

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *June 21*20 *04*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 21, 2004, 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
	Brooks Compton
	James Singer
	Robert Corbin
Clerk of Council	Marilyn McLaughlin
Assistant Clerk of Council	Debra James
City Manager	Gregory Horn
Assistant City Manager	Judith Gilleland
Assistant City Engineer	Michael Murray
Public Works Director	Robert James
City Planner	Steve Feverston
Finance Director	Mark Schlagheck
Assistant to the City Manager	Jesse Lightle
Municipal Attorney	Robert Farquhar
Attorney	Scott Liberman

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

Council Meeting - May 17, 2004.

Work Session Meetings - May 17, 2004.

- June 7, 2004.

Joint City Council/Washington Township Trustees Meeting - May 24, 2004.

Mr. Singer moved that the minutes of the foregoing meetings be approved, as distributed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Donald Eadie, member of the City Beautiful Commission, presented the Business Pride Award for June to Deshurko and Harrison Investment Services, 203 West Franklin Street, consisting of a plaque and tickets to the Yankee Trace Brunch. He outlined this program sponsored by the City Beautiful Commission and read their Mission Statement.

Mayor Kingseed administered the Oath of Office to Sister City Committee member Frank Sullivan.

Mayor Kingseed presented Certificates of Congratulations to the following Centerville High School students who placed first in the State in their respective categories:

International Business Management:

Justin Cornelius, Joseph Mack, David Surovec.

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Small Business/ Management Team:

Chris Cook, Lindsay Poulter, Samantha Ferneding, Sarah Tremaine.

Marketing:

Kristen Kuzmick, Ashley Parker.

FAA Inventing Flight Essay:

Colin Clark, Ravi Gupta.

Destination Imagination:

Mirnal Chaudhary, Brittany Dexter, Ashleigh Gillaugh, Danny Miller,
Radhika Raje, Zeeshan Samdani, Courtney Schneider.

Mayor Kingseed reported on the following events:

The Centerville City Council and the Washington Township Trustees met jointly on May 24, 2004 to discuss ways for the two bodies of elected officials to work together in a cooperative way, perhaps in a joint economic development district, joint bids for projects, and the purchase of large items which can be shared. These are ways in which to save taxpayers' dollars.

Mayor Kingseed, on behalf of the City of Centerville, dedicated the pergola at Benham's Grove during the Garden Fest. The pergola is one of many donations by The Friends of Benham's Grove.

City Council has discussed banning or limiting smoking in public places in the City of Centerville. The South Metro Regional Chamber of Commerce is conducting a survey of businesses in the community relative to smoking/non-smoking in their facility. This survey should be complete in approximately one month. Mayor Kingseed stressed the fact that City Council needs to know the desires of people on both sides before a decision is made.

Mrs. Lienesch read a Proclamation issued by Mayor Kingseed designating June 6-12, 2004 as Management Week in the City of Centerville.

Mr. Singer read a Proclamation designating June 14, 2004 as Norma J. Ross Day in the City of Centerville, issued by Mayor Kingseed.

Mr. Horn reported the following during his City Manager's Report:

Calls have been made to the City of Centerville relative to the use of motorized scooters and the like. This issue will be addressed in the next issue of the Town Crier and on Let's Talk Centerville. Questions concerning regulations and requirements should be addressed to the Centerville Police Department. According to Police Chief Steve Walker, if the vehicle has a motor, does not have peddles, it is not allowed on public streets and public ways.

The staff of Centerville and Washington Township have united on some joint ventures. Mr. Horn outlined some trade offs being considered by both entities: street striping, snow plowing, joint purchases, and sharing of equipment.

Municipal Attorney Robert "Nick" Farquhar is retiring after serving 35 years as Centerville's legal counsel. A reception in his honor will be held on July 29, 2004 to begin at 5:00 P.M. at Yankee Trace.

Judith Gilleland, a member of the Centerville City Staff for 14 years is leaving to assume the City Manager responsibilities in Pickerington, Ohio. Miss Gilleland served as Assistant City Manager for Centerville during the past several years. A reception on her behalf will be held on either July 21 or 22, 2004 at Benham's Grove.

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Miss Gilleland outlined code violations and resolutions for the month of May, 2004, as well as the community calendar for the coming month.

