

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 21 2009

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 21, 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 Todd Kornahrens and the Pledge of Allegiance to the Flag with Deputy-Mayor Doug Cline presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor Doug Cline
- Councilmembers John Beals
- Brooks Compton
- Paul Gresham
- Belinda Kenley
- James Singer
- Assistant Clerk of Council Julia Weaver
- City Manager Gregory Horn
- Public Works Director Robert James
- City Planner Steven Feverston
- City Engineer Douglas Spittler
- Assistant to the City Manager Jennifer Wilder
- Assistant to the City Manager Kristen Gopman
- Economic Development Administrator Nathan Cahall
- Municipal Attorney Scott Liberman

Dr. Gresham made a motion to excuse Mayor Kingseed from the meeting. Mr. Singer seconded the motion. The motion passed unanimously.

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

- Council Meeting November 16, 2009.
- Work Session Meetings November 16, 2009.
- December 07, 2009.
- December 14, 2009.

Mr. Beals made a motion to approve the minutes, as distributed. Mr. Compton seconded the motion. The motion passed unanimously with six ayes.

Mrs. Weaver announced that the Clerk's Office had received notice that Mary Higgins will resign her position on the City Beautiful Commission at the end of her term. Noting the beauty of Mrs. Higgins' yard, Deputy-Mayor Cline thanked her for longtime service to the City.

Deputy-Mayor Cline welcomed Joseph Berling and Carl Braunschweiger, young men who recently completed the requirements for the advancement to the rank of Eagle Scout. He congratulated them and read certificates of recognition noting their achievements.

Deputy-Mayor Cline announced that the City Beautiful Commission has chosen the Residential Holiday Award winners as follows:

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 21*20 *09*

James & Kara Blalock
1665 Gatekeeper Way

Nancy Freaking
324 Alston Woods

The John Hoffman Family
582 East Whipp Road

David & Millie Moorman
257 Tauber Drive

Barry & Bonnie Pack
230 W. Spring Valley Rd.

Guy & Cindy Smallwood
6510 Staverton Drive

The Wilke Family
7254 Green Ash Court

He congratulated Circa at 21 West Franklin Street and Joli Boutique at 27 West Franklin as the winners of the Business Pride Holiday Awards.

Deputy-Mayor Cline noted the following in the Mayor's Report:

He extended Seasons Greetings to all and best wishes for safe travel.

He congratulated Mr. Horn and the staff for an exemplary year in the midst of difficult and challenging financial times.

He reminded residents of the opening of the new Public Works Center in 2010.

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

He thanked Deputy-Mayor Cline for his positive comments about the City Staff and fiscal restraint.

He announced that the initial phase of the Public Works Center should be completed by early February with occupancy in March 2010.

Mr. Horn referred to the legislation regarding the Kroger Marketplace on the agenda for the evening.

He noted that some of the H1N1 vaccinations at the Showcase Cinemas in Centerville had been determined to be ineffective.

Mr. Horn thanked Council for its support during 2009 and wished everyone a happy and a merry holiday.

Mrs. Gopman outlined code violations and their resolutions for the month of November, 2009, as well as the community calendar for December and January. She explained that some of the H1N1 vaccinations given in Centerville between 2 and 5 p.m. on December 17 had compromised potency. The Public Health Department is notifying those who need to retake the vaccine. A second clinic will be held at Showcase Cinema from 2-6 on December 29, 2009. Mrs. Gopman made announcements such as the dates for the collection of Christmas trees, the winter golf rates at Yankee Trace, the refuse schedule over the holidays, Art at the Trace, RV registration and the Martin Luther King, Jr., Breakfast.

Deputy-Mayor Cline explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Work Sessions. Approval of these items will be as a group with one motion being made. Deputy-Mayor Cline pointed out the appointments of Pam Cima to the Personnel Board of Appeals and Jan Prettyman to the City Beautiful Commission and the reappointments of James Treffinger, Suzanne

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 21**20 09*

Holloway and Marilyn Hoback. Noting the impressive number of civic volunteers at the annual appreciation event, Deputy-Mayor Cline thanked all the civic volunteers for their willingness to serve the City of Centerville.

