

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *April 21*20⁰³

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 21, 2003, 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 Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor C. Mark Kingseed

Councilmembers James Singer

Roger Krass

Susan Lienesch

Paul Gresham

Douglas Cline

Clerk of Council Marilyn McLaughlin

Assistant Clerk of Council Debra James

City Manager Gregory Horn

Assistant City Manager Judith Gilleland

Finance Director Mark Schlagheck

Economic Development Administrator Chris Pozzuto

Public Works Director Robert James

City Planner Steve Feverston

City Engineer Norbert Hoffman

Public Works Operations Manager Mary Lou Pence

Electrical Inspector Douglas Filaseta

Municipal Attorney Robert Farquhar

Assistant to the City Manager Jesse Lightle

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

Council Meeting - March 17, 2003.

Work Session Meetings - March 17, 2003.

- March 24, 2003.

- April 7, 2003.

- April 14, 2003.

Mrs. Lienesch moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Cline seconded the motion. The motion passed unanimously with Mr. Singer abstaining from the minutes of the meeting held April 14.

PERSONNEL APPEALS BOARD APPOINT MARY JAMES STOCKMYER

Mr. Krass moved that Mary James Stockmyer be appointed as a member of the Personnel Appeals Board for the City of Centerville. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

Mayor Beals administered the Oath of Office to Mary James Stockmyer.

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Kent Bristol, Executive Director, Miami Valley Communications Council, was present at this meeting to explain what energy aggregation could mean to residents of the City of Centerville. The State of Ohio Legislators decided to deregulate the energy industries primarily to serve as a device to create jobs and to make Ohio competitive with neighboring states in terms of energy costs. An issue has been placed on the May 6, 2003, election ballot to let the City act as the agent or broker on behalf of residents in the City of Centerville. Mayor Beals pointed out that what is being proposed is only enabling legislation; the City will only take action if it will benefit residents. Mr. Bristol advised that five of the eight Miami Valley Communications Council member cities have placed this issue on the election ballot. A video was shown explaining energy aggregation and promoting a favorable vote on May 6. Mr. Cline expressed appreciation to Mr. Bristol, on behalf of the Miami Valley Communications Council, for placing information relative to energy aggregation and the Centerville/Washington Township Joint Long Range Comprehensive Plan on cable TV.

Mayor Beals introduced the following Centerville High School students who will participate in Youth in Government Day on April 29, 2003:

Mayor	Katie Camillus
Deputy-Mayor	Tony Liao
Councilmembers	Ben Chilson
	Jenna Augustine
	Andrew McFarlin
	Andrew Czarzasty
	Kate McCartan
Clerk of Council	David Knapp
City Manager	Jenny Shie
Assistant City Manager	Ryan Grim
Assistant to the City Manager	Alex Holdsworth
Finance Director	Noelle Williams
City Planner	Audrey Pernick
City Engineer	Bryan Chen
Chief of Police	Brynn Myers
Public Works Director	Dallon Hamilton
Golf Professional	Elizabeth Meyer
Golf Maintenance Superintendent	Kyle Baker
Director of Food Service	Jim Oyer

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

A Proclamation was issued designating the week of April 21, 2003 as Community Development Week in the City of Centerville.

The Citywide Garage Sale will be held on May 1, 2, 3, 2003.

The week following will be Operation Clean Sweep for residents in the City of Centerville. Emphasis was placed on the Montgomery County Material Recovery Facility located at 250 Sandridge Drive; the old incinerator which takes useable items of all kinds, especially paint.

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Dog walkers were reminded to leave only their footprints behind.

Cat owners were reminded to keep cats at home.

Arbor Day in Centerville was held on Thursday, April 17, 2003 celebrated by a tree planting behind the police facility. Seedlings were given to third grade students.

Congratulations were extended to Robert and Betty Ann Perkins for being chosen as Volunteers of the Year for 2003.

A welcome was extended to Creekside Crossing located at the southwest corner of Alexandersville-Bellbrook Road and Clio Road.

The Centerville Washington Township Historical Society has published a new book on Normandy Farms.

A new business will be opening its doors soon in Centerville on East Franklin Street, known as Creative Art and Wellness Center.

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

Residents having questions relative to energy aggregation are encouraged to call City Hall.

A first Dayton Economic Development Summit was held April 21, 2003 with Administrators, City Managers and Finance Directors throughout Montgomery County in attendance to discuss trends in various revenue sources and state issues which impact Municipalities.

