactive and not just pass more legislation. Educating the public would alleviate fear and decrease the problems. Education is empowerment and empowerment of citizens will

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make this a better community. She suggested seeking a grant for the education of renters because education would help the system to function properly.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kenzies*
Mayor

ATTEST: *Debra A. James*
Clerk of Council

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Held *August 21*20 *06*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 21, 2006, 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 of Epiphany Lutheran Church, and the Pledge of Allegiance to the Flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Douglas Cline
Councilmembers Susan Lienesch
 Paul Gresham
 Robert Corbin
 Brooks Compton
 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 Spitler
Assistant to the City Manager Jennifer Wilder
Assistant to the City Manager Jenn Kuschnerus
Community Resources Coordinator Maureen Russell Hodgson
Municipal Attorney Scott Liberman

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

Council Meetings - July 17, 2006.
Work Session Meetings - July 17, 2006.
 - August 7, 2006.
 - August 14, 2006.

Mrs. Lienesch moved that the minutes of the foregoing meetings, as distributed, be approved. Mr. Cline seconded the motion. The motion passed unanimously; however Mr. Compton abstained from the minutes of the Work Session held on August 14, 2006.

Mayor Kingseed administered the Oath of Office to City Beautiful Commission member, Doris Ventolini.

Mayor Kingseed announced that the Centerville Business Pride Award goes to Hilton Marathon Service located at 199 North Main Street. A representative was unable to attend but they will receive a plaque and brunch tickets to Yankee Trace. This program is sponsored by the City Beautiful Commission.

Mayor Kingseed presented a Certificate of Recognition to Mike Cornett, for his ten years of dedicated service as Producer of the Miami Valley Communications Council. Mr. Cornett's work allowed the local city governments to communicate effectively with the community. Mr.

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Cornett thanked Maureen Russell Hodgson, City Staff and the Miami Valley Communications Council for all of their assistance and expressed his appreciation.

Mayor Kingseed recognized the following students for the Destination Imagination Awards from the Global Finals held in Tennessee in May of 2006.

Tower Heights Middle School: Nicholas Beecroft, Allyson Blaylock, Sarah Burtenshaw, Kayleigh Gordon, Alec Hutzelman, Katerine Meininger, and Elizabeth Hull.

Centerville High School: Brittany Dexter, Danielle Henderson, Alex Mann, Radhika Raje, Sabera Saklayan, Melissa Roer, and Michael Korte.

Nakil Numbier from the Ida Weller Elementary School Team was present.

Maureen Russell Hodgson gave an overview of Centerville's Second Relay for Life which was held at the Centerville High School on Saturday, July 22nd through Sunday morning July 23rd. The City's team raised over \$5,000 for cancer research and awareness during this eighteen hour walk-a-thon. The City's team walked in honor of City employees who have passed away from cancer. Mrs. Hodgson presented the Gold Award to Mayor Kingseed on behalf of the City.

Deputy Mayor Doug Cline and Maureen Russell Hodgson reported on the relief trip to Slidell, Louisiana on June 10-17, 2006. A video was shown from their trip to Slidell (the one year anniversary of Hurricane Katrina is next week). Through Operation Blessing, twelve individuals from our community spent a week helping to gut homes flooded by Hurricane Katrina. They represented five different area churches and contended with sweltering heat, Tyvek suits, respirators, hard hats, goggles and work gloves. Mr. Cline and Mrs. Hodgson recognized the following volunteers for their Katrina Relief efforts and presented a Certificate of Appreciation to each individual:

- | | |
|----------------|---------------|
| Kateri Bolton | Nancy Oliver |
| Dorine Frank | Rudy Oliver |
| Fred Funchess | Pam Smiga |
| Damon Gambone | Carl Suchomel |
| Tracy McDonald | Jeff Willets |

This was Mr. Cline's and Mrs. Hodgson's second relief trip to this region. This trip was a result of the faith-based outreach initiated by Mayor Kingseed.

Mayor Kingseed outlined the following events which took place during the past month or will take place in the coming weeks:

He expressed thanks to Doug Cline and Maureen Russell Hodgson and everyone who participated in the Slidell trip, saying he was enormously proud of the group and their representation of the City.

He noted that he and Susan Lienesch attended a reception by the India Foundation honoring Raj Soren who is an Indian American leader of the MTC Corporation. The celebration coincided with 59th anniversary of India's independence from Britain.

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He reported that Judge Robert L. Moore of the Kettering Municipal Court is being sworn in as the Governor of the Ohio District of Optimist International on August 26, 2006. Mr. Compton read a certificate of congratulations in honor of Judge Moore.

Mr. Horn advised the following during his City Manager's Report:
 Congratulations were extended to Mike Cornett for a job well done.

Appreciation was conveyed for efforts such as those recognized at this meeting. Mr. Horn thanked Council for all they do to lead the Community and stated his pride in the Community. He felt it was fitting to take the time to recognize all the generous people involved in diverse efforts.

He noted that important legislation for a property maintenance ordinance and the ordinance for rental inspections were passed at the last meeting, but it will be late January at least before rental inspections begin. He reiterated that the City will be doing thorough background checks of inspectors, training them, and the inspectors will be insured and bonded. The goal is to coordinate with a normal inspection that the landlords already do. Quarterly reports will be made to Council. A comprehensive review will be made in 1 1/2 to 2 years so that things could be adjusted. The City is putting together a group as a sounding board and will be getting further input from the Greater Dayton Apartment Owners' Association, renters and realtors.

The Paving Program is underway; Loop Road has been cold planed, milled and chip sealed. It will take a couple of days to complete the paving. Clio Road widening is scheduled to begin on August 22nd and is targeted to be completed by December 8th. The pine trees on St. Leonard's side of the road need to be taken down as part of this project and boulevards will be put in as on the rest of Clio Road. He asked for patience from the public.

Employment opportunities are being advertised for a maintenance worker, mechanic's helper, and an updating our police officer eligibility list. Contact Human Resources at City Hall or check the City's website.

Golf rounds at Yankee Trace are up this year; numbers approached 400 rounds per day because of good weather.

Jenn Kushnerus, Assistant to the City Manager, is leaving after 18 months of service. Her husband was offered a tremendous opportunity in Columbus, and she will be leaving at the end of the month. Mrs. Kushnerus was responsible for the general oversight of Benham's Grove; has been the liaison for the Arts Commission; headed up the FEMA Training and emergency preparedness; and she made a major effort with Joint Entities to bring the Moving Wall to the area. He wished her well.

Mrs. Kushnerus outlined code violations and resolutions for the month of July, 2006, and she reviewed the community calendar for the coming month.

Mr. Feverston reported for the Planning Commission. The Planning Commission reviewed and recommended three Record Plans from their July and August, 2006 meetings. Council needs to take specific action in relation to each Record Plan. Additionally, there are three separate resolutions for roadway dedications that will be addressed under Items D, E and F in the Consent Agenda.

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RECORD PLAN/PUBLIC RIGHT-OF-WAY DEDICATION
PROPERTY LOCATED ON PARAGON ROAD AT VINTAGE GREEN WAY

The property is located on Paragon Road in the area of Vintage Green Drive and Legendary Way in the incorporated part of Paragon Road. This action dedicates the right-of-way to the City of Centerville. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council. Dr. Gresham moved that the Record Plan for Public Right-of-way Dedication for property located on Paragon Road at Vintage Green Way, be approved. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RECORD PLAN/PUBLIC RIGHT-OF-WAY DEDICATION
PROPERTY LOCATED ON CLYO ROAD WEST OF WILMINGTON PIKE

The property is related to the development at Miami Valley South. There is existing right-of-way and new right-of-way that runs from Thomas Paine Condominiums east to Wilmington Pike. This action dedicates the right-of-way to the City of Centerville. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council. Mr. Compton moved that the Record Plan for Public Right-of-way Dedication for property located on Clyo Road west of Wilmington Pike, be approved. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RECORD PLAN/PUBLIC RIGHT-OF-WAY DEDICATION
PROPERTY LOCATED ON CLYO ROAD SOUTH OF CENTERVILLE STATION ROAD

The property is located on the east side of Clyo Road, south of Franklin Street extending to the entrance of The Franciscan at St. Leonard. This action dedicates the right-of-way to the City of Centerville. The Planning Commission, by unanimous vote, recommended approval of the Record Plan to City Council. Mr. Cline moved that the Record Plan for Public Right-of-way Dedication for property located on Clyo Road south of Centerville Station Road, be approved. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

Mr. Corbin noted that the Proclamation about Payroll Week was omitted. Mayor Kingseed replied that he had not read it for timeliness of the meeting.

Mr. Compton announced that The Create the Vision quarterly meeting will be in October and noted that a couple of recent meetings had considerable discussion of a proposed rezoning at the southwest corner of State Route 48 and Social Row Road, directly across from the fire station. He suggested that interested parties contact the township for the hearing date for the rezoning of 66 acres from agricultural use to business, office and multi-family use. Mr. Compton asked that

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citizens participate in the process and consider whether the change would be consistent with Create the Vision, the adopted comprehensive plan. It was asked if the Create the Vision Committee would be directly involved. Mr. Compton has been contacted by members of the Implementation Task Force and the Task Force wants an opportunity to comment. The Planning Commission of Montgomery County was originally scheduled for August, but it was continued from last week to the second or third Tuesday in September. The County meetings are also public meetings and information can be obtained through the Planning Officer at the County, Joe Klosterman.

Mayor Kingseed explained that the Consent Agenda contains procedural administrative matters. Approval of these issues would be as a group with one motion being made. He brought attention to the appointments of Leah Ann Dabbelt to the City Beautiful Commission and Larry McVey to the Sister City Committee contained in the Consent Agenda. Mrs. Lienesch moved that the following Consent Agenda items be approved:

1. Ordinance Number 20-06: An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Section 17, APD, Architectural Preservation District That Apply To The Permitted Siding Materials For Exterior Walls In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, be set for Public Hearing on October 16, 2006.

2. Ordinance Number 21-06: An Ordinance Amending Ordinance 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections 21 And 24 Relating To Nonconforming Uses, be set for Public Hearing on October 16, 2006.

3. Resolution Number 34-06: A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Sale Of Real Property To Continental Properties Company, Inc.

4. Resolution Number 35-06: A Resolution Authorizing The City Manager Of The City Of Centerville To Take All Steps Necessary To Accept The Dedication Of Certain Interests In Real Property For Public Right Of Way For Property Located On Paragon Road At Vintage Green Way.

