

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 18

20 05

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 18, 2005, 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
 James Singer
 Robert Corbin
 Brooks Compton
 Paul Gresham

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Debra James
 City Engineer Douglas Spittler
 City Planner Steve Feverston
 Public Works Director Robert James
 Finance Director Mark Schlagheck
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Jennifer Kuschnerus
 Municipal Attorney Scott Liberman
 Create the Vision Project Manager Angella Tapogna

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

Council Meeting - June 20, 2005.
 Work Session Meetings - June 20, 2005.
 - July 11, 2005.

Mr. Singer moved that the minutes of the foregoing meetings, as distributed be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously with Mayor Kingseed abstaining from the July 11, 2005, Work Session meeting.

City Beautiful Commission member Carol Echols was in attendance at this meeting to present the Business Pride Award to Esther Price Candies & Gifts. Penny Boxley was not present to accept the award.

Mayor Kingseed brought attention to the following City Beautiful Summer Landscape Award winners for June:

Will and Joyce Garrett 6700 Crossbrook Drive	Tom and Doris Cassley 220 Glenburn Drive
Mike and Jan Novosad 8281 Station House Road	Bill and Maureen Brady 1675 Ambridge Road
Pam and Marshall Goodfellow 40 Peach Grove Avenue	Marcie and Bill Lickert 41 Glencroft Place
Jim and Mary Lynn Mogan 311 Marsha Jeanne Way	Ron and Elizabeth Parker 1031 Wedgecreek Place

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Mrs. Tapogna gave an overview of significant accomplishments made during the past year by the Create the Vision Steering Committee and the fifteen member Implementation Task Force. She brought attention to the members of the Task Force and to the implementation co-chairs: Brooks Compton and Tom Zobrist. Mrs. Tapogna explained how strategies and objectives have been put into place to improve the quality of life for residents in Centerville and Washington Township. In recognition of the first anniversary of Create the Vision, the Montgomery County Commissioners presented a Proclamation to the Task Force members on June 28, 2005. Mr. Compton emphasized the excellent job Mrs. Tapogna is doing as Project Manager for the implementation of Create the Vision.

Mrs. McLaughlin announced the receipt of a letter of resignation from Robert Ryan, a member of the Stormwater Drainage Task Force.

Mayor Kingseed expressed appreciation to all who participated in the Americana Festival over the fourth of July weekend.

An update was given relative to some of the neighborhood improvement initiatives in which the City is participating.

The City is working with faith based organizations in the community in order to utilize their time and talent to assist those in need.

Work continues on the drafting of a Rental Inspection Ordinance to make sure all codes are met.

Mr. Schlagheck thanked all City and Washington Township employees who helped with the Americana Festival.

He reported on the Relay for Life which was held at the Centerville High School on July 15 and 16, 2005. This was an eighteen hour walk-a-thon to raise money for cancer research. Forty employees and family members participated in this event which raised over \$3,000.00.

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

PRIMROSE PLAT SECTION ONE RECORD PLAN

Mr. Feverston reported for the Planning Commission. He reviewed the Record Plan for the Primrose Plat, Section One, which creates one lot for the location of a day care center. He located the subject property on a map, being situated along Alexandersville-Bellbrook Road east of Pelbrook Farm Drive. The zoning on this 3.7385 acre parcel is Residential-Planned Development and is part of a Major Use Special Approval Application recently approved by City Council. There will be thoroughfare improvements to Alexandersville-Bellbrook Road as well as the construction of a new public street into the property. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council with the following conditions:

1. Sixty (60) feet of right-of-way shall be dedicated along the Alex-Bell Road frontage of the entire 32.73 acre parcel from the centerline as required by the approved Major Use Plan.

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2. A concrete sidewalk, five (5) feet in width, shall be constructed along Alex-Bell Road.
3. The final design and alignment of James Karras Drive shall be subject to approval by the City Engineering Department. The proposed left turn lane shall be extended to provide a minimum stacking area of one hundred (100) feet and a lane taper of at least fifty (50) feet in length subject to approval by the City Engineering Department.
4. Additional right-of-way shall be required on James Karras Drive to accommodate the extended left turn lane subject to approval by the City Engineering Department.
5. A temporary turn-around shall be provided at the end of James Karras Drive subject to approval by the City Engineer.
6. The applicant shall submit an estimated cost of both permanent and temporary improvements to both Alex-Bell Road and James Karras Drive subject to approval by the City Engineer.
7. In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer.
8. Money shall be placed in escrow for the future improvements to Alex-Bell Road as required by the approved Major Use Plan.
9. All street names shall be subject to approval by the City Planning Department.
10. The final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department.
11. An easement shall be placed on the Record Plat that grants the City emergency access to the detention basin subject to approval by the City Attorney.
12. The Record Plat shall delineate the location of all FEMA floodplain limits in accordance to the City Floodplain Ordinance.
13. Should the applicant elect to defer construction of the sidewalk until improvements to Alex-Bell Road are made, funds in an amount to be determined by the City Engineer, shall be placed in escrow.

