

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 1820 07

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 18, 2007, 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, with Mayor Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor	Doug Cline
Councilmembers	Brooks Compton
	Robert Corbin
	Paul Gresham
	Susan Lienesch
	James Singer

Clerk of Council Debra James
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Lieutenant Bruce Robertson
 City Engineer Douglas Spitler
 Assistant to the City Manager Jennifer Wilder
 Management Analyst Kristen Gopman
 Human Resource Manager Ginger Yonak
 Municipal Attorney Scott Liberman

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

Council Meeting -	May 21, 2007.
Work Session Meetings -	May 21, 2007.
	June 4, 2007.

Jim Singer questioned a sentence in the minutes of the work session of June 4, 2007. After some discussion, a sentence referencing expenditures for water testing at Quarry Lake at the Rod and Reel Club (page 2, fourth paragraph, third line) was amended to read, "Council will move forward with an estimated \$2,500 expense for testing, and Mr. Horn will send a letter to the Rod and Reel Club advising them of Centerville's position that, depending on the test results, this may be the City's final contribution." Mr. Corbin moved that the minutes of the foregoing meetings be approved as amended. Mr. Singer seconded the motion. The motion passed unanimously.

Mrs. James announced the receipt of a letter of resignation from Arts Commission member Suzi Fischer. Mayor Kingseed accepted the resignation with regret and thanked Ms. Fischer for her service to the community.

Three Centerville police officers were honored for awards they have received recently. Lt. Bruce Robertson presented certificates of congratulations to two fellow policemen who had been recognized recently for outstanding service. Detective Dan Osterfeld received an Award of Excellence from the President's Council on Integrity and Efficiency for work done investigating and prosecuting an interstate ring of criminals, while Officer Ed Skinner won the John. P. Kalamian Officer of the Year Award for his work as the resource officer with the Centerville Schools. Mayor Kingseed then presented a Certificate

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of Congratulations to Lt. Robertson for being named to receive the prestigious American Association of Police Polygraphists' Holly Canty Memorial Award.

Roberta Goodrich of the City Beautiful Commission named Dr. Daniel Cobb's Creekside Commons and the office of Dr. James Wilson as the two Business Pride Award winners for the month of June. Mary Ann Serel was present to receive the award for Creekside Commons at 900 East Alex-Bell Road. Dr. James Wilson was unable to attend, but will receive a plaque for his business at 2 East Franklin Street.

Mayor Kingseed then recognized Aaron Richter, a young man who recently achieved the rank of Eagle Scout. The Mayor read a Certificate of Congratulations for Aaron Richter and commended him for his contribution to the community in making a safety video to be used by the Ohio State Park system.

Mr. Patrick Hansford, Vice Chair of the Landmarks Foundation of Centerville-Washington Township, a nonprofit organization dedicated to appreciation and preservation of historic sites, came before the Council. Other members present included Martha Boyce, Steve Ewing, Kelly Johnson, Sue Pirie and Jim Reppert who coordinated several projects with the City. Mr. Hansford invited the community to attend the dedication of the historical marker at the Munger House at 9955 Yankee Street on Saturday, June 30, at 10:00 a.m.

Mr. Hansford also stated that the Landmarks Foundation had commissioned Roland Smith, an architect with experience with historical studies for the National Park District, to do a historical building survey on the Munger House. Mr. Hansford formally presented the report to the Council. Mayor Kingseed thanked the group for their work in maintaining the history of the area.

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

On June 15, the Centerville Washington Foundation, a subsidiary of the Dayton Foundation, met at Yankee Trace. This organization raises funds that can be given back to benefit the community. Residents may call City Hall at 433-7151 for more information about the Foundation or to donate a charitable gift.

On June 6, the Mayor spoke at a gathering of over a hundred people at the Veteran's Memorial at Stubbs Park. The group met to commemorate D-Day and discuss raising funds to expand the war memorial. Citizens wishing to help in this effort may contact the City of Centerville offices.

Beginning at 3:00 p.m. on Saturday, June 23, the Relay for Life at the CHS stadium will honor colleagues, family members and friends who have fought cancer and will raise funds for research to defeat this disease. This event, sponsored by the American Cancer Society, continues into Sunday morning.

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

The Montgomery County Screening Committee for Community Development Block Grants has recommended the award of \$40,000.00 to the City of Centerville for pedestrian accessibility improvements in Stubbs Park. The improvements will include paving some

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paths and replacing several bridges. Mr. Horn thanked Mrs. Gopman and Mr. Spittler for their work during the application process.

The City of Centerville/Washington Township Financial Study is underway. In the near future, employees of the University of Toledo or Wright State University will interview members of Council, the Township Trustees, and some of the major stakeholders in the community as part of this process. Mrs. Gopman will coordinate these interviews.

Planning Commission is currently working on recommendations to Council for amendment of the City's sign ordinance to include the regulation of electronic signs. Another meeting for discussion of issues related to LED signs is scheduled on June 26, at 7:30 at City Hall. Anyone interested is invited to attend.