5. Resolution Number 36-06: A Resolution Authorizing The City Manager Of The City Of Centerville To Take All Steps Necessary To Accept The Dedication Of Certain Interests In Real Property For Public Right Of Way For Property Located On Ciyo Road West Of Wilmington Pike.

6. Resolution Number 37-06: A Resolution Authorizing The City Manager Of The City Of Centerville To Take All Steps Necessary To Accept The Dedication Of Certain Interests In Real Property For Public Right Of Way For Property Located

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On Clyo Road South Of Centerville Station Road.

7. Resolution Number 38-06: A Resolution Accepting The Bid Submitted By R. A. Miller Construction Co. For The Concrete Repair, Sidewalk Construction And Forest Brook Ditch Repair Projects (Project Numbers SS-3B-06, SS-1B-06, SS-1D-06, SS-6A-06) In The City Of Centerville, And Authorize The City Manager To Enter Into An Agreement In Connection Therewith.
8. Resolution Number 39-06: A Resolution Authorizing Assistant Clerk Of Council, Julie Weaver, To Act As Clerk Of Council During The Absence Of Clerk Of Council, Debra James.
9. The following Appointments be Made:

 Appoint Leah Ann Dabbelt as a Member of the City Beautiful Commission.
 Appoint Larry McVey as a Member of the Sister City Committee.

Mr. Cline seconded the motion. The motion passed unanimously.

**ORDINANCE NUMBER 15-06 ZONING ORDINANCE AMENDMENT
CROSSTOWNE PROPERTIES**

The Public Hearing was held concerning the Rezoning Request submitted by Crosstowne Properties requesting the rezoning of 1.361 acres of a 24.399 acre parcel of land located south of Alex-Bell Road, west of Wilmington-Dayton Pike and north of James Bradford Drive from Office Planned Development, O-PD, to Residential Planned Development, R-PD. There are currently three zoning classifications on the overall parcel of land. The request is to add the 1.361 acre parcel of land to the existing R-PD zone for the purpose of developing it as part of a condominium project. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Request to City Council.

Upon question of Mrs. Lienesch, Mr. Feverston explained that this development is separate from Springbrook Condominiums and has multiple points of access. Crosstowne Properties will build four-plex condominiums, single story units in this section.

Mr. Compton sponsored Ordinance Number 15-06, An Ordinance Amending Ordinance Number 11-86 dated July 21, 1986, The Zoning Ordinance By Rezoning 1.361 Acres, More Or Less, From O-PD, Office Planned Development Zone Classification To R-PD, Residential Planned Development Zone Classification, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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Bob Kyvik, 2555 Goodfield Point, is a member of the citizen's group that feels a study needs to be made to see if there would be significant tax dollar savings by combining functions of the City of Centerville and Washington Township. He believes past studies have been inconclusive. He inquired about the progress regarding the Joint Financial Study between the City and Washington Township. Mr. Kyvik also voiced his concerns regarding the lack of taxpayers' approval to develop and improve Rec West. He believes whenever tax dollars are being spent that financial accountability is an issue.

There being no further business, the meeting was adjourned.

Approved: *E. Mark Kenpeed*
Mayor

ATTEST: *Debra A. James*
Clerk of Council

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 1820 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 18, 2006, 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 of Epiphany Lutheran Church, and the Pledge of Allegiance to the Flag, with Deputy Mayor Douglas C. Cline presiding. Councilmembers and City Staff present were as follows:

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 Steve Feverston
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Assistant to the City Manager Jennifer Wilder
 Management Analyst Kristen Gopman
 Municipal Attorney Scott Liberman

Dr. Gresham moved that Mayor Kingseed be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

In light of the illness of Mayor Kingseed and his extended medical leave, Mr. Corbin moved that Councilmember Jim Singer be appointed Temporary Chairman in the absence of both the Mayor and the Deputy Mayor. Dr. Gresham seconded the motion. The motion passed unanimously.

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

Council Meeting	- August 21, 2006.
Work Session Meetings	- August 21, 2006.
	- September 11, 2006.

Mr. Corbin moved that the minutes of the foregoing meetings, as distributed, be approved. Mr. Compton seconded the motion. The motion passed unanimously; however Dr. Gresham abstained from the minutes of the Work Session held on September 11, 2006, as he was out of town.

Mrs. James announced the resignations of Frank Sullivan as a member of the Sister City Committee and Julius Brewster, Jr., as a member of the Centerville Arts Commission. She announced that she had received a communication from the Clerk of the Greene County Commissioners requiring her to present a certified copy to Council of the entire record of the annexation proceedings of the Dille Laboratories Corporation annexation requesting annexation of 173.181 acres, more or less, from Sugarcreek, Township, Greene County, to the City of Centerville.

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Deputy Mayor Cline administered the Oath of Office to City Beautiful Commission member, Leah Ann Dabbelt. He also administered the Oath of Office to Sister City Committee member, Larry McVey.

Deputy Mayor Cline honored the Friends of Benham's Grove for their efforts in creating the "Celebration Garden" and presented a Certificate of Appreciation to Dede Bethke, President of Friends of Benham's Grove. The Board Members present were asked to come forward to be recognized and to have a picture taken.

Mrs. Linda Meily, Chairman of the City Beautiful Commission, presented the Centerville Business Pride Award for September to Carriage Trace Condominiums, 6089 Singletree Lane. This program is sponsored by the City Beautiful Commission.

Mrs. Meily also presented engraved decorative stones to the Summer Landscape Award winners for 2006. The winners were invited for a reception in the Law Library.

Summer Landscape Award Winners - 2006:

- Barbara J. Sullivan, 6944 Crossbrook Drive.
- Dave and Pat Malas, 5385 Royalwood Drive.
- The Cole Family, 8045 Station House Road.
- Joe and Irene Bitzko, 1495 Ambridge Road.
- Bobby and Marlene Vance, 160 Weller Avenue.
- Fred and Else Schiller, 206 Laurel Oak Drive.
- Eric and Judy Dunham, 9458 Bonnie Ann Place.
- Bob and Doris Mays, 364 Yankee Trace Drive.
- Lowell and Marilyn Mills, 6572 Atterbury Court.
- Dave and Diane Chance, 1436 Delynn Drive.
- Gerald and Carol Sherman, 7410 Forest Brook Blvd.
- Ed and Marian Sensenbaugh, 163 Freyn Drive.
- Rohn and Claudia Craig, 9805 Pawnee Pass.
- Pamela and Paul Anglin, 517 Yankee Trace Drive.
- Sonny and Gloria Herbert, 892 Hyde Park Drive.
- Silvia and Leonardo Canessa, 2314 Severn Lane.
- Charlene Schilling, 640 Whipp Road.
- Harold and Tanya McGinnis, 7818 Braewood Trail.
- Caren and Richard Van Vleck, 7790 Stanley Mill Drive.
- Ed and Anita Blair, 135 Bristol Drive.
- John and Charlene Zengel, 226 Pleasant Hill Drive.
- Judy Wenzler, 255 East Franklin Street.
- Jan and Ted Frederick, 430 Island Lake Court.
- Judy and Tim Lange, 1225 Club View Drive.

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Mr. Steve Husemann, the Executive Director of the Miami Valley Communications Council, was present at the meeting to introduce himself in his new role. He invited everyone to the Open House on Wednesday, September 20, 2006 at the MVCC located at 1195 E. Alex-Bell Road. He also spoke briefly about some current projects of the Communications Council.

City Council recessed at this time for a short reception in the Law Library to honor the Landscape Award Winners.

When the Council Meeting reconvened, it was noted that the presentation by the Ohio Department of Natural Resources would be postponed until a future Council Meeting.

Deputy Mayor Cline announced the following events during his Deputy Mayor's report: A Memorial Service was held on Monday, September 11, 2006, at Normandy Elementary School where he participated in activities honoring those who died on September 11, 2001, and those who worked to save others. He stated that 9/11 is the kind of event for the younger generation that Pearl Harbor and the assassination of John F. Kennedy were for previous generations.

A "topping out ceremony" for the construction of Miami Valley South Health Center on Clio Road and Wilmington Pike was held on September 7, 2006, which he, Dr. Gresham and Mr. Corbin attended. The event marked the halfway point in the health center's construction. The CEO of Miami Valley Hospital announced that they will be expanding the number of services to be offered there.

Congratulations were extended to the golfers who participated in the Ninth Annual John P. Kalamian Memorial Golf Tournament. The tournament raises money for scholarships for students pursuing related careers in college or postgraduate work. Over \$65,000 has been raised in tournaments, and the money has helped 22 students.

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

An update was given on Mayor Kingseed, and best wishes and support were expressed to Mayor Kingseed and his family.

He introduced and welcomed Kristen Gopman, the new Management Analyst. Her duties include being the City's liaison to Benham's Grove and the Arts Commission, the coordinator for disaster preparedness, and the person responsible for updating the website.

He noted that articles have been in the news about a lawsuit filed by Sugarcreek Township against the City of Centerville. The annexation was initiated by the Dille Trust; and the Greene County Commissioners have approved the annexation. It was presented to Council earlier this evening for future action. Centerville Staff and Council representatives had been meeting with Sugarcreek officials to work out an equitable tax plan, but, because the issue is under litigation, he did not wish to comment further.

Mrs. Wilder outlined code violations and resolutions for the month of August, 2006, and she reviewed the community calendar for the coming month.

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Mr. Compton stated that the quarterly meeting of the Create the Vision Implementation Task Force will be on Wednesday, October 11, 2006, at 7:00 p.m. at the Fire Department on McEwen Road. Input from the public is always welcome.

Mr. Singer announced that there will be a Storm Water Drainage Task Force Meeting on Thursday, October 12, 2006 at 7:00 p.m. in the Law Library at City Hall, 100 West Spring Valley Road. He invited residents to come to the meeting or send input through the Clerk's Office which can be reached at 433-7151.

Dr. Gresham reported that he attended a meeting of the Human Development Policy Committee of the National League of Cities in Vancouver, Washington. The Committee has concerns about long-term health care for city workers and the No Child Left Behind Program.

Mr. Singer announced that he had attended the 30th Anniversary Celebration at the Grace Brethren Church on Social Row Road on Sunday, September 17, 2006.

Deputy Mayor Cline explained that the Consent Agenda contains procedural administrative matters. Approval of these issues would be as a group with one motion being made. Deputy Mayor Cline asked Mr. Horn to explain the Items on the Consent Agenda. Mrs. Lienesch moved that the following Consent Agenda items be approved minus Item "B".

