

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 2120 03

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 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      Roger Krass  
                               Susan Lienesch  
                               Paul Gresham  
 Clerk of Council Marilyn McLaughlin  
 Assistant Clerk of Council Debra James  
 City Manager Gregory Horn  
 Assistant City Manager Judith Gilleland  
 Finance Director Mark Schlagheck  
 City Planner Steve Feverston  
 Municipal Attorney Robert Farquhar  
 Assistant to the City Manager Jesse Lightle  
 Assistant City Engineer Michael Murray  
 Public Works Operations Manager Mary Lou Pence

Mayor Beals advised that Councilmember James Singer is ill and Councilmember Douglas Cline is out of town on business, thus their absence from this meeting. Mr. Kingseed moved that Mr. Singer and Mr. Cline be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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

Council Meeting - June 16, 2003.  
 Work Session Meetings - June 16, 2003.  
   - June 23, 2003.  
   - July 14, 2003.

Mr. Krass moved that the minutes of the foregoing meetings be approved, as distributed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin announced the receipt of a letter of resignation from Planning Commission Member, Rand Oliver. Mrs. Lienesch moved that the resignation of Mr. Oliver be accepted, with regret. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Beals administered the Oath of Office to City Beautiful Commission member Donald Eadie.

Mr. Bryce Nickel, Vice President of the Dayton Power and Light Company, was present at this meeting to give an update on services offered to customers. He explained the following two new services: outage reporting system, this is an automated answering system to report outages by matching phone numbers with locations; and speed pay, to pay utility bills by using a

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credit card by e-mail. Mr. Nickel advised that there should be no decrease in generation in this area during the current year. Customers will enjoy constant rates through to the year 2008. He encouraged customers to call 1-877-4outage to report outages when they occur. Upon question of Mrs. Lienesch, Mr. Nickel outlined the Dayton Power and Light tree trimming program. He explained how assistance was received from electric companies in neighboring states during recent storms.

Mr. Jerry Huffman, member of the City Beautiful Commission, presented to the following Centerville Business Pride winners a plaque and brunch certificates for Yankee Trace:

- Dr. Vannah Nantz, DDS, 79 West Franklin Street
- Alex-Bell Veterinary Clinic Inc., 6880 Loop Road

Mayor Beals announced the following events which took place during the past month and will take place in the coming weeks:

On July 10, 2003, a ribbon cutting took place for Glenco Home Exteriors at 96 Westpark Drive.

On July 31, 2003, a ribbon cutting will take place at Holiday Inn Express and Watson's of Dayton, both located at the corner of Whipp Road and Wilmington Pike.

Americana this year was the biggest it has ever been.

The Centerville City Beautiful Commission is responsible for planting the red, white and blue flowers in the center of town and Orbit Movers & Erectors Inc. supplied the large American flag.

Congratulations were extended to former State Representative Bob Corbin and former State Senator Charles Horn as well as Don Overly and Frank DePalma honored as Americana Parade Grand Marshals.

Former Senator John Glenn and his wife, Annie, were special guests in the afternoon of the Americana Festival on July 4.

The fireworks were spectacular on Sunday night, July 6.

Appreciation was expressed to the Centerville Police Department and the Public Works Department for their assistance during the Americana Festival as well as the Americana Festival Committee.

Twenty-three delegates from Centerville's Sister City, Waterloo, Ontario, Canada, arrived on July 18, 2003. Many activities were planned for their weekend in Centerville by the Sister City Committee. A Sister City trip is being planned for Germany in 2004.

On July 19, 2003, it was Centerville Day at Inventing Flight, Celebration Central. The Centerville Police Department presented the colors, the Averitt family sang the National Anthem, and the Centerville Community Band and Centerville Community Chorus presented concerts.

The Nationwide Tour Dayton Open activities will begin at The Golf Club at Yankee Trace the week of July 21, 2003 with tournament play beginning Thursday, July 24.

Mystery Night Out will be held August 5, 2003, organized by the Centerville Police Department.

The Centerville Washington Township Historical Society has been given the Aaron Nutt Cottage on North Main Street. A fund raising event was recently held at Quaker Hill, the home of Richard and Sue Studebaker on West Whipp Road.

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Dr. Gresham expressed appreciation to Mayor Beals and her husband John for opening their house to entertain the Sister City visitors from Waterloo on Sunday evening, July 20.

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

Centerville is working with other communities through the Miami Valley Communications Council to provide options relative to natural gas. New information as it becomes available will be placed in the Town Crier.

The meeting scheduled for July 22, 2003 by the Washington Township Zoning Commission relative to the rezoning of acreage along the south side of Social Row Road at Sheehan Road has been canceled. This was to provide the proper zoning classification for the construction of Divided Ridge Development.

Congratulations were extended to the Americana Festival Committee, the Centerville Police Department and the Public Works Department for jobs well done during the festival.

The 2003 summer resurfacing program is running behind schedule due to the City's contractor being delayed by many spring rains. The program will probably not be completed by the beginning of school which has always been the City's goal.

