

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 1820 ⁰⁴

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 18, 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 Larry Hofsis from the Epiphany Lutheran Church, and the Pledge of Allegiance to the Flag led by Cub Scout Pack 616, Den 4, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	Douglas Cline
Councilmembers	Susan Lienesch
	Paul Gresham
	James Singer
	Robert Corbin
	Brooks Compton

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Debra James
 Assistant to the City Manager Jesse Lightle
 Public Works Director Robert James
 City Planner Steve Feverston
 Finance Director Mark Schlagheck
 Economic Development Administrator William Covell
 Public Works Operations Manager Mary Lou Pence
 Assistant City Engineer Aaron Zonin
 Municipal Attorney Scott Liberman

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

Council Meeting - September 20, 2004.
 Work Session Meetings - October 4, 2004.
 - October 11, 2004.

Mr. Singer moved that the minutes of the foregoing meetings, as distributed be approved. Mr. Cline seconded the motion. The motion passed unanimously; however, Mr. Corbin abstained from the minutes of the Work Session held on October 11, 2004.

Mayor Kingseed introduced Deborah Jay, Administrator of the Satellite Juvenile Court for the City of Centerville and Washington Township, and Judge Michael Murphy also associated with the Court. Mrs. Jay gave an overview of the Court established in 1991 as a direct result of citizens' concerns with activities of the youth in the community. It was established as an extension of the Montgomery County Juvenile Court. Over 1,000 juveniles have gone through the court and 82 percent have had no further contact. Judge Murphy listed the various cases heard in the court. He reported that juvenile courts are in the process of losing a grant by which they are funded; he encouraged the continuation of the court system in Centerville and Washington Township.

Mayor Kingseed expressed appreciation to the summer City Beautiful winners present at this meeting. Chairman Linda Meily introduced members of the City Beautiful Commission. Each of the following winners were presented with a book entitled Restoring American Gardens, An Encyclopedia of Heirloom Ornamental Plants:

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Charlene and Richard Schock, 6486 Hollowview Trail.
 Marshall and Judy Kaplan, 521 Park Ridge Drive.
 Gary and Patty Ware, 5009 Alpine Rose Court.
 Jay and Lois Copp, 7765 Bigger Road.
 James and Beverly Montgomery, 145 Lodewood Drive.
 Heidi Miller, 59 Bradstreet Road.
 Brooks and Ruth Compton, 350 Roselake Drive.
 Judy and Tim Lange, 1225 Clubview Drive.
 William and Pamela Skidmore, 6946 Spring Farm Court.
 Carmine and Mary D'Amico, 1090 Clintshire Drive.
 Grant and Denise Parsons, 8209 Station House Road.
 Mr. and Mrs. Chet Layne, 1521 Langdon Drive.
 Ken and Mary Carol Meyer, 205 Waterford Drive.
 Dave and Peggy Brooker, 155 East Franklin Street.
 Bob and Stevie Hammons, 9712 Stone Rock Court.
 Townsend and Susan Smith, 1035 Charter Place.
 John Gruenwald, 6670 Leeds Circle.
 Jeanne and Doug Campbell, 712 Kings Row Avenue.
 Janice and Steve Cole, 8045 Station House Road.
 Dave and Kay Kloppenburg, 7690 Pine Frost Drive.
 Patricia Bethel, 175 Weller Avenue.
 Mary Ann Jackson, 119 Lakeview Drive.
 Mark and Deb Schumacher, 9730 Rose Arbor Drive.
 Tim and Sherry Feeser, 347 Yankee Trace Drive.

MAYOR'S AWARD:

Nancy Rammel Yowell, 157 Bradstreet Road.

City Council recessed at this time for a short reception with the award winners.

Bill Williams was present to outline the park improvement levy to be on the November election ballot. The theme for the levy campaign is Great Community Great Parks. Mr. Williams gave an overview of the park levy and the history of the Centerville-Washington Park District. He listed the 44 parks in the overall community and outlined the proposed improvements to these parks. A video was shown detailing how these improvements are part of the Create the Vision Comprehensive Plan and explained finances needed for the continuation of great parks. In answer to a question of Mr. Compton, Mr. Williams advised that this levy is strictly for improvements, not operations. If the levy passes, it will generate approximately 1.3 million dollars per year. Mr. Corbin emphasized the many youth activities that are provided in the parks.