Mr. Horn added his congratulations to Lt. Robertson, Detective Osterfeld, and Officer Skinner for the awards they received and reiterated that we are fortunate to have many dedicated individuals in our police department.

He enumerated construction activity around town.

1. Clyo Road from Alex-Bell to Centerville Station. Although the contractor was not scheduled to begin until after the Fourth of July, concrete repair and preparation work are in progress. The resurfacing will begin early to mid July; the contractor is aware of the Americana activities and the extra traffic over the holiday.
2. Clyo Road from Centerville Station to south of St. Leonard's. The widening of Clyo Road is progressing. Medians are in; curbs are installed; and asphalt is underway. This project should be completed within the next thirty days.
3. Wilmington Pike from I-675 to Clyo Road. Work is also progressing nicely on the widening the west side of Wilmington Pike near Miami Valley South. The hospital is paying a portion of the cost of this project.

Mr. Horn stated that the Golf Club at Yankee Trace is seeing a record number of rounds because of the favorable weather, but rain is needed.

Mrs. Gopman outlined code violations and resolutions for the month of May, 2007, and presented the community calendar for the coming month.

Deputy Mayor Cline brought up the Hurricane Katrina Relief Effort for Slidell, Louisiana. Kateri Bolton, a teacher at Incarnation, and the Junior Optimist Club have raised \$1500. The City, Southbrook Church and other groups will discuss putting together a trip to Slidell for this fall.

Dr. Gresham reported for the Sister City Committee that Ms. Kristina Wassmann is currently in Bad Zwischenahn with students from Centerville High School. Emails reveal that they are becoming immersed in German culture. Twenty-one adult visitors from Germany were here in Centerville from May 30 through June 2, 2007. Sister City members and others hosted the German visitors in their homes, and a full itinerary was planned by the Sister City Committee.

Mr. Corbin noted that he had been to Columbus to testify at the legislative hearing related to SB 117 which will affect the cable TV industry. Mr. Corbin stated that he was not successful in convincing the legislators to make provisions for local cable programming at current levels. The measure was introduced by Senator Jeff Jacobson and was passed nearly

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unanimously by the legislature. Mr. Corbin stated his belief that competition will come at the expense of services the Cable Council provides and of local programming. Our contract with Time Warner is up on June 30, so Council is very concerned about changes that could come soon. The Mayor thanked Mr. Corbin for his efforts and said that the measure will probably have a negative impact on communications between local governments and their citizens.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters. Approval of these issues will be as a group with one motion being made. He noted that the Consent Agenda included the reappointment of Arlene Tansey to the City Beautiful Commission for an additional three years. Mr. Horn briefly explained each of the Consent Agenda items. Mrs. Lienesch moved that the following Consent Agenda items be passed:

- A. Ordinance Number 9-07, An Ordinance Renaming Miami Valley Drive, A Public Dedicated Street In The City Of Centerville To Premier Drive. (Set for Public Hearing on July 16, 2007)
- B. Ordinance Number 8-07, An Ordinance Amending Chapter 840 To Further Clarify Section 840.02(B) And Enacting New Centerville Municipal Code Section 840.02(C) Entry To Inspection Refused And Section 840.99 Penalty To The Rental Unit Inspection Regulations. (Set for Public Hearing on July 16, 2007)
- C. Resolution Number 25-07, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Execute An Agreement With UBS Financial Services, Inc.
- D. Resolution Number 26-07, A Resolution Accepting The Bid Submitted By Quality Masonry For The Centerville Police Headquarters Masonry Work Repair For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
- E. Resolution Number 27-07, A Resolution Accepting The Bid Submitted By Jergens Bales Contractors, Inc., For Concrete Repair And Sidewalk Construction Projects - 2007 (SS-3A-07 And SS-1C-07) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- F. Reappoint Arlene Tansey as a member of the City Beautiful Commission for an additional term of three years.

Mr. Cline seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 5-07 – CITY PERSONNEL

The Public Hearing was held for Ordinance 5-07. Mr. Horn gave the staff report for the ordinance which amends the pay range for two supervisory positions at Public Works and will be overtime exempt, and adding the position of Captain at the Police Department. Mr. Compton sponsored Ordinance Number 5-07, An Ordinance To Amend Subsection B And Subsection C To Attachment A Of Ordinance Number 35-06, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

