

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *October 20**20 08*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 20, 2008, 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 to the Flag led by Cub Scout Pack 116 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 Mark Schlagheck
 Public Works Director Robert James
 City Planner Steven Feverston
 City Engineer Douglas Spitler
 Assistant City Engineer John Sliemers
 Assistant to the City Manager Jennifer Wilder
 Assistant to the City Manager Kristen Gopman
 Municipal Attorney Scott Liberman

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

Council Meeting	September 15, 2008.
Work Session Meetings	September 15, 2008.
	October 06, 2008.
	October 13, 2008.
Joint Meeting with Washington Township	September 15, 2008.

Mr. Compton asked that the minutes of the Joint Meeting with Washington Township be amended to reflect that, after the presentation by Mrs. Young for the Trustees, a request for additional discussion was denied by Mrs. Young and the meeting was adjourned. Mr. Cline made a motion to approve the minutes as amended. Mrs. Kenley seconded the motion. The motion passed unanimously. Dr. Gresham abstained from the vote on the minutes of October 6, and Mr. Singer abstained from the vote on the minutes of the meetings on September 15, 2008.

Mrs. James announced that she had received notice of Mary Joyce Ahmad's resignation from the Centerville Arts Commission.

Mayor Kingseed welcomed Dr. Gary Smiga, Superintendent of Centerville City Schools, who presented information related to Issue 51, a 5.9 mil operating levy for the day-to-day operations of the schools. Additional funds from the levy would be used for teachers, textbooks, technology, and transportation. Dr. Smiga noted the excellent ratings and numerous honors earned by the Centerville City Schools. He said that the district

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spends a larger percentage of the funds collected on services related directly to the students and less on administration (7.9%) than nearly any Ohio district. He asked for support for the levy.

Mrs. Kenley noted the awards won by the Centerville Schools for financial accountability. Mr. Cline stated the strong connection between excellent schools and stable property values. Mr. Compton brought up the need to continue to support the schools for the benefit of each future generation. Councilmembers congratulated Dr. Smiga and wished him well with his upcoming retirement in July 2009.

Mayor Kingseed welcomed Mr. Craig Self, Committee Chair of Cub Scout Pack 116 that is centered at Ida Weller Elementary School and is celebrating its 60th Anniversary this year. After the Mayor read a Certificate of Congratulations, Mr. Self thanked the Council, and the pack came forward for a photo.

Mayor Kingseed administered the oath of office to Ms. Kim Engelman of the City Beautiful Commission. He congratulated her and thanked her for her service.

Public Works Director Rob James showed pictures and described the damage done by the winds of September 14, 2008. He explained the response and equipment used by the Centerville crews. After Mr. Cline read a Certificate of Appreciation, Mayor Kingseed invited the men and women of the Public Works Department to come forward for recognition of the extraordinary clean up effort. Moving several thousand loads of tree debris, most of these employees had worked twelve hour days, six days a week, for four weeks. Mr. James announced the names of the employees and presented certificates and key chains to the following individuals:

Street Division—Marty Tackett, Tom Imwalle, Scott Matthews, Bill Pennington, Jeff Moody, Mark Cole, David Watts, Brad Kavalunas, Steve Kelley, David Laird, Terry Poe, Larry Sewell, Dan Doherty, Geoff Reddens, Chris Sharp, Tom Nugent, Joe Presutti, Mark Byrd, Andrew Focke and Patty Smith.

Refuse Division—Werner Boehm, Tim Heinlein, Rick Hawkins, Joe Rhoads, Sam Wright, Larry Rayle, Curtis Dick, Tom Dick and James Moncrief.

Vehicle/Equipment Maintenance Division—Jim Robinson, Jeremy Schul and Clarence Houser.

Administration—Terri Himes and Laura Ward.

Mayor Kingseed noted the following in the Mayor's Report:

He announced the first annual Mayor's Charity Event at Yankee Trace on November 1 from 7-12 p.m. Everyone in the City of Centerville and Washington Township is invited to help raise funds for three local charities—Rebuilding Dayton Together, a group which helps qualifying homeowners repair their homes; Food 2 Go, supplemental food for weekends for children who receive free lunches during the school year; and a third charity to be named by the largest single benefactor at the event.