- A. Resolution Number 40-06: A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor.
- B. Resolution Number 46-06: A Resolution Authorizing A Reduction In The Fee To Be Paid To The City Upon The Sale Of Lot #380, Yankee Trace, Section 21-A. (WILL BE VOTED ON SEPARATELY AFTER THE CONSENT AGENDA).
- C. Resolution Number 41-06: A Resolution Accepting The Bid From The Morton Salt Company And Authorizing The City Manager To Enter Into An Agreement With The Morton Salt Company For The Purchase Of Highway Rock Salt For Snow And Ice Control For The City Of Centerville For The Year 2007.
- D. Resolution Number 42-06: A Resolution Accepting The Bid From Homestead Decor, Inc. And Authorizing The City Manager To Enter Into An Agreement With Homestead Decor, Inc. For Services Connected With Holiday Lighting For The City Of Centerville.
- E. Resolution Number 43-06: A Resolution 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 (Forest Brook Boulevard Culvert).

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- F. Resolution Number 44-06: A Resolution 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 (Eastern end of Centerville Station Road).
- G. Resolution Number 45-06: A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Danis Building Construction Co. For Construction Management Services.

Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NO. 46-06 YANKEE TRACE, LOT #380, SECTION 21-A

Council then addressed Item "B", the resolution concerning the per lot fee due to the City upon the sale of Lot #380, 1591 Old Haley Drive, in Section 21-A in Yankee Trace. Dr. Gresham recused himself from the discussion and vote. Mr. Horn gave a brief history of the issue. Deputy Mayor Cline pointed out that Council had previously refused a request for a variance of setbacks for this small lot, so only a much smaller than normal home would be able to be built. As an alternative, the Homeowners' Association negotiated the purchase of the lot from Great Traditions and Ryan Homes at a significantly reduced rate in order to dedicate it to green space. To facilitate the deal, the City was being asked to forego half of the per lot fee of \$10,330.84 or \$5,165.43. Mrs. Lienesch expressed concern about setting a precedent whereby the City would be expected to help homeowners' associations to designate green space with unsaleable lots. She felt Council should protect taxpayer dollars. Mr. Singer sponsored Resolution Number 46-06, A Resolution Authorizing A Reduction In The Fee To Be Paid To The City Upon The Sale Of Lot #380, Yankee Trace, Section 21-A, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with four ayes in favor of the motion; Mrs. Lienesch voted no.

Mr. Corbin objected to Mr. Joseph Koussa coming before the Council as he believes the comments that he makes are not pertinent to the business of the Centerville Council.

Mr. Corbin left the meeting after his own comments.

Mr. Koussa, 1537 Beaver creek Lane, Kettering, Ohio, apologized for anything that he had done to offend Mr. Corbin. He asked God to bless the troops fighting for freedom around the world and to bring them home safely.

There being no further business, the meeting was adjourned. The next Council Meeting is scheduled for October 16, 2006.

Approved: 

Deputy Mayor

ATTEST: 

Clerk of Council

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 1820 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 18, 2006, 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 of Epiphany Lutheran Church, and the Pledge of Allegiance to the Flag, with Deputy Mayor Douglas C. Cline presiding. Councilmembers and City Staff present were as follows:

Councilmembers Brooks Compton
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 Susan Lienesch
 James Singer

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 City Planner Steve Feverston
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Assistant to the City Manager Jennifer Wilder
 Management Analyst Kristen Gopman
 Municipal Attorney Scott Liberman

Dr. Gresham moved that Mayor Kingseed be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

In light of the illness of Mayor Kingseed and his extended medical leave, Mr. Corbin moved that Councilmember Jim Singer be appointed Temporary Chairman in the absence of both the Mayor and the Deputy Mayor. Dr. Gresham seconded the motion. The motion passed unanimously.

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

Council Meeting	- August 21, 2006.
Work Session Meetings	- August 21, 2006.
	- September 11, 2006.

Mr. Corbin moved that the minutes of the foregoing meetings, as distributed, be approved. Mr. Compton seconded the motion. The motion passed unanimously; however Dr. Gresham abstained from the minutes of the Work Session held on September 11, 2006, as he was out of town.

Mrs. James announced the resignations of Frank Sullivan as a member of the Sister City Committee and Julius Brewster, Jr., as a member of the Centerville Arts Commission. She announced that she had received a communication from the Clerk of the Greene County Commissioners requiring her to present a certified copy to Council of the entire record of the annexation proceedings of the Dille Laboratories Corporation annexation requesting annexation of 173.181 acres, more or less, from Sugarcreek, Township, Greene County, to the City of Centerville.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20 _____

Deputy Mayor Cline administered the Oath of Office to City Beautiful Commission member, Leah Ann Dabbelt. He also administered the Oath of Office to Sister City Committee member, Larry McVey.

Deputy Mayor Cline honored the Friends of Benham's Grove for their efforts in creating the "Celebration Garden" and presented a Certificate of Appreciation to Dede Bethke, President of Friends of Benham's Grove. The Board Members present were asked to come forward to be recognized and to have a picture taken.

Mrs. Linda Meily, Chairman of the City Beautiful Commission, presented the Centerville Business Pride Award for September to Carriage Trace Condominiums, 6089 Singletree Lane. This program is sponsored by the City Beautiful Commission.

Mrs. Meily also presented engraved decorative stones to the Summer Landscape Award winners for 2006. The winners were invited for a reception in the Law Library.

Summer Landscape Award Winners - 2006:

- Barbara J. Sullivan, 6944 Crossbrook Drive.
- Dave and Pat Malas, 5385 Royalwood Drive.
- The Cole Family, 8045 Station House Road.
- Joe and Irene Bitzko, 1495 Ambridge Road.
- Bobby and Marlene Vance, 160 Weller Avenue.
- Fred and Else Schiller, 206 Laurel Oak Drive.
- Eric and Judy Dunham, 9458 Bonnie Ann Place.
- Bob and Doris Mays, 364 Yankee Trace Drive.
- Lowell and Marilyn Mills, 6572 Atterbury Court.
- Dave and Diane Chance, 1436 Delynn Drive.
- Gerald and Carol Sherman, 7410 Forest Brook Blvd.
- Ed and Marian Sensenbaugh, 163 Freyn Drive.
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- Pamela and Paul Anglin, 517 Yankee Trace Drive.
- Sonny and Gloria Herbert, 892 Hyde Park Drive.
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- Charlene Schilling, 640 Whipp Road.
- Harold and Tanya McGinnis, 7818 Braewood Trail.
- Caren and Richard Van Vleck, 7790 Stanley Mill Drive.
- Ed and Anita Blair, 135 Bristol Drive.
- John and Charlene Zengel, 226 Pleasant Hill Drive.
- Judy Wenzler, 255 East Franklin Street.
- Jan and Ted Frederick, 430 Island Lake Court.
- Judy and Tim Lange, 1225 Club View Drive.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *September 18*20 *06*

Mr. Steve Husemann, the Executive Director of the Miami Valley Communications Council, was present at the meeting to introduce himself in his new role. He invited everyone to the Open House on Wednesday, September 20, 2006 at the MVCC located at 1195 E. Alex-Bell Road. He also spoke briefly about some current projects of the Communications Council.

City Council recessed at this time for a short reception in the Law Library to honor the Landscape Award Winners.

When the Council Meeting reconvened, it was noted that the presentation by the Ohio Department of Natural Resources would be postponed until a future Council Meeting.

Deputy Mayor Cline announced the following events during his Deputy Mayor's report: A Memorial Service was held on Monday, September 11, 2006, at Normandy Elementary School where he participated in activities honoring those who died on September 11, 2001, and those who worked to save others. He stated that 9/11 is the kind of event for the younger generation that Pearl Harbor and the assassination of John F. Kennedy were for previous generations.

A "topping out ceremony" for the construction of Miami Valley South Health Center on Clio Road and Wilmington Pike was held on September 7, 2006, which he, Dr. Gresham and Mr. Corbin attended. The event marked the halfway point in the health center's construction. The CEO of Miami Valley Hospital announced that they will be expanding the number of services to be offered there.

Congratulations were extended to the golfers who participated in the Ninth Annual John P. Kalamian Memorial Golf Tournament. The tournament raises money for scholarships for students pursuing related careers in college or postgraduate work. Over \$65,000 has been raised in tournaments, and the money has helped 22 students.

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

An update was given on Mayor Kingseed, and best wishes and support were expressed to Mayor Kingseed and his family.

He introduced and welcomed Kristen Gopman, the new Management Analyst. Her duties include being the City's liaison to Benham's Grove and the Arts Commission, the coordinator for disaster preparedness, and the person responsible for updating the website.

He noted that articles have been in the news about a lawsuit filed by Sugarcreek Township against the City of Centerville. The annexation was initiated by the Dille Trust; and the Greene County Commissioners have approved the annexation. It was presented to Council earlier this evening for future action. Centerville Staff and Council representatives had been meeting with Sugarcreek officials to work out an equitable tax plan, but, because the issue is under litigation, he did not wish to comment further.

Mrs. Wilder outlined code violations and resolutions for the month of August, 2006, and she reviewed the community calendar for the coming month.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 1820 06

Mr. Compton stated that the quarterly meeting of the Create the Vision Implementation Task Force will be on Wednesday, October 11, 2006, at 7:00 p.m. at the Fire Department on McEwen Road. Input from the public is always welcome.

Mr. Singer announced that there will be a Storm Water Drainage Task Force Meeting on Thursday, October 12, 2006 at 7:00 p.m. in the Law Library at City Hall, 100 West Spring Valley Road. He invited residents to come to the meeting or send input through the Clerk's Office which can be reached at 433-7151.

Dr. Gresham reported that he attended a meeting of the Human Development Policy Committee of the National League of Cities in Vancouver, Washington. The Committee has concerns about long-term health care for city workers and the No Child Left Behind Program.

Mr. Singer announced that he had attended the 30th Anniversary Celebration at the Grace Brethren Church on Social Row Road on Sunday, September 17, 2006.

Deputy Mayor Cline explained that the Consent Agenda contains procedural administrative matters. Approval of these issues would be as a group with one motion being made. Deputy Mayor Cline asked Mr. Horn to explain the Items on the Consent Agenda. Mrs. Lienesch moved that the following Consent Agenda items be approved minus Item "B".

