

# RECORD OF PROCEEDINGS

Minutes of COUNCIL

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 16<sup>th</sup>) 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 10<sup>th</sup> through the 17<sup>th</sup>. 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