The Nationwide Tour Dayton Open begins on Thursday, July 24 through Sunday, July 27, 2003. The purse has been increased to \$450,000.00.

The City of Centerville continues discussions with Kettering Municipal Court relative to the possibility of a Satellite or a Magistrate to better serve Centerville and Washington Township due to the fact that Kettering Municipal Court will be relocating to the old DESC facility.

Council has agreed that the City move forward with the purchase of a bench for placement in the new Memorial Park adjacent to the OP&F Headquarters in Columbus, Ohio, in memory of Centerville's fallen Police Officer John Kalaman.

In order to clarify a statement made in a newsletter distributed to residents in the Village South neighborhood, Mr. Horn pointed out that during a Council Work Session on Monday, June 23, 2003, Council concurred to move forward with the access road to North Village Drive behind businesses on the east side of Far Hills Avenue. This project will probably not move forward until June, 2004. In answer to a question of Mrs. Lienesch, Miss Gilleland explained how property maintenance complaints can be made by residents to City Hall.

Mrs. Lienesch reviewed the NOISE Conference she recently attended in Washington, DC. Committee members will be lobbying for quieter aircraft technology. She encouraged residents that are concerned with aircraft noise to write their Representatives and Senators.

#### AARON NUTT PLAT SECTION ONE RECORD PLAN

Mr. Feverston reviewed the Record Plan for the Aaron Nutt Plat, Section One, located at the northeast corner of Main and Franklin Streets. The area will be divided into three lots: lot number 1 will be owned by Hammerhead-Centerville, LLC for a Graeter's Restaurant, lot number 2 will be owned by the City for a public parking lot, and lot number 3 is the location of the Asahel Wright House. The Record Plan also includes a small sliver of right-of-way. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council. Mr. Kingseed moved that the Record Plan for the Aaron Nutt Plat, Section One, be approved. Dr. Gresham seconded the motion. The motion passed unanimously.

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## FRIENDS OF BENHAM'S GROVE APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by the Friends of Benham's Grove against a decision rendered by the Planning Commission to deny the construction of an accessory structure in the front yard of property located at 166 North Main Street, owned by the City of Centerville. Mr. Feverston reviewed the Variance Application submitted to the Planning Commission by the Friends of Benham's Grove for the construction of this Pergola in the southwest corner of the property. The Planning Commission, considering this as a building rather than a structure, unanimously denied the variance requested. City Council during a Work Session agreed with the Planning Commission that this was a structure, but believed that, in this location, it was necessary in order to help mitigate some of the visual impacts from neighborhood businesses. Mr. Feverston explained that there is a solid board privacy fence along the south property line. Mr. Horn outlined how this Pergola enhances the property. Mrs. Lienesch, due to the unique situations and to environmental issues to the site, moved that the decision of the Planning Commission be reversed, and that the Variance Application be granted. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

## ORDINANCE NUMBER 14-03 OFFICER J. P. KALAMAN WAY

The Public Hearing was held concerning Ordinance Number 14-03. Mr. Horn described the location of a new dedicated street to be named Officer J. P. Kalaman Way, situated immediately east of the Centerville Municipal Building. A dedication ceremony will be held after the effective date of this Ordinance.

Nick Pavliga, 1100 Kentshire Drive, commended City Council on the passage of this Ordinance, it is a fitting tribute to fallen Police Officer John P. Kalaman.

Robert Corbin, 6388 Pebble Court, expressed appreciation for being a Grand Marshal in the biggest and best Americana Parade, to Mr. Horn for moving ahead with the access road behind businesses on State Route 48, and stated his opposition to the placement of an Association Newsletter in mailboxes in the Village South neighborhood. He also cleared a mis-quote in the newsletter relating to his position on the recent recall petition.

## ORDINANCE NUMBER 15-03 INCREASE BID LIMIT

Mr. Schlagheck reviewed a proposed Ordinance to raise the bid limit for the City of Centerville from \$20,000.00 to \$30,000.00. The State of Ohio has raised the bid limit from \$15,000.00 to \$25,000.00 for the State as well as for non-chartered Municipalities. This will allow the City to request proposals without going through the bidding process for purchases under \$30,000.00. It will also give businesses the opportunity to submit proposals without acquiring a bid bond. Dr. Gresham moved that Ordinance Number 15-03, An Ordinance To Amend Chapter 210. Contracts And Purchasing, Of The Centerville Municipal Code To Provide That Competitive Bids Be Taken For The Purchase Of Supplies And Materials When The Cost Exceeds \$30,000.00, be set for Public hearing on August 18, 2003. Mr. Krass seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 28-03 ISSUE TWO FUNDS YANKEE STREET