Public Works employee Harold Gross has taken disability retirement.

Economic Development Administrator Chris Pozzuto is leaving employment with the City of Centerville to become the Assistant City Manager for the City of Springboro.

Mr. Pozzuto announced the following during a legislative update:

HB 87 Transportation and Safety Budget for fiscal year 2004-2005 has been signed by the Governor.

HB 114 has been introduced to prohibit political subdivisions from requiring an employee to live in that particular subdivision.

HR 1345 on the Federal level, the Equity for Reservist Pay Act of 2003 proposes that anyone called to active duty for more than 30 days shall be paid the difference between his active duty pay and his current salary.

Miss Gilleland outlined code violations and resolutions for the month of March, 2003, as well as the community calendar for the coming month.

Mr. Cline announced the community meeting scheduled for Wednesday, April 23, 2003 in the South Unit of the Centerville High School relative to Create the Vision in order to share input and ideas gathered in November of 2002. He encouraged all interested residents in Centerville and Washington Township to attend.

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FARMLAND IN AGRICULTURAL DISTRICT SMITH PROPERTY

The Public Hearing was held concerning an application to renew the placement of farmland in an Agricultural District. Miss Gilleland described the subject property, being 37.072 acres belonging to Victor W. and Mary J. Smith at 2230 East Centerville Station Road. Approval of this application exempts land which is currently being farmed from special assessments being levied against the property, such as sewer, water and electric. Mr. Cline moved that the application to renew the placement of farmland in an Agricultural District for property owned by Victor W. and Mary J. Smith be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 09-03 ZONING ORDINANCE AMENDMENT
CENTERVILLE STORAGE INNS OF AMERICA REZONING

The Public Hearing was held concerning Ordinance Number 09-03. Mr. Feverston reviewed this Rezoning Request filed by Thomas Smith for Centerville Storage Inns of America; a change of 0.109 acres of land from B-PD, Business-Planned Development to I-PD, Industrial-Planned Development. Mr. Feverston located the subject property on a map being situated at 1881 South Metro Drive. This is the southeast corner of a 3.542 acre tract that is currently zoned I-PD. The Planning Commission, by unanimous vote, recommended approval of this rezoning to City Council. Dr. Gresham sponsored Ordinance Number 09-03, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 0.109 Acres, More Or Less, From Centerville B-PD, Business-Planned Development To I-PD, Industrial-Planned Development, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 08-03 ZONING ORDINANCE AMENDMENT SIGNS

The Public Hearing was held concerning Ordinance Number 08-03. Mr. Feverston reviewed this proposed Ordinance which provides the opportunity for a business to exchange ground sign allowances to a wall sign with restrictions. The wall sign may not face a residential area or a roadway that is less than an eighty-two foot right-of-way. Mr. Feverston advised that negative remarks have not been received from businesses relative to this Ordinance. Mr. Cline sponsored Ordinance Number 08-03, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City of Centerville, Ohio To Amend Section 23, The Sign Section Of The Zoning Ordinance In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 10-03 PERMIT FEES

The Public Hearing was held concerning Ordinance Number 10-03. Miss Gilleland reviewed this proposed Ordinance which increases some of the City's building inspection permit fees. These fees have not been increased since 1993. Through a survey of area municipalities by Miss Gilleland, it was found that Centerville's current fees are lower than most areas. The

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proposed fee schedule has been reviewed with the Home Builders Association of Dayton and the Miami Valley. Mr. Krass sponsored Ordinance Number 10-03, Ordinance Number 10-03, An Ordinance to Amend Ordinance Number 20-93, And Chapter 1442 "Permit Fees" In The Centerville Municipal Code, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Upon question of Doug Galusha, 6381 Marshall Road, Mayor Beals explained that Work Sessions of Council are held on Monday evenings for the purpose of gathering information. Work Sessions are informal meetings open to the public; consensus may be taken of members of Council, but no action. Mayor Beals outlined the many reasons Work Sessions are held. Mr. Galusha asked that Work Session Agendas be placed on the web. Mr. Kingseed moved that Work Session Agendas be placed on the City's web site. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 12-03 MUNICIPAL BUILDING RENOVATION

Miss Lightle reviewed a proposed agreement between the City of Centerville and Levin Porter Associates Inc. for architectural services connected with the interior renovation of the Centerville Municipal Building. Plans are for the City to go to bid in the next few weeks and that the restoration be completed by the end of 2003. Mr. Krass sponsored Resolution Number 12-03, A Resolution Ratifying The Action Taken By The City Manager, On Behalf Of The City Of Centerville To Enter Into An Agreement With Levin Porter Associates Inc., For Architectural Services Connected With The Interior Renovation Of The Centerville Municipal Building, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 13-03 CDBG PROJECT CITY HALL