- A. Resolution Number 40-06: A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor.
- B. Resolution Number 46-06: A Resolution Authorizing A Reduction In The Fee To Be Paid To The City Upon The Sale Of Lot #380, Yankee Trace, Section 21-A. (WILL BE VOTED ON SEPARATELY AFTER THE CONSENT AGENDA).
- C. Resolution Number 41-06: A Resolution Accepting The Bid From The Morton Salt Company And Authorizing The City Manager To Enter Into An Agreement With The Morton Salt Company For The Purchase Of Highway Rock Salt For Snow And Ice Control For The City Of Centerville For The Year 2007.
- D. Resolution Number 42-06: A Resolution Accepting The Bid From Homestead Decor, Inc. And Authorizing The City Manager To Enter Into An Agreement With Homestead Decor, Inc. For Services Connected With Holiday Lighting For The City Of Centerville.
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RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 1820 06

- F. Resolution Number 44-06: A Resolution 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 (Eastern end of Centerville Station Road).
- G. Resolution Number 45-06: A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Danis Building Construction Co. For Construction Management Services.

Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NO. 46-06 YANKEE TRACE, LOT #380, SECTION 21-A

Council then addressed Item "B", the resolution concerning the per lot fee due to the City upon the sale of Lot #380, 1591 Old Haley Drive, in Section 21-A in Yankee Trace. Dr. Gresham recused himself from the discussion and vote. Mr. Horn gave a brief history of the issue. Deputy Mayor Cline pointed out that Council had previously refused a request for a variance of setbacks for this small lot, so only a much smaller than normal home would be able to be built. As an alternative, the Homeowners' Association negotiated the purchase of the lot from Great Traditions and Ryan Homes at a significantly reduced rate in order to dedicate it to green space. To facilitate the deal, the City was being asked to forego half of the per lot fee of \$10,330.84 or \$5,165.43. Mrs. Lienesch expressed concern about setting a precedent whereby the City would be expected to help homeowners' associations to designate green space with unsaleable lots. She felt Council should protect taxpayer dollars. Mr. Singer sponsored Resolution Number 46-06, A Resolution Authorizing A Reduction In The Fee To Be Paid To The City Upon The Sale Of Lot #380, Yankee Trace, Section 21-A, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with four ayes in favor of the motion; Mrs. Lienesch voted no.

Mr. Corbin objected to Mr. Joseph Koussa coming before the Council as he believes the comments that he makes are not pertinent to the business of the Centerville Council.

Mr. Corbin left the meeting after his own comments.

Mr. Koussa, 1537 Beaver creek Lane, Kettering, Ohio, apologized for anything that he had done to offend Mr. Corbin. He asked God to bless the troops fighting for freedom around the world and to bring them home safely.

There being no further business, the meeting was adjourned. The next Council Meeting is scheduled for October 16, 2006.

Approved: 

Deputy Mayor

ATTEST: 

Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 1820 06

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 Robert Corbin
 Paul Gresham
 Susan Lienesch
 James Singer

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
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In light of the illness of Mayor Kingseed and his extended medical leave, Mr. Corbin moved that Councilmember Jim Singer be appointed Temporary Chairman in the absence of both the Mayor and the Deputy Mayor. Dr. Gresham seconded the motion. The motion passed unanimously.

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RECORD OF PROCEEDINGS

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Held _____ 20 _____

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RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *September 18*20 *06*

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RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *September 18*20 *06*

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RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 1820 06

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Approved: 

Deputy Mayor

ATTEST: 

Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Council*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *October 9,*

2006

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 9, 2006, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by James E. Singer, and the Pledge of Allegiance to the Flag, with Deputy Mayor Douglas C. Cline presiding. Councilmembers and City Staff present were as follows:

Councilmembers Brooks Compton
 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 Spitler
 Assistant to the City Manager Jennifer Wilder
 Economic Development Administrator William Covell
 Municipal Attorney Scott Liberman

Dr. Gresham moved that Mayor Kingseed and Councilmember Robert Corbin be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NO. 47-06 ACCEPTING ANNEXATION DILLE PROPERTY

The Public Meeting was held concerning Resolution Number 47-06. Mr. Feverston clarified that the area to be annexed at this time is the area known as the "Dille Farm" from the unincorporated area of Sugarcreek Township. The parcel of land is east of Wilmington Pike, south of Brown Road, west of the I-675 and includes the right of way for Feedwire Road and the out parcels in the plaza just south of Feedwire Road. Mr. Horn gave brief background of the annexation process. He noted that the annexation was one hundred percent owner petitioned; it was approved by the Greene County Commissioners and was presented appropriately by the Clerk of Council at a regular meeting and the Staff recommends approval of the Resolution. Mrs. Lienesch asked about objections on file from anyone, especially Sugarcreek Township. Mr. Horn noted that the Sugarcreek Township Commission is opposed to the annexation; they have stated objections in newspaper articles. Mr. Liberman said that Sugarcreek representatives present at a recent Planning Commission meeting in Centerville voiced their opposition to the annexation. No formal injunction or formal legal actions have been put in place. Mrs. Lienesch inquired if the City had received any letters from residents in Sugarcreek Township. Mr. Horn was not aware of any. There were some residents at the Planning Commission meeting, but questions were addressed. Mr. Singer asked if Greene County Commissioners passing the annexation considered Sugarcreek Township's objections. Mr. Liberman explained that the time for filing objections by Sugarcreek Township following the actions of Greene County had expired. Greene County has approved the

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 9,

20 06

annexations. Deputy Mayor Cline asked Mr. Horn to explain the timetable for the changeover of services. Mr. Horn noted that the Resolution will become effective immediately with its passage, but the services changeover would be 30 days from now, if Council goes forward with the action. The delay gives us time to notify the appropriate parties of Council actions and offer to meet with them to insure the orderly transition of services. Actual service delivery by the City would begin in 30 days.

Deputy Mayor Cline stated that the City would make every effort to coordinate with Sugarcreek Township. There have been five meetings with Sugarcreek Township officials, but these meetings came to a close when they filed litigation.

Mr. Singer asked if the litigation dealt more with the annexation or the TIF. Mr. Liberman stated the litigation is a request for a declaratory judgment asking the court to determine whether the TIF resolution that the Township has passed is effective and is to govern the property. The litigation concerns the Tax Increment Financing and not the annexation itself.

Mr. Singer questioned whether the TIF is directed to the future more than today's proceedings; Mr. Liberman indicated that it was.

Dr. Gresham sponsored Resolution Number 47-06, A Resolution Accepting The Annexation Of Property Owned By Roger Pfister, Trustee Under A Certain Amended And Restated Revocable Living Trust Agreement Executed By Charles A. Dille, Jr., Dille Laboratories Corp., Sugar Creek Crossing, LLC And Sugar Creek Crossing Permanent, LLC, Which is Contiguous To The Corporate Limits Of The City Of Centerville And Which Is Located In The Unincorporated Area Of Sugarcreek Township, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 23-06 - REZONING DILLE PROPERTY
(156.957 ACRES)

Mr. Feverston reviewed a proposed Ordinance to rezone the Dille property. Mr. Compton moved that Ordinance Number 23-06, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning A Total Of 156.957 Acres, More Or Less, Parcel Of Land With 36.053 Acres, More Or Less, To City Of Centerville R-PD, Residential-Planned Development And 120.904 Acres, More Or Less, To City Of Centerville B-PD, Business-Planned Development Zone Classifications, be set for Public Hearing on November 20, 2006. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 22-06 - REZONING DILLE PROPERTY
(71.482 ACRES)

Mr. Feverston reviewed a proposed Ordinance to rezone the Dille Property which is 71.482 acres south of I-675 from Wilmington Pike to Possum Run Road. Dr. Gresham moved

RECORD OF PROCEEDINGS

Minutes of Council

Meeting

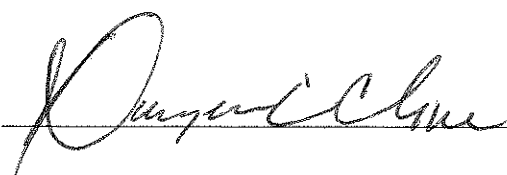
DAYTON LEGAL BLANK, INC., FORM NO. 10148

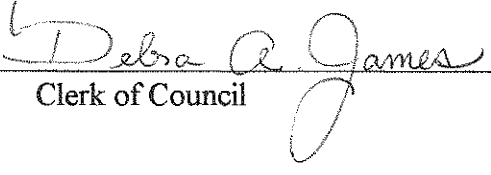
Held October 9, 2006

20 06

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There being no further business, the meeting was adjourned.

Approved: 
Deputy Mayor

ATTEST: 
Clerk of Council

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *October 16, 2006*

20 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 16, 2006, 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 of Epiphany Lutheran Church and the Pledge of Allegiance to the Flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

- Deputy Mayor Douglas Cline
- Councilmembers Susan Lienesch
- Paul Gresham
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- Clerk of Council Debra James
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- Municipal Attorney Scott Liberman

Mr. Compton moved that the minutes of the foregoing Council Meetings, as distributed be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously with Dr. Gresham abstaining from the October 2, 2006, Work Session Meeting; Mayor Kingseed and Mr. Corbin abstaining from the October 9, 2006, Work Session Meeting; and Mayor Kingseed abstaining from the September 18, 2006 Council Meeting.

Mrs. James, Clerk of Council, announced the receipt of letters of resignation from City Beautiful Commission member Carol Echols and Arts Commission member Robert Cahill. Mrs. James stated that she had received a communication from the Greene County Commission Clerk that she was required to present to Council a certified copy of the entire record of the annexation proceedings of the Dille Laboratories Corporation's request for annexation of 94.987 acres, more or less, from Sugarcreek Township, Greene County, into the City of Centerville. Mrs. James then transmitted the certified record to Mayor Kingseed at that time.

Mayor Kingseed then asked Deputy Mayor Cline to greet Ryan Bender and Matthew LeSaint at the podium who had recently completed the requirements for the rank of Eagle Scout. Deputy Mayor Cline expressed congratulations to both Eagle Scouts and they received certificates of congratulations.

Mrs. Lienesch and Mr. Compton, Co-Chairs, for the Property Maintenance Code Task Force, presented certificates of appreciation to Dan Carfagno, Jack Lohbeck, Connie Pavliga, Jim Gallagher, and Tom McDermott for the time and dedication they gave in

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defining property concerns and recommending legislation. Both Mr. Compton and Mrs. Lienesch noted the valuable contributions of Jennifer Wilder and Sande Heck. Mayor Kingseed thanked Mrs. Lienesch and Mr. Compton for the additional commitment of leadership, time and energy required for their participation in the workings of the Property Maintenance Code Task Force and noted the valuable legislation that resulted from their work.

