

## RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held November 16 2009

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 16, 2009, 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 and the Pledge of Allegiance led by Webelo Pack 315 with Mayor Mark Kingseed presiding.

Councilmembers and City Staff present were as follows:

Deputy-Mayor Doug Cline  
 Councilmembers John Beals  
 Brooks Compton  
 Paul Gresham  
 Belinda Kenley  
 James Singer

Clerk of Council Debra James  
 City Manager Gregory Horn  
 Finance Director Steven Hinshaw  
 Public Works Director Robert James  
 City Planner Steven Feverston  
 City Engineer Douglas Spitler  
 Assistant to the City Manager Jennifer Wilder  
 Municipal Attorney Scott Liberman

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

Council Meeting	October 19, 2009.
Work Session Meetings	October 19, 2009. November 2, 2009. November 9, 2009.

Mr. Beals made a motion to approve the minutes, as distributed. Mr. Cline seconded the motion. The motion passed unanimously. Mrs. Kenley was absent from the work session on November 9, 2009 because of the National League of Cities Conference.

Mrs. James announced that Roberta Goodrich had resigned from the City Beautiful Commission effective November 20, 2009, the end of her term. Mayor Kingseed extended deep appreciation to Mrs. Goodrich for her service to the City of Centerville both as member and as Co-chair.

Debbie Teeters spoke on behalf of the Heart of Centerville business community to invite everyone to participate in the Seventh Annual Hometown Holiday Walk on Sunday, November 22 from 1 to 5:00 p.m.

Mayor Kingseed invited Mr. Beals and Dr. Gresham to the podium to participate in honoring members of Epiphany Lutheran Church on the fiftieth anniversary of the parish. Present from Epiphany Lutheran were Pastor John Bradosky, Mr. Craig Bjorklund, Rosann Constantino, George Reinhart and Wayne Dawson. Mayor Kingseed read and presented a certificate of congratulations.

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Mayor Kingseed welcomed Marlene Orendorf and administered the oath of office to her as a member of the Centerville Arts Commission. He thanked Belinda Kenley and the members of the Arts Commission for their successful sponsorship of a wide variety of programs in the past few months.

Mayor Kingseed greeted Kim Birdseye, Carol Kennard, and Maggie Weisman of the Centerville-Washington Park District and congratulated them on the fiftieth anniversary of the park system. Mayor Kingseed noted the vision and foresight of the founding leaders of the park district. He read a copy of the proclamation presented at the Grant Nature Nook at a ceremony on November 1, 2009. Mr. Birdseye thanked the Council for the proclamation and stated that the nine original parks have grown to forty-eight in number and now occupy over a thousand acres in the community.

Mayor Kingseed presented certificates of recognition to Devin Burke, William Irwin, Robert Peterson and Brandon Letcher, four young men who recently completed all the requirements for advancement to the rank of Eagle Scout. They are all members of Troop 516.

The City of Centerville received a Pinnacle Award from the Miami Valley Risk Management Association, a property casualty insurance pool of twenty communities in Southwest Ohio. Centerville participated in MVRMA's annual safety performance evaluation, a pro-active tool to help protect workers from injury. Centerville's compliance for 2009 was 100%. Mr. Horn commended Human Resources Director Ginger Yonak and Finance Director Steven Hinshaw, the staff members who were directly responsible for the City's participation in the program. Mayor Kingseed presented the award to Dr. Hinshaw.

In the Mayor's Report, Mayor Kingseed noted the following:

Holiday activities in downtown Centerville are scheduled for Sunday, November 22—both the Hometown Holiday Walk and the tree-lighting at Benham's Grove.

Mayor Kingseed commented on the good attendance at the Veterans Day ceremony at Stubbs Park honoring those who have served in the Armed Forces and urged everyone to find ways to support those who are currently defending our nation.

He congratulated Councilmembers Beals, Cline and Singer, incumbents who will be returning to the Council for four more years following the November election. He thanked Joy Brush, the other candidate on the ballot, for her willingness to serve the City of Centerville as a Councilmember.

Mr. Horn discussed the following in the City Manager's Report:

Leaf collection is running on schedule. The dates for particular neighborhoods are available on the website, in the *Town Crier* or from the City receptionist at 433-7151.

Yankee Trace is open and having a good golf month with the warm temperatures, lush conditions and winter golf rates in effect.

Black Equities reports that negotiations with Kroger for the Elder-Beerman site are progressing. The Ohio Public Works Commission has extended the deadline for Centerville to retain the grant for the related improvements on Sheehan Road.