Mr. Murray explained a proposed Resolution to support an application for State Issue Two Funds or Local Transportation Improvement Funds for the reconstruction and widening of Yankee Street from Social Row Road north to Spring Valley Road. This is a joint project with the Montgomery County Engineers Office. Funds are included in the City's Capital Improvement Program for the year 2004. Mr. Kingseed sponsored Resolution Number 28-03, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LI2P) For The Reconstruction And Widening Of Yankee Street From Social Row Road North To Spring Valley Road, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 29-03 ISSUE TWO FUNDS CENTERVILLE STATION ROAD

Mr. Murray reviewed a proposed Resolution to support an application for State Issue Two Funds or Local Transportation Improvement Funds for the reconstruction and widening of Centerville Station Road from Parkeast Court east to a location west of the corporation limits. Requests for Proposals have been sent to contractors for this project. Funds are included in the City's 2004 Capital Improvement Program. Bridges to residences will be addressed as the project moves forward. The plan calls for a closed drainage system. Mr. Krass suggested that as much of the area involved be maintained as possible for scenic reasons. Mrs. Lienesch sponsored Resolution Number 29-03, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LI2P) For The Reconstruction And Widening Of Centerville Station Road From Parkeast Court East To A Location West Of The Corporation Limits (Approximately 0.40 Miles), and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 30-03 ISSUE TWO FUNDS RAHN ROAD

Mrs. Pence reviewed a proposed Resolution to support an application for State Issue Two Funds or Local Transportation Improvement Funds for financial assistance to make capital improvements to Rahn Road, from Far Hills Avenue east to the Montgomery County/Greene County corporation line. This is a joint repair resurfacing project with the City of Kettering being the lead agency. Start up date would be in 2004. Mrs. Lienesch sponsored Resolution Number 30-03, A Resolution Authorizing The City Manager To Prepare And Submit An Application To Participate In The Ohio Public Works Commission State Capital Improvement Program(s) And To Execute Contracts As Required, (Rahn Road), and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 31-03 ISSUE TWO FUNDS WHIPP ROAD

Mrs. Pence explained a proposed Resolution to support an application for State Issue Two Funds or Local Transportation Improvement Funds for financial assistance to make capital improvements to Whipp Road from State Route 48 east to the Centerville-Kettering corporation

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line. This is a joint repair resurfacing project with Washington Township with Centerville being the lead agency. Mr. Kingseed sponsored Resolution Number 31-03, A Resolution Authorizing The City Manager To Prepare And Submit An Application To Participate In The Ohio Public Works Commission State Capital Improvement Program(s) And To Execute Contracts As Required, (Whipp Road), and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

### RESOLUTION NUMBER 32-03 CONCRETE SIDEWALK CONSTRUCTION

Mrs. Pence defined the area in which new concrete sidewalk will be constructed along the south side of Lakeview Drive which is the final link of sidewalk in the Pleasant Hill neighborhood to be put in place. The project also includes reconstruction work in specific areas in the City in need of repair. Four bids were received for this project with L. J. DeWeese Company, Inc. being the low and best bid. City Staff recommended acceptance of the bid submitted by L. J. DeWeese in the amount of \$68,107.00. Mr. Kingseed sponsored Resolution Number 32-03, A Resolution Accepting The Bid Submitted By L. J. DeWeese Company, Inc., For Concrete Sidewalk Construction - Lakeview Drive And Concrete Sidewalk Reconstruction - 2003, 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.

### RESOLUTION NUMBER 33-03 NON-SUPPORT HYDROLYSATE TREATMENT

Mr. Horn advised that Montgomery County and many other Municipalities have taken a position on the plans to treat hydrolysate, a byproduct of VX Nerve Gas, at the Perma-Fix plant in Jefferson Township. It is not known how this will effect the water system and safety of residents. Montgomery County has contracted for an independent/professional review of this issue. Mr. Horn reported that based upon known information at this time, City Council has chosen to pass a Resolution of non-support for the treatment of hydrolysate at the Perma-Fix facility in Jefferson Township. Mr. Kingseed sponsored Resolution Number 33-03, Resolution Of Non-Support For The Treatment Of Hydrolysate At The Perma-Fix Facility In Jefferson Township, Montgomery County, Ohio, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed with four in favor of the motion; Dr. Gresham voted no.

### PLANNING COMMISSION APPOINT JAMES BRUNNER

Mr. Kingseed moved that James Brunner be appointed as a member of the Planning Commission for the City of Centerville to the unexpired term of Rand Oliver. Mr. Krass seconded the motion. The motion passed unanimously.

### PLANNING COMMISSION REAPPOINT JAMES BRIGGS

Mayor Beals advised that in an effort to stagger the terms on the Planning Commission, Council has chosen to reappoint James Briggs to a term of two years. Dr. Gresham moved that

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James Briggs be reappointed as a member of the Planning Commission for a term of two years. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION APPOINT RICHARD SCHIERLOH

Mrs. Lienesch moved that Richard Schierloh be appointed as a member of the Centerville Arts Commission to a term of three years. Mr. Krass seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Bicks Mayor

ATTEST: Mary Jo Saughl Clerk of Council