Councilmembers read the titles of the following Consent Agenda items before Mr. Singer sponsored the legislation and moved that it be passed:

- A. Approval of the 2010-2014 Capital Improvement Program.
- B. Ordinance Number 12-09, An Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2010, be set for Public Hearing on January 25, 2010.
- C. Ordinance Number 14-09, An Ordinance To Repeal Ordinances Numbers 2-09 And 25-08 In Their Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on January 25, 2010.
- D. Ordinance Number 16-09, An Ordinance To Repeal Ordinance Number 27-08 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, be set for Public Hearing on January 25, 2010.
- E. Ordinance Number 18-09, An Ordinance To Repeal Ordinance Number 29-08 In Its Entirety And To Establish The Personnel Manuals Of The City Of Centerville, be set for Public Hearing on January 25, 2010.
- F. Resolution Number 44-09, A Resolution Authorizing The Amendment Of The City Manager's Contract Commencing January 1, 2010.
- G. Resolution Number 45-09, A Resolution Requesting Advances Out Of The Current Collection Of Real Estate, Personal Property And Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville.
- H. Resolution Number 45-09, A Resolution Of Support For The Community Access Preservation Act (HR 3745) Introduced By Representative Tammy Baldwin And Encouraging Its Timely Passage By Congress.
- I. Resolution 47-09, A Resolution Ratifying The Action Of The City Manager, On Behalf Of The City Of Centerville, In Cooperating With The City Of Dayton And In Signing An Agreement To Provide Targeted Enforcement According To The Terms Of A Montgomery County OVI Task Force Grant.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 21*20 *09*

J. Reappointments:
 James Treffinger to the Board of Architectural Review
 Suzanne Holloway and Marilyn Hoback as Co-Chairs for the Sister City
 Committee.

K. Appointments:
 Pam Cima to the Personnel Board of Appeals
 Jan Prettyman to the City Beautiful Commission.

Dr. Gresham seconded the motion. The motion passed with six ayes.

PUBLIC HEARING FOR ORDINANCE NUMBER 08-09: ANNUAL UPDATE OF THE CODIFIED ORDINANCES FOR THE CITY OF CENTERVILLE

Mr. Horn explained that the Clerk of Council arranges with a printing company for an annual update to the Municipal Code in order to incorporate material approved by Council and by the State of Ohio since the last revision. This ordinance is required to include the new matter and repeal outdated items. Mr. Singer sponsored 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 Ordinance; And Repealing Ordinances And Resolutions In Conflict Therewith, and moved that it be passed. Mr. Beals seconded the motion. The motion passed with six ayes.

PUBLIC HEARING FOR ORDINANCE NUMBER 09-09: AMENDING GOLF FEES, RULES AND REGULATIONS FOR 2010

Mrs. Wilder gave the staff report on the recommendations for changes in rules, green fees, rentals and compensation for personnel at the Golf Club at Yankee Trace. She enumerated decreases and increases in fees and packages based on trends from the past year. Because of the economy, weekday rates are being adjusted to encourage use of the course at targeted times. Most significantly, twilight rounds will be an hour shorter with a decrease in the rate, and the Vintage Course rates will increase slightly. Golf cart rates are decreasing slightly to remain competitive. Rain checks are being made more flexible with the golfer in control. Dr. Gresham sponsored Ordinance Number 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, and moved for its approval. Mr. Beals seconded the motion. The motion passed with six ayes.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held *December 21*20 *09*

RECONSIDER RECORD PLAN FOR THE KROGER COMPANY AT SHEEHAN ROAD AND SR 48

Mrs. Kenley made a motion to reconsider the record plan for the Kroger Marketplace at the northwest corner of SR 48 and Sheehan Road that was approved on August 17, 2008 and amended on September 15, 2008. Mr. Compton seconded the motion. The motion to reconsider passed with six ayes. Mr. Liberman explained that the Kroger Company, the applicant, has requested an extension of time for the recording of the record plan and for a change in the way the project will be constructed and funded. The change is mainly procedural, but will be subject to additional conditions related to funding Sheehan Road improvements with an OPWC grant. The extension is for a year, but an important deadline for OPWC funding is imminent. Dr. Gresham moved for approval of the amended record plan subject to the following additional conditions:

1. All conditions of the original record plan and its amendments shall apply.
2. Execution of the required Subdivider's Agreement as amended to incorporate the following conditions:
 - a. The Applicant is to now deposit the money for its share of the local funding for the public improvements with the City prior to December 29, 2009.
 - b. The Applicant's share of the local funding may be modified pursuant to its share of the Local Funding compared to the City's share.
 - c. The City shall only enter into a project agreement with the OPWC once the applicant's money is deposited and the plat is recorded.
 - d. The Applicant shall hold the City harmless in the event that the OPWC project is delayed or cancelled.

Mr. Singer seconded the motion for approval of the amended record plan with the additional conditions. The motion passed with six ayes.