Miss Gilleland explained three projects which have been submitted by the City of Centerville to Montgomery County for Community Development Block Grants:

handicap accessibility at City Hall, requested \$271,925.00 of a total project cost of \$440,000.00,

handicap accessibility in the Architectural Preservation District, requested \$54,329.00 of a total project cost of \$137,025.00,

handicap accessibility improvements in the Leonard E. Stubbs Memorial Park, requested \$56,000.00 of a total project cost of \$85,000.00.

Miss Gilleland summarized the improvements to be made in each case. Dr. Gresham sponsored Resolution Number 13-03, A Resolution Ratifying The Action Taken By The City Manager To Submit An Application To The Montgomery County Board Of Commissioners For A Community Development Block Grant To Provide Handicap Accessibility At City Hall, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 14-03 CDBG PROJECT AP DISTRICT

Mr. Cline sponsored Resolution Number 14-03, A Resolution Ratifying The Action Taken By The City Manager To Submit An Application To The Montgomery County Board Of Commissioners For A Community Development Block Grant To Provide Handicap Accessibility In The Architectural Preservation District, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 15-03 CDBG PROJECT STUBBS PARK

Mrs. Lienesch sponsored Resolution Number 15-03, A Resolution Ratifying The Action Taken By The City Manager To Submit An Application To The Montgomery County Board Of Commissioners For A Community Development Block Grant To Provide Handicap Accessibility Improvements In Stubbs Park, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 16-03 GRANT FOR TREES TO OHIO DEPARTMENT OF NATURAL RESOURCES

Miss Lightle reviewed an application for a 50/50 matching grant to be submitted to the Ohio Department of Natural Resources for the purchase of evergreen trees to be planted as a barrier along the hiker/biker trail in the area of Paragon Road and Shawnee Trail. Upon question of Mrs. Lienesch, Mr. Horn explained where this project has been budgeted. Mr. Kingseed sponsored Resolution Number 16-03, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, Ohio, To File An Application And Enter Into An Agreement With The Ohio Department Of Natural Resources For The Purpose Of Acquiring Funds Through The Division Of Forestry's Urban Forestry Assistance Program, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 17-03 SOUTH MAIN STORM SEWER IMPROVEMENT

Mrs. Pence advised that seven bids were received for the replacement of a failed storm sewer along the west side of South Main Street under the brick sidewalk. The project area is just south of West Franklin Street to Cranston Court. Mrs. Pence recommended that the bid submitted by TdM Construction Company in the amount of \$103,390.00 be accepted and that the City Manager be authorized to expend up to a total amount of \$131,390.00 in accordance with unit prices quoted in the bid in order to allow for contingencies found necessary during the construction process. This project is scheduled to begin almost immediately and to be completed June 26, 2003. Mr. Singer sponsored Resolution Number 17-03, A Resolution Accepting The Bid Submitted By The TdM Construction Company For The South Main Street Storm Sewer Improvement Project 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 by unanimous vote.

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RESOLUTION NUMBER 18-03 STREET IMPROVEMENT PROJECT

Mrs. Pence advised that four bids were received for the 2003 Road Improvement Project, concrete repair and asphalt resurfacing. She recommended acceptance of the low bid submitted by the Shelly Company in the amount of \$712,547.50 and that the City Manager be authorized to expend up to \$750,000.00 in accordance with unit prices quoted in the bid in order to allow for contingencies found necessary during the construction project. The project includes curb repair, pavement repair, catch basin repair, storm sewer repair, underdrain installation and asphalt milling and resurfacing on seventeen asphalt street and four concrete streets. Pavement repairs are planned for East Franklin Street and Clio Road. Mr. Cline sponsored Resolution Number 18-03, A Resolution Accepting The Bid Submitted By The Shelly Company For The 2003 Road Improvement Project, Concrete Repair And Asphalt Resurfacing 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. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 19-03 DUMP TRUCKS