Mayor Kingseed announced the following events which have taken place and will take place in the coming weeks:

The City is continuing with the outreach programs to the citizens in the community. The second neighborhood improvement program was held October 14, 2004, for residents in Rose Estates, Centerville and Centerville Woods. It is intended to cover all neighborhoods in the City over a period of two years.

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There will be a Veterans' Day observance ceremony and the dedication of the Centerville-Washington Township Veterans' Memorial in the Leonard E. Stubbs Memorial Park on November 11, 2004 at 11:00 A.M.

Beggars Night has been set by the Montgomery and Greene County Mayors and Managers Association for October 30, 2004, between 6:00 P.M., and 8:00 P.M., so that it will be held on the same date and at the same time in all communities.

An Ordinance to prohibit smoking in public places and places of employment in the City of Centerville will be introduced at this meeting to be set for Public Hearing for the November Council Meeting.

The City of Centerville is sponsoring the drafting of an Ordinance for a rental inspection program for consideration by the Mayors and Managers Association.

Mrs. Lienesch read a Proclamation designating October, 2004, as National Arts and Humanities month in the City of Centerville, issued by Mayor Kingseed.

Mr. Compton read a Proclamation designating November, 2004, as Pancreatic Awareness month in the City of Centerville, issued by Mayor Kingseed.

Miss Lightle reported the following during her Assistant to the City Manager's report: Appreciation was expressed to those residents in Rose Estates and Yankee Trace who participated in the City's Waste Collection Pilot Program. Residents were encouraged to return their completed survey in order that the program can be evaluated.

Leaf collection in the City of Centerville began on October 11, 2004, the schedule was published in the Town Crier.

Congratulations were expressed to The Golf Club at Yankee Trace Head Golf Professional Pat Bayley for receiving the 2004 Southern Ohio PGA Horton Smith Award, which is an educational program that Mr. Bayley has been involved with.

Residents were reminded that the City's Capital Improvement Program for the next five years will be reviewed on November 1, 2004 and the Operating Budget on November 16, 2004.

Miss Lightle reviewed code violations and resolutions for the month of September, 2004.

SPRINTCOM, INC. CONDITIONAL USE

The Public Hearing was held concerning the Conditional Use Special Approval Application submitted by SprintCom, Inc., for the erection of a cellular tower on vacant property located at 7980 South Suburban Road and owned by the City of Centerville. A setback Variance for the location of the tower on the property has been approved by the Planning Commission. Mr. Feverston located the subject property on the map and identified the location of the tower on the property. The subject property has been purchased by the City from Pyper Construction Company for the future location of a Public Works facility. The City will have the opportunity to co-locate any Public Works antennas on this tower. Mr. Feverston advised that according to the applicant, there is currently a gap in cellular coverage in this area and a tower in this vicinity is necessary. The proposed cell tower is a reasonable use for this property. He explained that the tower location is in an inconspicuous spot and would have little impact on the surrounding businesses and it would be adequately screened by the mature vegetation on the subject property and that which is on the Franciscan at St. Leonard campus. The Planning Commission, by unanimous vote, recommended approval of this Conditional Use to City Council subject to the

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following condition:

The perimeter fence around the equipment cabinet shall be a vinyl clad chain link material with the color approved by the Planning Department.

Mr. Compton moved that the Conditional Use Special Approval Application submitted by SprintCom, Inc., for the erection of a cellular tower on property owned by the City of Centerville at 7980 South Suburban Road, be approved as recommended by the Planning Commission subject to the one condition as stated. Mr. Corbin seconded the motion. The motion passed unanimously.

Mr. Singer announced the meeting scheduled for the Storm Water Drainage Task Force on October 21, 2004, to begin at 7:00 P.M. in the new Law Library.

Mrs. Lienesch reported on the Neighborhood Improvement meeting held October 14, 2004. It was a good time for interaction between members of City Council and citizens to have questions answered in a non-frenzy atmosphere. There seems to be more property maintenance issues and people seem to be more concerned with their neighborhoods. Mrs. Lienesch asked that a report be reinstated which shows the duration between when an issue is discovered and when it is resolved. Miss Lightle advised that such a report can be distributed monthly to City Council.