Deborah Jay and Tom Shultz gave an update on the Satellite Juvenile Court which is celebrating its 15th anniversary. This joint project of the City and Washington Township gives the area a community-based juvenile justice forum as an extension of the Montgomery County Juvenile Courts. This court was established as a response to citizen concerns about the illegal activities of young people. Historically property crimes and use of alcohol and drugs are the most prevalent issues. This forum requires unofficial sanctions for first offense misdemeanors such as restitution, letters of apology, drug tests, attendance at AA meetings, essays, etc. Mr. Shultz who has worked with such cases for 35 years, extended his appreciation to the City for its support over the past 15 years and noted that Mr. Horn has been on the Board for over ten years. This program has been a proto-type for other jurisdictions. Dr. Gresham asked about recidivism. Eighty-two percent of the offenders have no further contact with the juvenile system, which is better than the rate for the county in general. Mr. Singer suggested that the group do more public relations because few citizens know of the program.

Terry Atchison presented information to promote the 5K Remembrance Walk at 10:00 a.m. on November 4, 2006, on the grounds of Hospice of Dayton. She invited everyone to participate and said thank you for the community and business support the event has received.

Mayor Kingseed announced the following during his Mayor's Report:

Appreciation was expressed to everyone for the support he had received and he explained the status of his treatment for bone cancer.

Dr. Gresham, Mr. Singer and Mr. Horn had attended the Open House at the Miami Valley Communications Council on September 20, 2006, and had found it very informative with regard to services paid by the franchise fees, such as firearms training for police and processing of videotapes from crime scenes.

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

Congratulations were extended to Bev Leach, the Assistant Superintendent of Taxation, who is retiring at the end of the month after 30 years of service to the City.

Arts Program Coordinator, Michelle Raleigh, has resigned effective October 26, 2006, after only a short tenure.

Detective Dan Osterfeld of the Centerville Police Department has been recognized for his work with the Ohio Organized Crime Investigations Commission Task Force and received the President's Council on Integrity and Efficiency's Award for Excellence for his work in the successful prosecution of members of a multi-state group that was trafficking in food stamps. This is a prestigious national award.

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The Ohio Department of Natural Resources has given a \$200,000.00 grant for the Ironhorse Trail Project, a trail sponsored by both the City and the Centerville Washington Township Park District. The grant is through the Clean Ohio Trails Fund and will be used for a multi-use trail on the former railroad right-of-way from I-675 north to the City of Kettering. This connector will eventually allow access to the hub in Xenia which extends several directions.

The annexation of the Dille property, the 173 acres north of I-675 and east of Wilmington Pike approved Monday, October 9, 2006, was recorded in Greene County on Friday, October 13th. The annexed area will receive city services beginning in November. We have contacted or attempted to contact the Sugarcreek Administrator and the Greene County Administrator to insure the orderly transfer of services.

The 2006 Budget Sessions are underway under the direction of Mark Schlagheck. The meetings are tentatively scheduled for November 6th and November 13th at 6:00 p.m. to work on the Capital Improvement Program and the Operating Budget with the City Council.

Identification will be required at the polls this November.

Mr. Horn welcomed John Sliemers, the new Assistant City Engineer, who is a graduate of the University of Cincinnati in civil engineering and has seven years experience with the City of Columbus.

Jennifer Wilder outlined code violations for the month of September, 2006, as well as the community calendar for the coming month.

Knowing the interest of the Council because of the Centerville smoking ordinance, Jim Singer brought up the issues on the November ballot related to statewide smoking bans in Ohio. Smoke-less Ohio, Issue 4, is a constitutional amendment, while Smoke Free Ohio, Issue 5, results in a law. Issue 4 trumps Issue 5, which is the more restrictive of the two, if both pass. Education on these ballot items is important and can be gained from a program airing on Channel 21 from the Miami Valley Communications Council.

Paul Gresham added that MVCC.net has the program on streaming video and is available to those with high speed internet connections. The streaming video allows citizens to watch the "Hot Topics" smoking program on home computers at convenient times. Council meetings and other topics are also available 24 hours a day.

Brooks Compton noted that Create the Vision had its Implementation Task Force meeting on October 11, 2006. The entities have agreed to a new meeting schedule, dropping the quarterly meetings and moving to a semi-annual timetable. Sub-committees will meet as specific issues and needs arise.

Jim Singer pointed out that the Stormwater Drainage Task Force met last Thursday, October 12, 2006. Centerville is completing some work on the Forest Brook Ditch at the present time. Culvert replacement on the south end of that channel is scheduled next year. Additionally, the Rod and Reel Club has problems that are storm water related in part. Investigative work on the causes of these problems is in process.

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Mr. Feverston gave an update of the Unified Development Ordinance Task Force and stated that the group is currently working on Article 9 which covers the actual development standards that go with the Code. Article 9 creates a series of overlay districts and the overlay standards which go with each district. Staff has done three reviews of these districts and has just recently sent comments back to ACP, the consultant. After ACP makes the current corrections, staff will review the document one more time before it is ready for the UDO Task Force. Possibly the whole document will be ready for a final review by December or January.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. Mr. Corbin requested that Item "C" be removed from the Consent Agenda and that the following Consent Agenda items be passed.

- A. Ordinance Number 25-06, An Ordinance Amending Ordinance Numbers 14-05 and 12-06 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 November 20, 2006.
- B. Ordinance Number 27-06, An Ordinance Amending the Centerville Municipal Code To Include The Code's Applicability to Those Areas of Sugarcreek Township, Greene County, Ohio That Have Been Annexed To The City, be set for Public Hearing On November 20, 2006.
- C. Item removed from Consent Agenda.
- D. Resolution Number 49-06, A Resolution Accepting The Bid Submitted By Turfgrass South, LLC, and Green Velvet Sod Farms For The Purchase Of Fertilizer For The Golf Course At Yankee Trace and To Authorize The City Manager To Enter Into a Contract In Connection Therewith.
- E. Performance Bond Reduction – Forest Walk, Section 1 (Sidewalk) \$6,000.00.
- F. Performance Bond Reduction - Forest Walk, Section 2, (Sidewalk) \$8,420.00.

Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 48-06 ACCEPTING THE ANNEXATION OF PROPERTY OWNED BY DILLE LABORATORIES CORP.

Item "C" which had been removed from the Consent Agenda was then addressed. Mr. Feverston clarified the area in question as the 94.987 acres to the west of Possum Run

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Road and east of Wilmington Pike and south of I-675. Mr. Horn noted that the annexation request was one hundred percent owner petition initiated. The matter has gone through the appropriate hearing process before the Greene County Commissioners. The staff expects that there will be significant development because of the growth associated with Miami Valley South which is immediately to the west of Wilmington Pike at Cloyo Road. Mr. Horn explained that services would be transferred in about 30 days to allow for notification and transition. Dr. Gresham moved to approve Resolution Number 48-06, A Resolution Accepting The Annexation Of Property Owned By Dille Laboratories Corp., Which Is Contiguous To The Corporate Limits Of The City Of Centerville And Which Is Located In The Unincorporated Area of Sugarcreek Township, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 20-06 UPDATING THE ZONING CODE TO ALLOW MORE PERMITTED SIDING MATERIALS IN THE APD DISTRICT

The Public Hearing was held concerning Ordinance Number 20-06, updating regulations for permitted siding materials for exterior walls. Mr. Feverston explained that the measure came to Council at the recommendation of the Planning Commission and the Board of Architectural Review. The current code permits only wood, brick or stone for APD exteriors. The City asked for the change to allow materials such as fibered cement siding and other new technologies. Mr. Cline sponsored Ordinance Number 20-06, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Section 17, APD, Architectural Preservation District that Apply To The Permitted, Siding Materials For Exterior Walls In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 21-06 AMENDING THE NONCONFORMING USES SECTION OF THE ZONING CODE

The Public Hearing was held concerning Ordinance Number 21-06. Mr. Feverston gave background on the issue that came to Council as the result of work by the Property Maintenance Code Task Force, which recommended the updating of the non-conforming section of the Zoning Ordinance, particularly of non-conforming uses of land. Currently there must be a lapse of two years before the non-conforming use reverts to a conforming use. The new ordinance would reduce that time to one year. In addition, permission for parking recreational vehicles on a property in a non-conforming manner would lapse if the recreational vehicle is gone for more than six months, if it is replaced with a different vehicle, or if the ownership of the premises changes. The Planning Commission has reviewed this and recommends approval. Mrs. Lienesch sponsored Ordinance Number 21-06, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Section 21 And 24 Relating To Nonconforming Uses, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 24-06 GOLF FEES

Mr. Horn explained that each year in October the staff asks for an emergency ordinance related to Yankee Trace in order to have the new fees available for gift certificate sales; we also schedule the Public Hearing related to the regular legislation for November. Dr. Gresham sponsored Ordinance Number 24-06, An Emergency Ordinance To Amend Ordinance Numbers 14-05 and 12-06, 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. Mr. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 26-06 AMENDING THE
CENTERVILLE MUNICIPAL CODE

Mr. Liberman stated that there are five substantive references to Washington Township and Montgomery County in the current Municipal Code so changes need to be made to include Sugarcreek Township and Greene County. The changes expand the definition of "County" to include Greene County, appoint the Sugarcreek Fire Chief to be Fire Chief for the City also, to include Greene County in the section on delinquent taxes related to certificates of registration, add the Greene County Court of Common Pleas to the section on appeals dealing with land in Greene County, and add references to the Sugarcreek Fire Department in sections related to the Bureau of Fire Safety (Chapter 16.30). Mr. Cline sponsored Ordinance Number 26-06, An Emergency Ordinance Amending The Centerville Municipal Code To Include The Code's Applicability To Those Areas Of Sugarcreek Township, Greene County, Ohio That Have Been Annexed To The City, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Mr. Corbin objected to Mr. Koussa coming before the council and left the meeting at this time.

Joseph Koussa, 1537 Beaver creek Lane, Kettering, Ohio, asked God to bless the troops and bring them home safely. He noted the approval of ethanol fuel by President Bush and asked people to vote. He encouraged people to vote "Yes" on Issue 5.

Bob Kyvik, 2555 Goodfield Point, Washington Township, asked the Township and the City of Centerville to move forward on the joint financial study. He reiterated that it is the obligation of the City and the Township to save taxpayer dollars. Mr. Kyvik encouraged the Council to proceed with the study, because taxpayers have a right to know. The Mayor asked that Mr. Kyvik receive a copy of Council's letter responding to the Washington Township's position requesting a satisfaction survey in addition to the financial survey.

Carolyn Rice, 1135 Greentree Drive, candidate for the Ohio House of Representatives for this district, publicly pledged close partnership with the City of Centerville if elected.

Ron Tinnerman, 6719 Eddington Court, Centerville, reiterated the differences between Issues 4 and 5. He urged citizens to vote "No" on Issue 4 and "Yes" on Issue 5.