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Mrs. Wilder outlined zoning and code violations and their resolutions for the month of October, 2009, as well as the community calendar for November and December. She reported on the Hometown Holiday Walk, the sale of dog licenses at City Hall, activities at Yankee Trace, leaf collection through December 3 and recycling information. She also reminded citizens of changes coming for owners of RVs. Owners must register their recreational vehicles before July 15, 2010.

In Standing Committee Reports, Dr. Gresham, Mrs. Kenley and Mr. Beals reported on the National League of Cities Conference. Dr. Gresham explained his activities during his trip to San Antonio and the issues of concern to NLC. Dr. Gresham announced that he had been elected to a two year term on the Board of Directors of the National League of Cities. Mrs. Kenley discussed the classes and mobile workshops she attended. Mr. Beals participated in the Energy, Environment and Natural Resources Advocacy meetings. Of particular interest to him for Centerville were the presentations on San Antonio's recycling efforts and its green building practices.

Mrs. Kenley gave an update on the work of the Arts Commission which had recently sponsored a digital photography contest, a harp concert at Yankee Trace and a silent auction of Keith Thue paintings.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Council Work Sessions and have unanimous support of Council. Approval of these issues will be as a group with one motion being made. Councilmembers read aloud the titles of the items, before Dr. Gresham sponsored the following legislation and moved that it be passed:

- A. Ordinance 08-09, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, be set for Public Hearing on December 21, 2009.
- B. Ordinance 09-09, An Ordinance To Amend Ordinance Number 18-08, Adopting All Fees, Rules And Regulations Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, be set for Public Hearing on December 21, 2009.
- C. Resolution 40-09, A Resolution Authorizing And Directing The City Manager To Enter Into A Service Agreement With The Law Office Of The Montgomery County Public Defender To Provide Legal Services For Indigent Persons Charged With Jailable Offenses Under The City's Local Ordinances.

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- D. Resolution 41-09, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power & Light Company To Extend Electric Service Across Lot 13 Of The South Suburban Commercial Area Plat, Section 3.
- E. Resolution 42-09, A Resolution Ratifying The Action Of The City Manager To Execute An Employment Separation And Release Agreement And Mediation Settlement Agreement With Michael J. Engler.
- F. Resolution 43-09, 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 Stated Herein.

Mr. Beals seconded the motion. The Consent Agenda passed with seven ayes.

#### PUBLIC HEARING ORDINANCE 06-09: UPDATING POSTING PLACES

Mr. Liberman explained that the Charter of the City of Centerville requires that newly passed ordinances and resolutions be posted in at least five of the most public locations in the City. Recently one of the posting places, the Medicine Shoppe, closed and is no longer available for official posting. Ordinance 06-09 names the Public Works Facility at 7970 S. Suburban Road as the replacement site. The Ordinance also corrects the name of the bank since Star Bank is now US Bank. In response to a question from Dr. Gresham, Mr. Liberman stated that, if the address of the Public Works Facility changes with the completion of the new building, the Ordinance will need to be updated to reflect the change. Mr. Compton sponsored Ordinance 06-09, An Ordinance Amending Section 224.01 Of The Centerville Municipal Code For The Listing Of The Posting Places For Ordinances and Resolutions Within The City Per The City Charter, and moved that it be passed. Mr. Cline seconded the motion. The motion passed with seven ayes.

#### EMERGENCY ORDINANCE 07-09: GOLF FEES, RULES, REGULATIONS 2010

New business for the evening consisted of an emergency ordinance related to golf fees, rules and regulations. Mrs. Wilder gave the staff report and noted that it is traditional to pass an emergency ordinance in November so that rates for the coming year are set in time for sales of holiday gift certificates. She noted that Council had reviewed the staff recommendations during a recent work session. A full report will be given at the Public Hearing when the ordinance comes before the Council at the December meeting of Council. Dr. Gresham sponsored Ordinance 07-09, An Emergency Ordinance To Amend Ordinance Number 18-08, Adopting All Fees, Rules and Regulations associated With the Golf Club At Yankee Trace and Providing Compensation For Golf Professionals, and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

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Mr. Robert Kyvik, 2555 Goodfield Point in Washington Township, announced that he had attended the Washington Township Trustees' meeting earlier in the evening. He reported that there was discussion of police services for the township because the County Sheriff is increasing fees to cover costs. Mr. Kyvik's opinion was that, despite his urging, the Washington Township Trustees will never be interested in getting a cost estimate or asking for a bid from the City of Centerville for police services.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kenney  
Mayor

ATTEST: Debra A. James  
Clerk of Council