EXTENSION OF TIME FOR RECORD PLAN: HIGHLANDS AT YANKEE TRACE, SECTION 2

Mr. Feverston explained that Yankee Trace Development Corporation, LLC, has requested an additional six months of time to record the record plan for the extension of Legendary Way further to the east. The area is east of Paragon Road in the Highlands at Yankee Trace, Section 2 near the Number Seven tee. Mr. Compton moved to grant the extension for six months. Mrs. Kenley seconded the motion. The motion passed with six ayes.

ONE YEAR EXTENSION FOR IMPROVEMENTS RELATED TO SUBDIVIDER'S AGREEMENT FOR LEGENDARY WAY.

Mr. Feverston gave the details related to the request by Yankee Trace Development, LLC, for a one-year extension for completion of the public improvements related to the Subdividers Agreement for the extension of Legendary Way in the Links at

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held December 21

20 09

Yankee Trace, Section 1-C. Dr. Gresham moved for approval of the one year extension; Mr. Beals seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NUMBER 10-09: APPROPRIATIONS FINISHING 2009

Mr. Horn stated each year in December appropriations must be adjusted as final expenditures in various accounts are completed for the calendar year. To finish 2009, the Finance Department recommends increasing appropriations by approximately \$243,001.00, an increase of seven tenths of one percent. Mr. Beals sponsored Emergency Ordinance Number 10-09, An Ordinance To Amend Ordinances 23-08 To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During the Fiscal Year Ended December 31, 2009, and moved for its approval. Mr. Singer seconded the motion. It passed with six ayes.

EMERGENCY ORDINANCE NUMBER 11-09: APPROPRIATIONS FOR 2010

Mr. Horn noted that the formal presentation on annual appropriations will be given by staff at the next regularly scheduled Council Meeting since Council has voted to set Ordinance Number 12-09 for Public Hearing on January 25, 2010. Total appropriations for 2010 are roughly \$29 million dollars (including the first year of the Capital Improvement Program), a decrease of \$6.5 million from last year because the funds for the construction of the public works facility were included in the 2009 Capital Improvement Program. Emergency Ordinance Number 11-09 will give authority for appropriations until a regular ordinance is in place so that the City may do business immediately in 2010. Mr. Singer sponsored Ordinance Number 11-09, An Emergency Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2010 and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NUMBER 13-09: 2010 TITLES, PAY RANGES, GRADES, RATES OF PAY FOR EMPLOYEES OF THE CITY OF CENTERVILLE

Mrs. Yonak will make the formal presentation on the annual update to the pay ordinance at the January meeting with the Public Hearing for Ordinance Number 14-09. This measure allows the City to function in the interim. The measure includes a 2.3% increase for most City employees. Mrs. Kenley sponsored Emergency Ordinance Number 13-09, An Ordinance To Repeal Ordinance Numbers 2-09 and 25-08 In Their Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with six ayes.

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 2120 09

**EMERGENCY ORDINANCE NUMBER 15-09: 2010 TITLES, PAY RANGES,
GRADES, RATES OF PAY, REGULATION AND COMPENSATION AT THE GOLF
CLUB AT YANKEE TRACE**

Mrs. Yonak will make the formal presentation on this annual update at the January meeting with the Public Hearing for Ordinance Number 16-09. This measure allows the Golf Club at Yankee Trace to function in the interim. Most of the changes are modifications to individual rates of pay and grades. Mr. Beals sponsored Emergency Ordinance 15-09, An Ordinance To Repeal Ordinance Number 27-08 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NUMBER 17-09: 2010 PERSONNEL MANUALS

Mr. Horn noted that this ordinance covers annual revisions for the comprehensive personnel manuals for both the employees of the City of Centerville and of the Golf Club at Yankee Trace. Staff has briefed Council on the recommendations during a work session. Mr. Compton noted that each year staff members make a more thorough and efficient presentation on appropriations and personnel items. The public hearing will be held at the January meeting when Ordinance Number 18-09 is considered. Most of the updates are utilitarian in nature. Mr. Compton sponsored Emergency Ordinance 17-09, An Ordinance To Repeal Ordinance Number 29-0836-07 In Its Entirety And To Establish The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mr. Beals seconded the motion. The motion passed with six ayes.

Deputy-Mayor Cline noted that the swearing in ceremony for the three re-elected officials, Mr. Singer, Mr. Compton and himself, would be Sunday, December 27. There being no further business, the meeting was adjourned.

Approved: _____

Deputy-Mayor

ATTEST: _____

Assistant Clerk of Council