EMERGENCY ORDINANCE 6-07 - BONDS FOR IMPROVEMENTS AT BETHANY LUTHERAN VILLAGE

In new business, a TEFRA hearing was held concerning the request from Graceworks Lutheran Services, an Ohio non-profit corporation, for the City's cooperation in the procurement of Series 2007A Bonds and Series 2007B Bonds for improvements at Bethany Lutheran Village on North Main Street in Centerville. Ms. Roberta Fischer, bond counsel for GraceWorks; William Serr, Chief Executive Officer of Graceworks; Mike Allen, the Chief Financial Officer of Graceworks and Judy Stang, Vice-President - Residential Care of Graceworks, were present for the meeting. First to address the Council was Roberta Fischer, 6711 Elmers Ct. Worthington, Ohio 43085, who is employed by Squire, Sanders and Dempsey L.L.P., the bond counsel for Graceworks. She stated that the City would have no financial liability related to the issuance of the bonds, but that the City's endorsement would allow Bethany Lutheran Village to get a more favorable interest rate on loans for updating the property to better support people as they age and bringing new jobs to the area. William Serr, the President and CEO of Graceworks Lutheran Services, 6430 Intermission Way in Centerville, stated that, over the years, Graceworks had come before the Council on four different occasions for the endorsement of health care facilities' bonds to finance improvements. He noted that, at the recommendation of the Planning Commission, in April the Council had approved the master plan for the improvements. In answer to a question from Mr. Compton concerning the timeline for the project, Mr. Serr said the recladding of the tower has already begun. Work will be done in stages, and the entire project should be completed by mid-2009. Mr. Compton expressed his appreciation for the continued investment in the Centerville complex, stating that Bethany Lutheran Village is a real asset for the City.

When asked by the Mayor, Mrs. James stated that Council had not received any written comments pertaining to the project. Dr. Gresham made a motion to approve the request from Graceworks Lutheran Services, an Ohio non-profit corporation, for the City's cooperation in the procurement of Series 2007A Bonds and Series 2007B Bonds for improvements at Bethany Lutheran Village on North Main Street in Centerville. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Mayor Kingseed then asked for a motion for approval of Ordinance No. 6-07. Mr. Cline sponsored Emergency Ordinance No. 6-07, An Ordinance Providing For The Issuance And Sale Of (A) Series 2007A Bonds Having A Maximum Aggregate Principal Amount

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Not To Exceed \$40,000,000 For The Purposes Of (I) Financing The Acquisition And Construction Of Certain "Hospital Facilities" Including The Construction, Expansion, Renovation And Equipping Of Various Capital Projects Constituting "Hospital Facilities" At The Bethany Lutheran Village Continuing Care Facility Retirement Community, Construction Of New Roads And Parking Areas, And Other Related Improvements And Furnishings, (II) Funding A Debt Service Reserve Fund For The Series 2007A Bonds, (III) Funding Capitalized Interest For The Payment Of Interest On The Series 2007A Bonds, And (IV) Paying Costs Of Issuance Of The Series 2007A Bonds; And (B) Series 2007B Bonds Having A Maximum Aggregate Principal Amount Not To Exceed \$30,000,000 For The Purposes of (I) Financing The Acquisition And Construction Of Certain "Hospital Facilities" Including The Construction, Expansion, Renovation And Equipping Of Various Capital Projects Constituting "Hospital Facilities" At The Bethany Lutheran Village Continuing Care Facility Retirement Community, Construction Of New Roads And Parking Areas, And Other Related Improvements And Furnishings, (II) Refinancing All Or A Portion Of Its Health Care Variable Rate Demand Revenue Bonds, Series 1993 (Bethany Lutheran Village Continuing Care Facility Expansion Project) And Its Health Care Variable Rate Demand Revenue Bonds, Series 1994 (Bethany Lutheran Village Continuing Care Facility Expansion Project), (III) Funding Capitalized Interest And Certain Other Expenses On The Series 2007B Bonds, And (IV) Paying Costs Of Issuance Of The Series 2007B Bonds; And Authorizing The Execution And Delivery Of (1) With Respect To The Series 2007A Bonds, The Lease, The Series 2007A Assignment Of Rights Under A Lease, The Assignment, The Bond Indenture, The Series 2007A Bond Purchase Agreement And Other Related Documents And (2) With Respect To The Series 2007B Bonds, The Second Amendment To Lease Agreement, The Second Supplemental Trust Indenture, The Series 2007B Assignment Of Rights Under A Lease, The Second Supplemental Assignment Of Lease And Lease Payments, The Escrow Agreement, The Series 2007B Bond Purchase Agreement And Other Related Documents; And Declaring An Emergency, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

EMERGENCY ORDINANCE 7-07 - PENALTIES FOR REFUSING ENTRY FOR RENTAL UNIT INSPECTIONS

Mr. Liberman stated that this Ordinance has three main changes to the rental inspection ordinance. First, the owner or agent must notify the tenants of the rental inspection. Second, the ordinance defines penalties for refusing to notify the tenants or to allow the inspector access. Third, the penalties may be applied to all areas of the rental inspection ordinance. Mr. Corbin sponsored Emergency Ordinance 7-07, An Emergency Ordinance Amending Chapter 840 To Further Clarify Section 840.02(B) And Enacting New Centerville Municipal Code Section 840.02(C) Entry To Inspection Refused And Section 840.99 Penalty To The Rental Unit Inspection Regulations and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mr. Corbin objected to the appearance of Mr. Koussa and left the meeting at this time. Mr. Joseph Koussa, 1537 Beaver creek Lane, Kettering, addressed the council to tell his story of becoming a United States citizen.

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Mrs. Lienesch moved that Council convene into Executive Session after the Council Meeting to the Law Library to discuss litigation, personnel and real estate. Mr. Cline seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kingreed
Mayor

ATTEST: Debra A. James
Clerk of Council