Mr. Feverston reviewed the recommendation for approval of the Record Plan by the City Engineer subject to the following conditions:

1. Execution of a Subdivider's agreement.
2. Execution of a Performance Bond, certified check, or letter of credit in the amount of \$80,001.25 covering the estimated cost for required improvements.
3. Receipt of \$73,829.09 to be placed in escrow to cover future public improvements on Alex-Bell Road.
4. Receipt of inspection fees in the amount of \$361.37.
5. Transfer of 60' of right of way, by deed, adjacent to Alex-Bell Road from James Karras Drive to the east corporation line.

Mr. Corbin moved that the Record Plan for Primrose Plat, Section One, be approved, subject to all conditions recommended by the Planning Commission and the City Engineer. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

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Mrs. Lienesch reviewed the first meeting held by the Property Maintenance Task Force on June 27, 2005. The next meeting has been scheduled for July 28, 2005, to focus on outside storage. She asked for citizen input at their meetings.

Mr. Cline gave an update on the Joint Cooperative Savings Committee, they have made progress in various ways. A preliminary report will be given at the Joint Entities meeting in August, 2005.

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 to be made by the passage of the Consent Agenda. Mr. Compton moved that the following Consent Agenda items be passed:

1. Ordinance Number 07-05: An Emergency Ordinance To Amend Ordinance 22-04 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, 2005.
2. Resolution Number 31-05: A Resolution Authorizing And Directing The City Manager To Enter Into An Exclusive Beverage Marketing Agreement With Pepsi-Cola General Bottlers, Inc. And Finding That Competitive Bidding Is Inappropriate.
3. The Following Appointment be Made:
Cynthia Monter Clay to the Sister City Committee.
4. The Following Reappointments be Made:
James Briggs to the Planning Commission.
Suzanne Walk to the Sister City Committee.

Mr. Singer seconded the motion. The motion passed unanimously. In answer to a question of Mr. Corbin, Mr. Schlagheck explained that the City did not get competitive bids from Pepsi Cola and Coca Cola, but did get competitive quotes.

JASON CAMBRIA APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Jason Cambria against a decision rendered by the Planning Commission during their meeting on May 31, 2005, to deny a Variance Application for a six foot fence in a front yard. Mr. Feverston located the subject property on a map being situated south of Alexandersville-Bellbrook Road, across from Planet Ford. He explained the fact that the Zoning Ordinance permits a fence four feet high in the front yard rather than the six foot fence requested. The Variance was requested in order to allow for the Primrose Day Care playground to extend beyond the building set-back line and into the front yard of the new public street soon to be constructed.

Jason Cambria, 150 Farr Drive, Springboro, Stated that his main concern is for the safety of the children because of the inadequate protection of a secured, fenced-in area that has the appropriate height. There will be no playground equipment in the area in question. Mr. Cambria explained that the six foot fence is a franchise requirement, this is the only area where this type

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playground can be placed.

Discussion followed relative to landscaping along the fence. Mr. Singer moved that the decision of the Planning Commission be reversed relative to the Variance Application filed by Jason Cambria; that the Appeal be granted for the six foot fence in the front yard, for a playground to extend beyond the building set-back line, conditioned upon Mr. Cambria working with City Staff concerning the landscaping along the fence. Mrs. Lienesch seconded the motion. The motion passed 6-1 with Mr. Corbin voting no, believing that the City has become too involved unnecessarily.

ORDINANCE NUMBER 05-05 PERSONNEL MANUALS

The Public Hearing was held concerning Ordinance Number 05-05. Mr. Schlagheck reviewed this Ordinance which makes two changes in the Personnel Manuals: one relating to the Family Medical Leave Act and one to Tuition Reimbursement. Mr. Singer sponsored Ordinance Number 05-05, An Ordinance Amending The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 06-05 TOILET FACILITIES AT BUILDING SITES

The Public Hearing was held concerning Ordinance Number 06-05. Mr. Liberman reviewed this proposed Ordinance to require access to toilet facilities at building sites. The Ordinance requires that toilet facilities be on-site for workers or no more than 300 feet away from the site.

Gary Porter, President of J. Porter Construction, 2512 Glenarm Avenue, Dayton, and the Legislative Chair of the Miami Valley Chapter of the National Association of Remodeling Industry, questioned the meaning of building site, does this mean a siding or remodeling job? Mr. Liberman explained that this would apply wherever there is construction. It does not mean that there must be a facility, the restroom in a home could be used. Discussion followed relative to this requirement and to what type jobs it should apply. Dr. Gresham moved that the Public Hearing relative to Ordinance Number 06-05, An Ordinance Amending The Municipal Code To Require Access To Toilet Facilities At Building Sites, be continued at the August 15, 2005, Council Meeting. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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

RESOLUTION NUMBER 32-05 DARE OFFICER

Mr. Schlagheck reviewed a proposed Resolution to request a grant through the Ohio Attorney General's Office for salary funding of a DARE officer. In previous years, Centerville has received \$20,000.00. Mrs. Lienesch sponsored Resolution Number 32-05, A Resolution Authorizing And Directing The City Manager On Behalf Of The City Of Centerville, To Make Application To The Ohio Attorney General's Office For Salary Funding Of A Dare Officer, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

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There being no further business, the meeting was adjourned.

Approved: *C. Mark Kingseed*
Mayor

ATTEST: *Wanda J. McLaughlin*
Clerk of Council