The Mayor expressed sympathy to the family of Mr. James Pavliga. Shortly before his unexpected death, Mr. Pavliga had been appointed as a member of the Stormwater Drainage Task Force.

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The Mayors and Managers Association is working with DP&L to set up a blue ribbon task force to concentrate on ways to improve communication with local governments in the event of unusual catastrophic events like the winds of September 14th.

Mayor Kingseed noted that Issue 7 in the City and Issue 48 in the Township will be on the ballot on November 4, 2008. He urged citizens to study carefully the issue of a merger study commission to consider the benefits and problems of a merger between Washington Township and the City of Centerville. Even if the commission would recommend a merger, there would be an additional vote before a merger would be approved. The study by the University of Toledo indicated that all the taxpayers in the City and the vast majority of taxpayers in the township would pay less property tax if the governments were to merge. Meetings on the issue will be Wednesday, October 22 at 1:30 and at 7:30 p.m. at the Washington-Centerville Library and, on October 21st at the Police Department from 7-8:30 p.m., Mayor Kingseed and Mr. Horn will be available to answer questions. In addition, on October 28th there is a forum at Centerville High School at the Central Theater at 7:00 p.m.

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

He noted the meeting with DP&L at GovTech following the completion of the repairs due to the winds of September 14th. DP&L quelled rumors and admitted the need for better communications with cities in order to keep residents informed. The Mayors and Managers will be continuing to address this issue with ongoing discussions.

In spite of the uncertain economic climate, Yankee Trace is having a strong month in both golf and food service. In another financial matter, through September, the earnings tax collection is running a little ahead of 2007.

We are planning a Capital Improvement Work Session on Monday, November 3, at 6:00 p.m. in the Law Library and an Operating Budget Work Session on Monday, November 10. The public is invited to these sessions as Council works on fiscal 2009.

Mrs. Gopman outlined code violations and their resolutions for the month of September, 2008, as well as the community calendar for the coming month.

ORDINANCE NUMBER 14-08, UDO LEGISLATION, SET FOR PUBLIC HEARING

Mr. Feverston, in giving the report of the Planning Commission, noted that the Planning Commission has sent two ordinances related to the Unified Development Code to the Council to be set for Public Hearing in December. The first ordinance is the text of the code itself as recommended by the Planning Commission, and the second ordinance would amend the first to include provisions for sunseting certain requirements related to recreational vehicles. Dr. Gresham moved to set Ordinance 14-08, An Ordinance Enacting The Unified Development Ordinance For The City Of Centerville, Ohio, For The Classification And Regulation Of All Uses Of Land And Structures Within The City Of Centerville In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code. Also, This Ordinance Repeals Existing Ordinance Number 11-86, An Ordinance Enacting Revised Zoning Districts And Regulations For The City Of Centerville In

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Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code Adopted On July 21, 1986 And All Amendments Thereto; Chapter 838, Adult Entertainment; Part 12, Title Four, Subdivision Regulations; Chapter 1202, Planning Commission; Chapter 1204, Parklands; Chapter 1206, Landmarks; Chapter 1460, Erosion And Sedimentation Control; Chapter 1462, Flood Damage Prevention; Chapter 1466, Outdoor Dish-Type Antennas; And Chapter 1468, Outdoor Illumination be set for Public Hearing on December 15, 2008. Mr. Compton seconded the motion. The motion passed unanimously.

SET ORDINANCE NUMBER 15-08, UDO SUNSET PROVISIONS, FOR PUBLIC HEARING

Mr. Compton made a motion to set for public hearing on December 15, 2008, Ordinance Number 15-08, An Ordinance Amending Section 3.13(H) Of The Centerville Unified Development Ordinance. Dr. Gresham seconded the motion which passed with seven ayes.