Mr. Horn advised that the purchase of two dump trucks were listed in the City's Capitol Program for the current year. He recommended that these trucks be purchased through the Department of Administrative Services, Office of State Purchasing from 32 Ford for a bid price of \$50,545.45. Necessary equipment will be mounted on these trucks after they have been received. Mr. Krass sponsored Resolution Number 19-03, A Resolution Authorizing The City Manager To Participate In A Contract With The Department Of Administrative Services, Office Of State Purchasing For The Purchase Of Two Dump Trucks For The City Of Centerville In Accordance With Ordinance Number 19-88, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 20-03 YANKEE TRACE SECTION 27 IMPROVEMENTS

Mr. Hoffman explained two change orders connected with Special Assessment Financing for Yankee Trace improvements, Section Twenty-seven which is now Section Twenty-six. This project includes the completion of the spine road connector and the Paragon Road roadway connection. All items covered by the change orders are in place. Great Traditions Land and Development Company has agreed to pay \$18,845.10 of the total \$82,527.60 charge. The total of SAF dollars for this project amounted to \$774,155.66. Mr. Cline sponsored Resolution Number 20-03, A Resolution Ratifying The Action Taken By The City Manager To Execute Payment For Change Order Number One, And Authorizing Payment For Change Order Number Two To Weidle Corporation To Close Out Costs Relative To The Yankee Trace Improvements Yankee Trace Section 27 Project, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 21-03 GRAETER'S ICE CREAM

Mr. Pozzuto reviewed a Purchase and Sale Agreement between the City of Centerville and Hammerhead-Centerville LLC, known as Graeter's Ice Cream, for the purchase of property situated at the northeast corner of Main and Franklin Streets. Graeter's will purchase this property at 2 North Main Street for \$468,750.00 from Miami Valley Hospital. After the purchase and closing on the property by Graeter's, the City will purchase approximately 61% of the property for public parking and public right-of-way, for the sum of \$288,750.00. Mr. Pozzuto reviewed the site plan approved by the Board of Architectural Review, showed elevations of the proposed building and located the subject property on a map. City Barbecue will rent space from Graeter's for a new location in Centerville.

In answer to a question of Mr. Singer, Mr. Farquhar advised that in worst case scenario, and the property is for sale, the City has right of first refusal.

Maury Levine, representing Graeter's Ice Cream advised that Hammerhead-Centerville LLC is the company that holds the real estate and rents the location to Graeter's and City Barbecue.

Upon question of Mr. Singer, Mr. Schlagheck explained that money for this project has been encumbered out of the 2002 budget for land acquisition.

Mr. Kingseed and Dr. Gresham expressed appreciation to Mr. Pozzuto for completing this project for downtown Centerville.

Mr. Cline described this as one of the effects the Create the Vision Comprehensive Plan wishes to accomplish. People expressed the desire for a more vibrant downtown Centerville.

Mr. Krass sponsored Resolution Number 21-03, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement With Hammerhead-Centerville LLC To Purchase Real Property, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 12-03 RIGHT OF WAY

Miss Gilleland explained a proposed Ordinance to control utilities in the public right of way. There is a proliferation of utilities asking to use the City's right of way. The City needs input from the utility companies on the use of the right of way based upon their plans to serve Centerville residents and businesses. Utility companies have been involved in the preparation of this Ordinance. Miss Gilleland outlined components of the proposed legislation and listed the Municipalities which have passed similar Ordinances. Upon question of Mrs. Lienesch, Miss Gilleland advised that Centerville's proposed Ordinance is more lenient than that passed by some of the other Municipalities as well as the State Law. City Staff is comfortable with the fact that this legislation meets the needs and protects the City's right of way. Mrs. Lienesch moved that Ordinance Number 12-03, An Ordinance Adopting New Chapter 1080 Of The Centerville Municipal Code Regulating Activities Within The City's Rights Of Way, be set for Public Hearing on May 19, 2003. Dr. Gresham seconded the motion. The motion passed unanimously.

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CENTERVILLE CITY SCHOOL DISTRICT PERSONNEL APPEALS BOARD

Mr. Cline moved that Herbert Jacobs be appointed as a member of the Centerville City School District Personnel Appeals Board. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION REAPPOINT JUDY DAVIS

Dr. Gresham moved that Judy Davis be reappointed as a member of the Centerville Arts Commission. Mr. Cline seconded the motion. The motion passed unanimously.

CENTERVILLE CITY SCHOOL DISTRICT PERSONNEL APPEALS BOARD REAPPOINT JUDY STANG

Mrs. Lienesch moved that Judy Stang be reappointed as a member of the Centerville City School District Personnel Appeals Board. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: Sally D. Buals
Mayor

ATTEST: Marilyn S. Saylor
Clerk of Council