

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *October 16, 2006*

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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
	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
 Economic Development Director Bill Covell
 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