In Standing Committee Reports, Mr. Beals noted some of the activities of the City Beautiful Commission and commended the members for the work done each year.

Mrs. Kenley pointed out that she had attended the Ohio Municipal League Conference in Columbus and had appreciated a helpful seminar about open meetings and public records.

Dr. Gresham announced that he would be attending the National League of Cities meeting in Orlando in early November and that he has been endorsed by the Ohio Municipal League for a seat on the Board of the National League of Cities and he will be running to be elected. Mayor Kingseed thanked him for representing Centerville on a national level.

Mr. Compton noted that all the Councilmembers are willing to take calls and emails to answer questions with respect to the Merger Study Issue for the November 4th ballot.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Council Work Sessions. Approval of these issues will be as a group with one motion being made. Before the Councilmembers read aloud the titles of the other items, Mayor Kingseed noted that Item "G" had been added to the Consent Agenda during the Work Session earlier in the evening. Mr. Compton moved that the following legislation be passed:

- A. Ordinance 16-08, 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 November 17, 2008.

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- B. Resolution 55-08, A Resolution Authorizing And Directing The City Manager To Enter Into A Lease Amendment And Renewal Agreement With The Board Of County Commissioners Of Montgomery County.
- C. Resolution 56-08, A Resolution Authorizing The City Manager To Execute A Sixth Amendment To An Agreement Between The City And The Corporate Predecessor Of Yankee Trace Development, Inc. Originally Executed On June 27, 1994.
- D. Resolution 57-08, A Resolution Adopting An Identity Theft Policy.
- E. Resolution 58-08, A Resolution Recognizing The First Annual Mayor's Charity Celebration Event As An Event Which Serves The Public Purpose Of Raising Money For Dayton-Area Charities.
- F. Appointments be Made as Follows:
Martin Holzinger to the Arts Commission.
Mary Pizza to the Sister City Committee.
- G. Resolution 59-08, A Resolution Authorizing And Directing The City Manager To Enter Into An Economic Development (PIR) Grant Agreement With Innova, Inc.

Mr. Singer seconded the motion. The motion passed with seven ayes.

ORDINANCE NUMBER 12-08 AMENDING APPROPRIATIONS FOR FISCAL YEAR ENDING DECEMBER 31, 2008.

Finance Director Mark Schlagheck explained that the ordinance is one of several periodic adjustments to appropriations which are done every year. He noted increases to the following funds: general fund, street construction fund and maintenance fund, the special assessment bond retirement fund, and the state highway fund. The high cost of salt requires increases in the street construction and maintenance fund and the state highway fund. The increase for the special assessment bond retirement fund is due to an earlier error in calculations which is now being corrected. The general fund increase is due to additional expenses in the general fund this year. When no one came forward to address Council on the matter of these appropriations, Mr. Beals moved for approval of Ordinance Number 12-08, An Ordinance To Amend Ordinances Number 28-07 and 8-08 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, 2008. Mr. Singer seconded the motion. It passed with seven ayes.

ORDINANCE NUMBER 13-08 PROHIBITING USE OF ENGINE BRAKING

Mr. Horn thanked Lt. Mark Casey for his dedication and efforts after the winds of September 14 and invited him to give the staff report concerning engine brakes. Lt. Casey noted complaints from citizens concerning noise from engine brakes at entrances to the City of Centerville, on hills and in construction zones. Research by the Police Department

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showed that most cities have an ordinance against engine braking. If this ordinance is passed, the Centerville Police Department would use it as an educational tool and issue warnings to truck drivers unless repeat violations occur. Council asked if signs will be required to notify truckers of the ordinance. Mr. Horn said that the warnings would serve to educate drivers, making signs unnecessary. Mr. Singer made a motion for the approval of Ordinance Number 13-08, An Ordinance Prohibiting The Use Of Engine Brakes Within The City of Centerville. Dr. Gresham seconded the motion. It passed with seven ayes.

There being no further business, the meeting was adjourned.

Approved: C. Mark Krueger
Mayor

ATTEST: Debra A. James
Clerk of Council