Mr. Compton announced a meeting of the Create the Vision Implementation Task Force scheduled for November 17, 2004 to begin at 7:00 P.M. at the Washington Township Administration building. A presentation will be given by ACP relative to the writing of the Zoning Ordinance and land use.

Joseph Koussa, 1537 Beavercreek Lane, asked that troops overseas come home safely.

YWCA CONDITIONAL USE

The Public Hearing was held concerning the Conditional Use Special Approval Application submitted by Cynthia Bremer for YWCA Dayton. Mr. Feverston reviewed this request to provide transitional housing for 3 to 5 adult women with the potential of 0 to 6 young children in their mother's care. He located the subject property on a map at 238 South Main Street in the City of Centerville, formerly known as the St. Joseph Home for Boys which closed early in 2004. The length of stay will depend upon the ability to acquire permanent housing ranging from 6 months to 2 years. Mr. Feverston reviewed the history of this home and its use as a Residence Family Home since 1981. He clarified the fact that the house will not serve as an emergency shelter. The Planning Commission, by unanimous vote, recommended approval of this Conditional Use to City Council subject to the following conditions:

1. This approval for a Residence Family Home shall be limited to the manner and occupancy that is described in the application.
2. Any change in the manner or occupancy of this Residence Family Home shall require a new Conditional Use Application to be filed that is subject to approval by the City Council.

Carolyn Greathouse, 14 Tuxworth Road, advised that residents in the neighborhood are concerned about security at night with no one there from the YWCA and with increased traffic in

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the area for the children's safety. Upon inquiry of Mrs. Lienesch, Mr. Feverston advised that there is a privacy fence in the rear yard of the property. There will be a staff coordinator on the site during the day and there is a management backup 24 hours. There is an interview process before a woman lives in the home to be sure that any domestic violence issues have been resolved. In answer to a question of Mrs. Lienesch, Mr. Feverston advised that residents will be responsible for yard maintenance and upkeep of the home.

Mr. Corbin moved that the Conditional Use Special Approval Application filed on behalf of the YWCA to provide transitional housing for 3 to 5 adult women with the potential of 0 to-6 young children in their mother's care at 238 South Main Street be approved as recommended by the Planning Commission including the 2 stated conditions. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 11-04 SMOKING BAN

Mayor Kingseed briefly reviewed a proposed Ordinance to prohibit smoking in public places and places of employment in the City of Centerville. Exemptions to this Ordinance are tobacco stores, private residences, family owned and operated businesses and private clubs. Mayor Kingseed advised that the Public Hearing on this Ordinance will be held November 15, 2004. Mr. Compton expressed appreciation for the many e-mails he has received concerning this matter and encouraged citizens to express their feelings. Dr. Gresham moved that Ordinance Number 11-04, An Ordinance Prohibiting Smoking In Public Places And Places Of Employment In The City Of Centerville, Ohio, be set for Public Hearing on November 15, 2004. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 12-04 FLOOD DAMAGE PREVENTION

Miss Lightle advised that a flood damage prevention Ordinance has been drafted by Assistant Engineer Aaron Zonin. Mrs. Lienesch moved that Ordinance Number 12-04, An Ordinance Repealing Ordinance Number 9-87 And Ordinance Number 4-99, To Provide A Flood Damage Prevention Ordinance For The City Of Centerville, Ohio, be set for Public Hearing on November 15, 2004. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 33-04 AUDITING SERVICES

Mr. Schlagheck reported that the City went to bid for professional auditing services as permitted by the Auditor of the State of Ohio. Three bids were received; Trimble, Julian & Grube, Inc., submitted the low and best bid in the amount of \$88,500.00 for a period of 5 years. Dr. Gresham sponsored Resolution Number 33-04, A Resolution Authorizing The City Manager To Execute A Memorandum Of Agreement Between The City Of Centerville And Trimble, Julian & Grube, Inc. For Professional Auditing Services, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 34-04 SPRINTCOM SITE AGREEMENT