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There being no further business, the meeting was adjourned.

Approved: C Mark Hengseed
Mayor

ATTEST: Debra A. James
Clerk of Council

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 20, 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 C. 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	
City Planner Steven Feverston	
Public Works Director Robert James	
City Engineer Douglas Spitler	
Assistant to the City Manager Jennifer Wilder	
Management Analyst Kristen Gopman	
Economic Development Administrator William Covell	
Information Technology Manager Scott Ontjes	
Municipal Attorney Scott Liberman	

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

Council Meetings	- October 9, 2006.
	- October 16, 2006.
Work Session Meetings	- October 16, 2006.
	- November 6, 2006.
	- November 13, 2006.

Mr. Cline moved that the minutes of the foregoing meetings, as distributed, be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously with Dr. Gresham abstaining from the Work Session meeting of November 13, 2006.

Mrs. James announced the receipt of an Appeal filed by Century 21 Elite Performance, c/o Mr. Tom Fitzgibbon for property located at 211 West Franklin Street, against a decision rendered by the Board of Architectural Review to disapprove of a storage unit which did not meet the General Design materials in the Architectural Preservation District.

Mayor Kingseed asked Deputy Mayor Cline to greet Beverly Leach, an employee who recently retired after over thirty years of service to the City. Mr. Cline read a proclamation honoring Mrs. Leach.

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

As seen in some news articles recently, Centerville and Washington Township have been working toward a consensus on a joint financial study that would analyze whether there would be significant tax savings if the City and Washington Township would merge under one government. The issue was first addressed about fifteen years ago when each entity did a study. This time a joint study was proposed to see if a reduction in property taxes, levies or income taxes could take place if services were consolidated. Currently there is a difference of opinion about what should be included in the study. Once the study is completed, citizens could decide what action should be taken, if any. Any merger would take at least two years and two votes. He encouraged concerned citizens to contact the Washington Township Trustees to urge them to go along with the financial study.

Greg Horn stated the following in the City Manager's Report:

He reiterated the Mayor and Deputy Mayor's comments concerning Beverly Leach, commending her for outstanding service over a long period of time and adding that long-term employees provide stability and foster progress in our community.

Fall leaf pick up is about one day behind with the wet weather of the past few weeks.

Angie Tapogna, Project Manager for Create the Vision for the past one and a half years, is taking on the role of Arts Program Coordinator and wrapping up her duties with the Create the Vision as the initial phase of that is winding down.

This past week Lt. Williams of the Police Department and I attended two meetings on the countywide dispatch concept. Based on current information, it is questionable whether there is benefit for our community; this position is based on the cost we have for dispatching and the type of service we have, but we will continue to monitor the discussions and make a staff recommendation in January. The County wants to know by mid-February where jurisdictions stand on the concept.

With the holiday on Thursday, our refuse crews will be working on Friday to complete the Thursday routes even though City of Centerville offices are closed.

This past week we had the first advisory meeting related to the rental inspection program that is scheduled to begin in mid to late January. There were representatives from the Greater Dayton Apartment Association, a rental investment group in our region, the real estate community, apartment owners, and citizens at large.

Mrs. Wilder outlined code violations and resolutions for the month of October, 2006, as well as the community calendar for the coming month.

There were no standing committee reports from council members.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. Mr. Horn gave an overview of the consent agenda items. He brought attention to the appointment of Roberta Goodrich to the City Beautiful Commission and the reappointments to be made by passage of the Consent Agenda.

Mr. Cline moved that the following Consent Agenda items be approved.

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- A. An Ordinance Amending Ordinance No. 16-06, Adoption Of The International Property Maintenance Code Of The Centerville Municipal Code, To Add Section 302.16 Vegetation, be set for Public Hearing on December 18, 2006.
- B. An Ordinance Amending Chapter 840 To Correct A Scrivener's Error And Enacting New Centerville Municipal Code Section 840.05 Exemption To The Rental Unit Inspection Regulations, be set for Public Hearing on December 18, 2006.
- C. A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With National Inspection Corporation For Rental Inspection Services.
- D. A Resolution Approving The Montgomery County Natural Hazard Mitigation Plan.
- E. A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Combined Health District Of Montgomery County For The Implementation, Operation And Maintenance Of A Program For The Prevention And Treatment Of Alcoholism And Chemical Dependency And Providing For The Payment Of Fees.
- F. 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. A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With HarborLink Network, LTD For A WiFi Broadband Internet Access Service For The City Of Centerville And To Waive The Compensation Fee For Certificate Of Registration For HarborLink Network, LTD.
- H. A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Effect The Securing Of An Easement For Parking, Ingress/Egress And Utility Over Real Property Owned by Mulay Holdings, LLC.
- I. A Resolution Accepting The Bids Submitted By Green Velvet Sod Farms, Lesco, Turfgrass South, Allegheny Lawn and IKEX For The Purchase Of Chemicals For The Golf Club At Yankee Trace And To Authorize The City Manager To Enter Into Contracts In Connection Herewith.

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- J. A Resolution Declaring Specific Equipment 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.
- K. Performance Bond Release – Forest Walk Section Two conditioned on the receipt of a one year Maintenance Bond in the amount of \$1,500.00.
- L. Escrow Release – Primrose Plat Section One (1) conditioned on the receipt of a one year Maintenance Bond in the amount of \$3,200.00.
- M. Appointment be made as Follows:
Roberta Goodrich to the City Beautiful Commission.
- N. Reappointments be made as Follows:
Heidi Miller, as Chairman, to the Board of Architectural Review.
James Treffinger to the Board of Architectural Review.
- O. Carolyn Basford and Suzanne Walk be Appointed as Co-Chairs of the Sister City Committee.

Mr. Compton asked to abstain from the vote on Item "G" because a member of his firm had worked with one of the parties.

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

ORDINANCE NUMBER 22-06 ZONING ORDINANCE AMENDMENT DILLE PROPERTY

The Public Hearing was held concerning Ordinance 22-06, rezoning the recently annexed Dille property (44.931 acres to R-PD Residential-Planned Development and 26.551 acres to O-PD Office-Planned Development). Mr. Feverston explained that the Planning Commission, by unanimous vote, recommended approval of the rezoning to City Council. This is a City initiated rezoning. The Centerville Zoning Code obligates the City to apply Centerville zones to recently annexed land with due diligence. The Residential-Planned Development Zone defines appropriate residential uses: single family, two-family, multi-family with a density maximum of 6 dwelling units per acre. The Office-Planned Development zoning permitted uses are principally office buildings, whether government, medical, business, and professional offices, banks, and lending institutions as well as residences.

With both Office and Residential-Planned development zones, the property owner or developer is obligated to come to the Council to have the overall plan approved. The vote is to assign the zoning district and does not approve a particular development master plan.

At the Planning Commission Meeting on September 26, 2006, the proposed rezonings were found to be compatible with the Create the Vision Comprehensive Plan in terms of the general requirements and recommendations of the Comprehensive Plan. The

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Planning Commission is currently amending Volume Two of the Comprehensive Plan, which is the study area section. "Study areas" are parts of the city where closer looks are needed to assure that the properties are planned and developed appropriately, in tandem with the goals and guidelines of Create the Vision. This particular area is known as Study Area "K".

Mr. Compton sponsored Ordinance Number 22-06, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning A Total Of 71.482 Acres, More Or Less, Parcel Of Land With 44.931 Acres, More Or Less, To City Of Centerville R-PD, Residential-Planned Development and 26.551 Acres, More Or Less, To City Of Centerville O-PD, Office-Planned Development Zone Classifications, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 23-06 ZONING ORDINANCE AMENDMENT DILLE PROPERTY

The Public Hearing was held concerning Ordinance Number 23-06. Mr. Feverston explained that this property is the second section of the Dille Annexation to be rezoned which is 120.904 Acres to B-PD, Business Planned Development and 36.053 acres to R-PD, Residential Planned Development. As with the previous Ordinance this is also a city initiated petition for rezoning newly annexed land. This action would establish general zones; in addition a specific master plan must be established and approved by the Council. This large tract is north of Feedwire Road, south of Brown Road and east of Wilmington Pike; it includes the mansion, one single family residence and some farm related outbuildings. Proposed rezoning is primarily Business Planned Development for the areas that front on Wilmington Pike and Feedwire Road and a portion of the land on Brown Road adjacent to Rollandia. The northern area adjacent to the current homes on Brown Road is the section zoned for Residential Planned Development. The Planning Commission, by unanimous vote, recommended approval of the rezoning to City Council. The Planning Commission looked at the Comprehensive Plan and decided that this zoning would meet the general requirements and recommendations of the Comprehensive Plan. Since this area also needs a closer look, it is now Study Area "J." so that the Commission will be able to provide more insight for proper development. The Business Planned Development Zone permits office uses, retail uses, banks, churches, government buildings, daycares, schools, food services, spas, health services, gyms, hotels and motels. Residential Planned Development permits single family through multi-family with a maximum density of 6 dwelling units per acre and some specific related uses such as daycares.

Mr. Michael Clary, 4968 Wilmington Pike, Kettering, asked that Council take into consideration the residences on the north side of Brown Road and on Wilmington Pike. The single family homes pay a price in noise, traffic and lack of privacy. What is done will affect property values. He noted that he was not notified of this public hearing and wants to be added to the mailing list.

Tony Burk, 4273 Galway Ct. in Brown's Run, Vice President of the Brown's Run Homeowners Association, stated that Sugarcreek Township had designated that any development would set back 200 feet instead of 100 feet from the road and had promised that there would not be apartments or landminiums; any development would have been

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condominiums or housing with less density. Mr. Burk inquired if Centerville would promise the same.

Mr. Horn responded that both those issues would be looked at as the master plan comes together. The zoning being discussed allows for any type housing up to six units per acre. The developer has focused primarily on condominiums but there is no obligation on his part. There will be more meetings as the plans progress. Mr. Burk asked that he be notified of the dates of those meetings.

Mr. Compton asked if he was correct in understanding that the master plan for an entire Business-Planned Development or Residential-Planned Development parcel would be brought to Council, rather than as piecemeal segments. Mr. Feverston stated that the Zoning Code does require a Master Plan. The Zoning Code can parcel it down into 10 acre sections, but the kind of vacant tract we have here as Business-Planned Development zoning does require a total plan for the entire acreage. Staff will do pre-application meetings with the developer to try to work out details acceptable to the City. Formal applications are then filed by the developer. There are public hearings as the plans come to Planning Commission, and again as they come to Council. It is always a two step process with hearings before the City Planning Commission and before the City Council.