HICK'S PLAT RECORD PLAN

Mr. Feverston reviewed a Record Plan for Hick's Plat, a strip of land consisting of 0.299 acres to be combined with the original property at 7555 Clio Road. The zoning of the subject property is I-1, Light-Industrial. He located the property on a map being on the west side of Clio Road across from Black Oak Drive. This strip of land was a piece of the abandoned Penn Central Railroad right of way. This area must be platted in order to be recorded. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council. Dr. Gresham moved that the Record Plan for Hick's Plat be approved. Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Cline gave an update on the Create the Vision Long Range Comprehensive Plan. The Council of the City of Centerville and the Washington Township Trustees met on Monday, June 14, 2004, and passed the Resolutions to adopt the Create the Vision Plan. It has now been placed in the hands of the Implementation Task Force, Co-chaired by Mr. Compton and Thomas Zobrist. Mr. Cline thanked everyone for their support in creating this document. Mr. Compton advised that the meetings will be held on the second Wednesday of each month, in the beginning at the Washington Township Government Center.

**ORDINANCE NUMBER 7-04 ZONING ORDINANCE AMENDMENT
WOODLEY REZONING REQUEST**

The Public Hearing was held concerning the Rezoning Request submitted by Woodley Development Company, Inc., for property located in the South Metro Park area north of the Thomas Paine Condominiums and south of I-675. Mr. Feverston located the subject property on a map and explained the reason for this rezoning to adjust boundaries. He identified the portion of a 5.4658 acre tract of land to be rezoned from B-PD, Business-Planned Development to I-PD, Industrial-Planned Development, and a portion of a 10.8559 acre tract of land from I-PD, Industrial-Planned Development to B-PD, Business-Planned Development. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Request to City Council.

Pierre Crease, 6345 Jason Lane, identified a drainage problem in this area and questioned who will maintain and care for it. Mr. Horn advised that the drainage problem has been referred to the City's Public Works Department for a written response.

Gary Woodley, 1278 Clubview Drive, owner of the property in question, asked for a copy of the drainage report when completed; he will be happy to work with the City to make sure the problem is corrected. He advised that he was encouraged by the City to proceed with this rezoning.

Upon question of Arthur Grau, 6371 Braxton Place, Mr. Feverston listed the uses permitted in B-PD, Business-Planned Development zone classification.

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Mr. Cline sponsored Ordinance Number 7-04, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning A Portion Of A 5.4658 Acre Tract Of Land From B-PD, Business-Planned Development To I-PD, Industrial-Planned Development, And A Portion Of A 10.8559 Acre Tract Of Land From I-PD, Industrial-Planned Development To B-PD, Business-Planned Development For A Total Rezoning Of 5.0183 Acres, More Or Less, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Joseph Koussa, 1537 Beaver creek Lane, was present at this meeting to ask that troops come home safely. He, born and raised in Beirut, Lebanon, explained what America means to him.

Ron Tinnerman, 6719 Eddington Court, Chair of the Smoke Free Centerville campaign, asked that Centerville pass legislation to create a smoke free environment. He listed Cities that have taken such action and asked that Centerville do so quickly. Mr. Tinnerman asked that supporters present at this meeting stand and be recognized.

Mayor Kingseed explained that this issue has been discussed at meetings of the Montgomery and Greene County Mayors and Managers Association and there has been some consideration of Cities joining together. The Centerville City Council has also discussed this and will move forward with it when additional information has been received.

Mr. Corbin expressed appreciation to people in the audience who have offered their support to Mr. Tinnerman.

Dr. Gresham advised that the City of Columbus is considering the passage of an Ordinance to prohibit smoking in public places. He presented members of Council with a copy of said legislation.

Dr. David Roer, 9350 Patriot Woods Court, a Pediatrician in the community and President of the Centerville City School Board, expressed his support for a smoke free environment. He listed sickness which he sees in children caused by second hand smoke. Smoking is not permitted in the schools, not by students nor teachers.

Lori Sansone, 5794 Stone Lake Drive, a physician in family medicine, listed statistics relative to deaths caused by smoking and second hand smoke.

Toni Chapman Alexander, 8001 Paragon Road, a member of and representing the Tobacco Free Ohio Coalition in Dayton, Ohio, asked for smoke free indoor air.

Betty Lacey, 816 Grants Trail, believes that the vast majority of people living in this community would support smoke free indoor air.

Rosalie Schoenfeld, owner of the Healing Heart Center at 824B East Franklin Street, a nurse and mental health therapist, asked for a smoke free environment.

Elisa French, 361 South Village Drive, encouraged Council to consider legislation to prohibit smoking in public places. She offered her assistance to gather statistics.

Ann Henry, 489 Southbrook Drive, moved to Washington Township from the City of Dayton for health reasons. This area promotes health, well being and progress. She sees smoking as clearly a public health issue.