Mr. Covell explained that an agreement has been reached between the City of Centerville and SprintCom, Inc., for a series of 5 five year contracts for the lease by SprintCom of 1/6 acre from the City of Centerville for the location of a tower on property located at 8000 South Suburban Road. Up to 4 other cell phone companies will be able to co-locate on this tower. When the new Public Works facility is constructed, City antennas can co-locate on the tower at no cost. Mr. Covell outlined conditions contained in the agreement. If the agreement exists for 25 years the City will receive \$547,000.00 in rent. Mr. Corbin sponsored Resolution Number 34-04, A Resolution Authorizing The City Manager To Enter Into A Site Agreement, On Behalf Of The City of Centerville, With SprintCom, Inc., For The Lease Of Property Owned By The City Of Centerville, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 35-04 STREET LIGHTS NORTH MAIN

Mrs. Pence reviewed a proposed contract with DPLEnergy-Miami Valley Lighting for the installation of 26 decorative street lights along north Main Street from Ridgeway Road to Bradstreet Road at a cost of \$128,541.00. This is phase 5 of the decorative lighting project in the Architectural Preservation District. This project will begin yet this fall. In answer to a question of Mr. Singer, Mrs. Pence advised that phase 6 and 7, which will complete the project in the AP District, have been included in the Capital Improvement Program. Mr. Compton sponsored Resolution Number 35-04, A Resolution Authorizing The City Manager To Enter Into A Contract With DPLE/Miami Valley Lighting For The Installation Of Street Lights Along North Main Street In The City Of Centerville (Phase 5), and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 36-04 BLACKLEAF COURT

Mr. Zonin identified the location of Blackleaf Court and outlined repair work to be completed to approximately 500 feet of pavement. Of the 5 bids received for this project, the best and low bid was submitted by the L. J. Deweese Company in the amount of \$121,628.00. Mr. Compton sponsored Resolution Number 36-04, A Resolution Accepting The Bid Submitted By The L. J. DeWeese Company For The Blackleaf Court Street Improvements, For 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.

RESOLUTION NUMBER 37-04 SURPLUS PROPERTY

Miss Lightle outlined property no longer of use to the City of Centerville, to be declared surplus, to be sold at public auction. Dr. Gresham sponsored Resolution Number 37-04, A Resolution Declaring Specific Property No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein, and moved that it be passed. Mr. Cline

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seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 38-04 LIQUOR PERMIT FEES

Miss Lightle reviewed a proposed Agreement between the City of Centerville and the Combined Health District of Montgomery County for the City's return of 10 percent of liquor permit fees to Montgomery County. The Combined Health District maintains a program for the implementation, operation and maintenance for the prevention and treatment of alcoholism and chemical dependency. In 2003 the City received \$21,445.00 and, to date, in 2004 the City has received \$23,847.00. Mr. Corbin sponsored Resolution Number 36-04, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Combined Health District Of Montgomery County For The Implementation, Operation And Maintenance Of A Program For The Prevention And Treatment Of Alcoholism And Chemical Dependency And Providing For The Payment Of Fees, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mr. Schlagheck advised that Great Traditions Land & Development Company has requested that a Letter of Credit in the amount of \$150,000.00 be reduced. This amount is a hold over from the original posting of \$1,100,000.00 for various public improvements that were constructed with the last of the SAF issuances. This Letter of Credit was issued to the City when the contract with Yankee Trace Development was executed in 1994. Yet to be completed is the hiker/biker trail around the lake west of Yankee Street. \$50,000.00 will cover contingencies to be completed according to the contract. Mr. Cline moved that the Letter of Credit in the amount of \$150,000.00 be reduced to \$50,000.00. Mrs. Lienesch seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT HEIDI MILLER AS CHAIR

Dr. Gresham moved that Heidi Miller be reappointed as Chairman of the Board of Architectural Review for an additional year. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION REAPPOINT BETTY LOU TOWNLEY

Mr. Compton moved that Betty Lou Townley be reappointed as a member of the Centerville Arts Commission. Mr. Cline seconded the motion. The motion passed by unanimous vote.

AMEND COUNCIL RULES

Mr. Liberman reviewed a proposed amendment to the Rules of Procedure for Council to provide for a Consent Agenda. This has been requested by City Council to speed the time of some meetings. Dr. Gresham moved that the proposed amendment to the Rules of Procedure for the Council of the City of Centerville, Ohio, be approved. 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:

Marilyn J. Bestenfeld
Clerk of Council