Mr. Feverston pointed out that the City is currently working on a Unified Development Code which would give incentives for creating things like open space. Overlays mix uses to create a specific environment within the development and would be very appropriate here.

Mr. Horn stated that the staff will work hard for a uniform finished look for this development, providing a quality image for the neighborhood and being beneficial to those living in adjacent properties.

Dr. Gresham sponsored Ordinance Number 23-06, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning A Total Of 156.957 Acres, More Or Less, Parcel Of Land With 36.053 Acres, More Or Less, To City Of Centerville, R-PD, Residential-Planned Development And 120.904 Acres, More Or Less, To City Of Centerville B-PD, Business-Planned Development Zone Classifications, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

**CENTURY 21 ELITE PERFORMANCE
APPEAL TO COUNCIL**

The Public Hearing was held concerning an Appeal filed by Tom Fitzgibbon against a decision rendered by the Board of Architectural Review during their meeting on October 17, 2006, relative to an accessory building which does not meet general design materials in the Architectural Preservation District. The storage building on the property is located at 211 West Franklin Street. Mr. Feverston explained that Mr. Fitzgibbon is asking for permission to keep a plastic shed on the premises. It was erected without review or approval by the City. The material does not comply with those required in the APD. The Board of Architectural Review felt that the materials are not appropriate and was concerned about setting a precedent.

Mr. Tom Fitzgibbon, 211 W. Franklin Street, owner and broker for Century 21 Elite Performance, stated that he had moved his business in August. He was not aware that a

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permit was required for the ancillary building of less than one hundred square feet. It is not a permanent structure and the building has architectural details. There is a privacy fence along the edge of the property, and the structure has a functional purpose for storing signs.

Mr. Corbin explained that Council was sympathetic and had debated for an extended period of time about how they could give Mr. Fitzgibbon some relief, but felt they had no alternative than to deny the petition because of the material used, since it was not approved in the ordinances governing the APD.

Mr. Compton stated that he would vote to deny the appeal because it does not comply with the law or support the long-term objectives of the APD.

Mr. Cline suggested a waiver of the appeals filing fee.

Mr. Ken Ballwraith, 234 West Ridgeway Road, a property which adjoins the business. He reiterated that citizens should get notices when hearings occur; he had only gotten the notice for this second meeting. He stated that he thought the building looked nice.

Mr. Feverston explained that the original meeting on the matter would not include notices for normal administrative actions of the Board. It was a public meeting, but not a public hearing.

Mayor Kingseed stated his agreement with Mr. Compton that the purpose of the Council is not to run interference with business or cause unnecessary hardship, but did not see how to grant the appeal without changing the rule about what materials could be used. Selective enforcement is not an option. Mrs. Lienesch moved to waive the filing fee for the appeal in the amount of \$100.00. Mr. Corbin seconded the motion. The motion passed unanimously.

Mr. Corbin moved that the appeal filed by Tom Fitzgibbon on behalf of Century 21 Performance Elite be denied. Mr. Compton seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Lienesch voted no.

ORDINANCE NO. 25-06 – GOLF FEES

The Public Hearing was held concerning Ordinance No. 25-06. Mr. Compton sponsored Ordinance Number 25-06, An Ordinance To Amend Ordinance Numbers 14-05 And 12-06, 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. Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NO. 27-06 INCLUDING THE AREAS ANNEXED FROM SUGARCREEK TOWNSHIP IN THE MUNICIPAL CODE

The Public Hearing was held concerning Ordinance No. 27-06. Mr. Liberman reviewed the five sections of the Municipal Code that need to be revised to include references to "Greene County" and "Sugar creek Township". The changes expand the definition of "County" to include Greene County, appoint the Sugar creek Fire Chief to be Fire Chief for the City also, to include Greene County in the section on delinquent taxes related to certificates of registration, add the Greene County Court of Common Pleas to the section on appeals dealing with land in Greene County, and add references to the Sugar creek Fire Department in sections related to the Bureau of Fire Safety. Mr. Singer

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sponsored Ordinance No. 27-06, An Ordinance Amending The Centerville Municipal Code To Include The Code's Applicability To Those Areas Of Sugarcreek Township, Greene County, Ohio That Have Been Annexed To The City, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

Mr. Horn asked to have Mr. Travis Tangeman, chief technology expert, from Harborlink to speak on the WiFi item which was on the Consent Agenda. We are the first community in South Dayton to approve this partnership.

Mr. Tangeman gave details on the green spaces covered by free wireless connections in the City of Centerville. The service is not meant to replace home connections, rather it is an incentive offered by the community to encourage consumers to frequent businesses here. The areas to be set up by about May 1, 2007, are the Kroger area near City Hall, Franklin and Main, Benham's Grove and Yankee Trace. Mr. Horn added that all equipment would be added to properties and towers currently used by the City and that Stubbs Park will also be covered by the service.

**EMERGENCY ORDINANCE NO. 30-06- APPROPRIATIONS FOR
CURRENT EXPENSES FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2006**

Mr. Schlagheck explained that this ordinance is one of several annual adjustments to the Appropriations Ordinance originally passed in January. Mr. Singer sponsored Emergency Ordinance No. 30-06, An Emergency Ordinance To Amend Ordinance 18-05 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, 2006, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

Mr. Bob Kyvik, 2555 Goodfield Point spoke of the need for the joint study of the financial savings if a merger of services by the City and Washington Township as agreed in March, 2006. Mr. Kyvik suggested an unbiased representative from Council and from the Trustees, meeting with his group in order to move this forward Mr. Kyvik stated that looking for ways to save taxpayer dollars is an obligation.

Mr. Joseph Koussa, 1537 Beaver creek Lane, Kettering, Ohio came forward to share a letter from the Director of the Environmental Science Program at the University of West Alabama requesting Mr. Koussa's calculations of gas used in drive-through windows.

Mr. Corbin asked Mr. Koussa on the accuracy of his statements about gas savings from parking instead of idling in drive-throughs based on an article in The Dayton Daily News section called "Wheels" of October 26, 2006, stating the Ohio Department of Air Quality says the average car used only about .15 of a gallon of gas idling for an hour and objected to Mr. Koussa coming before Council when nothing relates to the business of the Council. Mr. Corbin left the meeting at this time.

There being no further business, the meeting was adjourned.

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Approved: C. Mark Kinspeck
Mayor

ATTEST: Debra A. James
Clerk of Council

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 18, 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 Troop 516, with Deputy Mayor Doug Cline presiding. Councilmembers and City Staff present were as follows:

Councilmembers Brooks Compton
 Robert Corbin
 Paul Gresham
 Susan Lienesch
 James Singer

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Chief of Police Steve Walker
 Lieutenant Dave Williams
 Public Works Director Robert James
 City Engineer Douglas Spitler
 Assistant Engineer John Sliemers
 Operations Manager Mary Lou Pence
 Assistant to the City Manager Jennifer Wilder
 Management Analyst Kristen Gopman
 Arts Coordinator Angie Tapogna
 Municipal Attorney Scott Liberman

Mr. Singer moved that Mayor Kingseed be excused from this meeting. Dr. Gresham seconded the motion. The motion passed unanimously.

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

Council Meeting – November 20, 2006.
 Work Session Meetings – November 20, 2006.
 December 4, 2006.
 December 11, 2006.

Mr. Compton moved that the minutes of the foregoing meetings, as distributed be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Deputy Mayor Cline presented a certificate of congratulations to Eagle Scout Alex Verslype, whose Eagle Project focused on improvements at Rosewood Park.

Deputy Mayor Cline administered the oath of office to newly appointed City Beautiful Commission member Roberta Goodrich.

Angie Tapogna, Project Manager, gave a Create the Vision update, stating 2006 was a very fruitful year. One hundred twenty of the one hundred ninety-eight strategies are currently in process or complete. Mrs. Tapogna outlined meetings she attended, groups she addressed, articles published relating to Create the Vision and honors received by the group. Create the Vision met once a month in 2006, but will meet only on May 9th and October 10th in 2007. The group's annual report is posted on the website at www.CreatetheVision.org.

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Since her duties for Create the Vision are winding down, Mrs. Tapogna has accepted new duties as the Arts Program Coordinator for the Centerville Arts Commission. The Arts Commission is working on three major events at the Golf Club at Yankee Trace for the coming months: a Murder Mystery Dinner Theater in January, Art at the Trace in February, and a string quartet from the Dayton Philharmonic Orchestra in March.

Deputy Mayor Cline expressed the opposition of the Centerville City Council to joining the proposed countywide fire and police dispatch system at this time. Currently all dispatch calls are handled locally at our Police Department or at Washington Township Fire Dispatch on McEwen Road. Our dispatchers are very familiar with our local businesses and the street system. Our police and fire dispatches have superior response times. The Police Chief, the Fire Chief, and City staff have attended numerous informational sessions. After debating the issue in work sessions, City Council found no compelling reason to consider closing our existing dispatch and joining the proposed operation at this time. The Council is concerned about a potential loss of quality in service and response time, loss of control of decisions affecting operations and the accuracy of the information about cost savings. While we appreciate the need to foster regional cooperation, we do not believe this particular initiative is in the best interests of the citizens of Centerville. The Council will continue to explore with Washington Township the possibility of combining the dispatch systems of the Washington Township Fire Department and the Centerville Police Department. Though not present, Mayor Kingseed participated in the discussions and was in agreement with the Council.

City Manager Greg Horn used a power point presentation on the issue of the consolidated dispatch system which covered its background, its cost and the quality of service. Initially, GEOCOMM, a qualified outside consultant, analyzed the situation. In September, 2006, its report cited the potential for savings of \$4.8 to \$6 million per year if the seventeen local dispatch centers became one. The City of Dayton would save about two thirds of the total, while Centerville costs would increase by \$30,933. When the Montgomery County Office of Management and Budget reexamined the numbers in-house, the cost figures changed from the fee of \$8.38 per call suggested by GEOCOMM to \$6.65 per call, plus a \$.50 per call charge for the improvement fund. In this event, Centerville would save \$123,739.

Mr. Horn said even if the City joined the countywide system, the City would need to maintain a minimum level of staffing or "backfill" at the Police Department building to insure the security of the building and allow timely access to help and records; the City of Centerville does not want the Police building to be closed nights and weekends. Mr. Horn estimated that it would cost the City \$275,000.00 a year to backfill with appropriately qualified individuals, leaving a net increase of \$151,261 per year—even when using the more favorable estimate from the County.

Mr. Horn pointed out that regional cooperation has been cited in connection with this issue. He listed numerous ways that Centerville has partnered in the past with its neighbors for the good of the area. Mr. Horn stressed that Centerville has been a leader in regional cooperation over the past several decades.

