

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

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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

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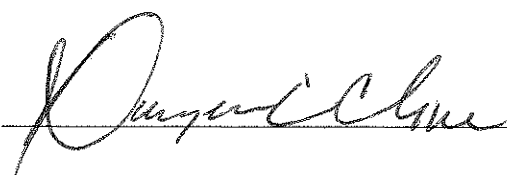
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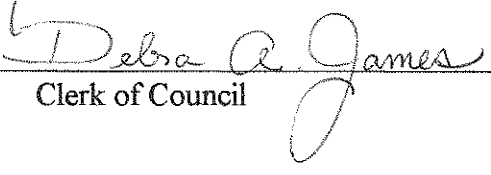
Held October 9, 2006

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that 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, be set for Public Hearing on November 20, 2006. Mr. Compton seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: 
Deputy Mayor

ATTEST: 
Clerk of Council