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Kay Finch, 1500 Thomas Farm Court, speaking as a mother, asked for smoke free restaurants. She asked Council to take the lead and pass an Ordinance prohibiting smoking in restaurants.

Marjorie Beck, 1432 Finger Lakes Drive, a cancer survivor, asked Council to think about people who have to sit next to smokers in restaurants.

Eileen Wolf, 1017 Millstone Road, asked that, when the survey of businesses is complete, consideration be given to people who do not go to restaurants because of the smoke environment.

Todd Christie, 914 Ashcreek Court, the son of a lung cancer victim, asked for a smoke free environment in restaurants and businesses.

Mayor Kingseed assured people in the audience that Council will continually report on the progress being made relative to a smoke free environment.

ORDINANCE NUMBER 8-04 APPROPRIATE SUTHERLAND PROPERTY

Mr. Horn reviewed a proposed Ordinance to continue with the procedure to acquire property at 43 West Franklin Street in order to provide common ingress and egress to businesses in the area and to the Washington Township Town Hall. Mrs. Lienesch moved that Ordinance Number 8-04, An Ordinance By The Council Of The City Of Centerville, Montgomery County, State Of Ohio, To Appropriate Certain Real Property Located At 43 West Franklin Street, Centerville, Ohio, For Public Purposes, be set for Public Hearing on July 19, 2004. Mr. Corbin seconded the motion. The motion passed with six ayes in favor of the motion; Mr. Singer abstained.

ORDINANCE NUMBER 9-04 INCOME TAX

Mr. Horn reviewed a proposed Ordinance to make changes, revisions and amendments to the Centerville Municipal Code originating locally and from state requirements relative to earnings tax. Mr. Compton moved that Ordinance Number 9-04, An Ordinance Amending Chapter 880 Of The Centerville Municipal Code, be set for Public Hearing on July 19, 2004. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 10-04 CONCRETE SIDEWALK

Mr. Murray reviewed a proposed Resolution to accept a bid for concrete sidewalk repair and replacement. This project was jointly bid between the City of Centerville and Washington Township. The repair work is planned for the area bounded by Marshall Road to the west, Whipp Road to the south and the City of Centerville Corporation lines to the north and east. Mr. Murray recommended that the bid submitted by the TdM Construction Company of Centerville be accepted in the bid amount of \$50,225.00. The completion date is September 1, 2004. Mr. Cline sponsored Resolution Number 10-04, A Resolution Accepting The Bid Submitted By TdM Construction, Inc., For Concrete Sidewalk Repair And Replacement - 2004, In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously. Upon question of Mr. Singer, Mr. Murray advised that the same contractor is being used by both entities.

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RESOLUTION NUMBER 19-04 TRAFFIC SIGNAL INTERCONNECT

Mr. Murray reviewed a proposed Resolution to begin the engineering process for the traffic signal interconnect and upgrade project in the City of Centerville. In 2003 the City applied for federal CMAC funds through the Miami Valley Regional Planning Commission to upgrade the traffic control interconnect system throughout the City. The project will replace old outdated equipment and establish new traffic control zones. Mr. Murray recommended that the bid submitted by LJB, Inc. to complete construction documents for the traffic signal interconnect and upgrade project at a contract amount not to exceed \$85,000.00, be accepted. Engineering is to be completed early in 2005 and the project completed early in 2006. Dr. Gresham sponsored Resolution Number 19-04, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And LJB, Inc., For Professional Design Services For The Traffic Signal Interconnect And Upgrade Project, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

CITY BEAUTIFUL COMMISSION APPOINT ARLENE TANSEY

Mr. Compton moved that Arlene Stuckey Tansey be appointed as a member of the City Beautiful Commission. Mr. Corbin seconded the motion. The motion passed unanimously.


SISTER CITY COMMITTEE REAPPOINT SANDRA BAVER

Dr. Gresham moved that Sandra Baver be reappointed as a member of the Sister City Committee. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

PLANNING COMMISSION REAPPOINT PAUL CLARK AS CHAIRMAN

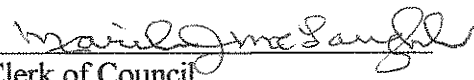
Mrs. Lienesch moved that Paul Clark be reappointed as Chairman of the Planning Commission for an additional year. Dr. Gresham seconded the motion. The motion passed unanimously.

The meeting ended with a surprise reception by City Council and City Staff in celebration of Marilyn McLaughlin's 40 years of service.

Approved: 

Mayor

ATTEST:


Clerk of Council