Mr. Horn next discussed quality of service issues, and Chief Stephen Walker and Lt. David Williams shared with Council their concerns that Centerville has invested heavily in technology. Joining the countywide system would mean giving up the use of important parts of it. They voiced concerns about inconsistent penetration of the countywide signals

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into heavier steel buildings, talk-over problems and officer interruptions when larger numbers of jurisdictions share a limited number of frequencies, and curtailment of our current cellular capabilities. The police cruisers of the City of Centerville and the City of Kettering are equipped with highly efficient computer systems which allow e-ticketing and which transmit data directly to the Kettering Courts. Staff currently believes we would have to give up this capability if we were to join the countywide system; we do not know if we could maintain this unique service in isolation from the City of Kettering Police Department. Mr. Horn added that the in-car computer systems are able to transfer photos and streaming video for the protection of officers and the enhancement of the performance of their duties. The consolidated system does not have these capabilities at the same quality levels.

Local control is an issue. Local government control is crucial for safety of officers, providing quality service, having accountability, and supervising dispatchers. Centerville has a tremendous record of quality dispatching. We have 15 years of our own history which instant record retrieval makes available to our officers before they enter a situation.

Some jurisdictions will save dollars by going to the County system and some will receive better service. Mr. Horn stated he does not believe there would be a net dollar savings or a quality improvement for the City of Centerville. Whether we could maintain our quality is an unknown. He does not recommend that we make a change at this time.

Lt. Williams, the Commander of Staff Services Division overseeing our communications and records, and Chief Walker answered questions from Council. Mr. Compton asked for a description of how calls would be prioritized with central dispatch. Lt. Williams responded that consolidated dispatch groups agencies in a manner which will delay some Centerville response times. There is competition for priority in dispatch and for radio air time.

Mr. Corbin asked for verification that joining the consolidated system would "dilute" our service. Lt. Williams concurred that Centerville is technology ahead of many jurisdictions, and could lose some capabilities because there is a difference between the RF (radio frequency) used by the County and the cellular system Centerville is using. One example is the Automatic Vehicle Locator which allows the dispatchers to see exactly where the cars are when calls come in or when an officer needs assistance. Taxpayer dollars have been spent for state of the art equipment which would not be able to be utilized. Mr. Corbin also asked if we could function with our system if Kettering should go with the consolidation. They own the equipment and we pay monthly airtime. Lt. Williams replied we would need to evaluate if we can continue without Kettering. Chief Walker talked about the technology, especially the locator systems, that would be lost if the City were to return to strictly an RF system.

Mr. Compton asked if we will have the ability to communicate with the County system. Chief Walker answered that we are fully inter-operable with everyone who has the 800 megahertz frequencies used by the County system, but probably not with information related to the in-car computers.

Mr. Compton noted that centralization does not seem to be the responsible thing to do for safety. Dr. Gresham voiced his concurrence with those opposed to joining the consolidation at this time. Chief Walker reiterated that Centerville has been involved with many regional efforts, but said that this one is not a good one for the City.

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

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Leaf pickup is completed. However, pick ups can still occur, if citizens call the Municipal Building for pick up. A minimal fee will be charged.

The Service Awards Holiday Luncheon was held for all City employees on December 13, 2006, at Yankee Trace.

Appreciation was given to Mr. Schlagheck, his staff, Chair Jim Singer and Council for the efforts in preparing the 2007 Budget and Capital Improvement Program.

The Peoples' Choice Awards named Yankee Trace as the best golf course in the Greater Dayton Area for 2006.

Mrs. Wilder has been working on the Rental Inspection Checklist and the Advisory Group has seen it. The checklists will be going out in the next few days. The first inspections should occur at the end of January.

Mrs. Gopman outlined code violations and resolutions for the month of November, 2006, as well as the community calendar for the coming month.

SESSLAR MEDICAL – RECORD PLAN

Mrs. Wilder reviewed a Record Plan for Sessler Medical located on Centerville Business Parkway north of Clio Road. She explained the change requested for the record plan for Sessler Medical is seeking to consolidate two lots into one single lot for the construction of a medical facility. The zoning on the 1.1412 acres of land is Industrial Planned Development which permits medical offices. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council. Dr. Gresham moved that the Record Plan for Sessler Medical, be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mrs. Wilder, reporting for Mr. Feverston, advised that An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Make It Applicable To The Area Of Sugarcreek Township Annexed To The City, has been recommended for consideration by City Council. Mr. Singer moved that said Ordinance be set for Public Hearing for January 22, 2007. Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Compton reported that the Unified Development Ordinance Task Force met on December 6, 2006.

Deputy Mayor Cline explained that the Consent Agenda contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. Mr. Horn gave a brief summary of the Consent Agenda items. Mr. Corbin moved that the following Consent Agenda items be passed:

- A. Approval of the 2007-2011 Capital Improvement Program.
- B. Ordinance Number 33-06: 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, 2007. (Set for Public Hearing on January 22, 2007)

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- C. Ordinance Number 35-06: An Ordinance To Repeal Ordinances Numbers 20-05 And 2-06 In Their Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio. (Set for Public Hearing on January 22, 2007)
- D. Ordinance Number 37-06: An Ordinance To Repeal Ordinance Numbers 22-05 And 4-06 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. (Set for Public Hearing on January 22, 2007)
- E. Ordinance Number 39-06: An Ordinance To Repeal Ordinance Numbers 17-99, 42-00, 41-01, 26-02, 24-04, and 05-05 In Their Entirety And To Establish The Personnel Manuals Of The City Of Centerville. (Set for Public Hearing on January 22, 2007)
- F. Resolution Number 59-06: A Resolution Requesting An Advance Of Two Million Dollars (\$2,000,000.00) Out Of The Current Collection Of Real Estate, Personal Property And Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, be passed.
- G. Resolution Number 60-06: A Resolution Authorizing And Directing The City Manager On Behalf Of The City Of Centerville, To Apply For Funding From The Greater Dayton Regional Transit Authority To Construct A Gazebo Bus Stop Shelter On Clio Road At The Entrance To The Miami Valley Hospital Campus In The City Of Centerville, be passed.
- H. Resolution Number 61-06: A Resolution Accepting The Bid Submitted By Double Jay Construction, Inc., For Pedestrian Accessibility Improvements (SS-1C-06) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith, be passed.
- I. Resolution Number 62-06: A Resolution Accepting The Bid Submitted By PohlKat Inc., For Pond Dredging At Yankee Trace And Authorizing The City Manager To Enter Into A Contract In Connection Therewith, be passed.
- J. Appoint Rich LaRue as a Member of the Arts Commission.

Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 28-06 AMENDING ORDINANCE NO. 16-06
ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE
ADD SECTION 302.16 VEGETATION

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The Public Hearing was held concerning Ordinance Number 28-06. Mrs. Wilder explained that legislation on vegetation was part of the former Property Maintenance Code but was overlooked when the International Property Maintenance Code was adopted. This ordinance would allow the City to order removal of dead trees and shrubs which are considered to be dangerous to other plants or property. Mrs. Lienesch sponsored Ordinance Number 28-06, An Ordinance Amending Ordinance No. 16-06, Adoption Of The International Property Maintenance Code Of The Centerville Municipal Code, To Add Section 302.16 Vegetation, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 29-06 ENACTING NEW CENTERVILLE MUNICIPAL CODE SECTION 840.05 EXEMPTION TO THE RENTAL UNIT INSPECTION REGULATIONS

The Public Hearing was held concerning Ordinance Number 29-06. Mr. Horn explained the scrivener's error with the use of "bi-annual" rather than "biennial" since the intent was for inspections every two years. Language was added to exclude dwelling units for which one has paid a one-time lump sum in exchange for lifetime rights or health related services. Mr. Corbin abstained because of personal interest in the matter. Mr. Compton sponsored Ordinance Number 29-06, An Ordinance Amending Chapter 840 To Correct A Scrivener's Error And Enacting New Centerville Municipal Code Section 840.05 Exemption To The Rental Unit Inspection Regulations, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with five ayes with Mr. Corbin abstaining from the vote.

ORDINANCE NUMBER 31-06 2006 APPROPRIATIONS

Mr. Compton sponsored Ordinance Number 31-06, An Emergency Ordinance To Amend Ordinance 18-05 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, 2006, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 32-06 2007 APPROPRIATIONS

Mr. Horn reviewed an Emergency Ordinance to adopt appropriations for the budget for 2007 and allow the City to expend dollars between the first of the year and the passage of the regular Ordinance at the January 22, 2007 meeting. Mr. Singer sponsored Ordinance Number 32-06, 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, 2007, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 34-06 CITY PERSONNEL

Dr. Gresham sponsored Ordinance Number 34-06, An Emergency Ordinance To Repeal Ordinances Numbers 20-05 And 2-06 In Their Entirety And To Establish Class

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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 unanimously.

ORDINANCE NUMBER 36-06 YANKEE TRACE PERSONNEL

Dr. Gresham sponsored Ordinance Number 36-06, An Emergency Ordinance To Repeal Ordinance Numbers 22-05 And 4-06 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. Corbin seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 38-06 UPDATE PERSONNEL MANUALS

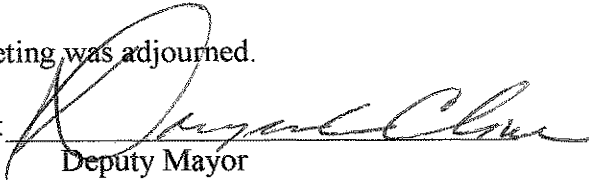
Mr. Compton sponsored Ordinance Number 38-06, An Emergency Ordinance To Repeal Ordinance Numbers 17-99, 42-00, 41-01, 26-02, 24-04, and 05-05 In Their Entirety And To Establish The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Joseph Koussa, 1537 Beaver creek Lane, Kettering, Ohio asked that troops come home safely. Mr. Corbin asked Mr. Koussa if he had any business relevant to the Centerville Council. Mr. Corbin left the meeting at this time. Mr. Koussa displayed letters from various dignitaries and jurisdictions.

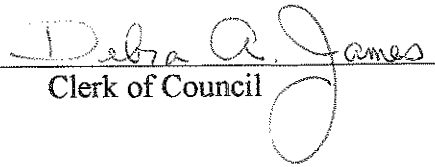
Deputy Mayor Cline wished everyone a Merry Christmas and a Happy Holiday Season as well as a Happy New Year.

There being no further business, the meeting was adjourned.

Approved:


Deputy Mayor

ATTEST:


Clerk of Council