

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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 Rajee, Sabera Saklayen, 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 Clio 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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Minutes of *Council*

Meeting

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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