

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *January 24*20⁰⁵

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 24, 2005, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer, and the pledge of allegiance to the flag, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

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

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

Public Works Director Robert James

City Planner Steve Feverston

Finance Director Mark Schlagheck

Assistant to the City Manager Jesse Lightle

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 - December 20, 2004.

Work Session Meetings - December 20, 2004.

- January 10, 2005.

Mr. Cline moved that the minutes of the foregoing meetings, as distributed be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously; however Dr. Gresham abstained from the minutes of the December 20, 2004 meetings.

Mayor Kingseed administered the Oath of Office to City Beautiful Commission members Mary Stockmyer and Patty Kraft.

Mayor Kingseed gave his State of the City Address. He introduced members of City Council, the Clerk of Council and the City Manager. He identified Centerville's sound financial status and listed areas in which State funds may be cut. He outlined events which took place in 2004 and will take place in 2005. Mayor Kingseed highlighted cooperation now and in the future between the City and Washington Township. He explained issues and areas with which cooperation can take place.

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

- Congratulations were extended to Don Creech on his retirement after 30 years of service.
- Police Officer Greg Engelhard has submitted his resignation after 10 years of service.
- Two new Sergeants have been appointed: Bill Osmanski and Matt Brown.
- Adam Bennett has been sworn in as a Police Officer.

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- Assistant Golf Professional, David Kraus, has joined the PGA in Port St. Lucie, Florida.
- Head Golf Professional, Pat Bayley, has taken a new position as Director of Golf at the Swan Lake Resort in Plymouth, Indiana.
- Golf Superintendent, John Miller, will be responsible for managing golf operations at Yankee Trace in the interim.
- The City has closed on the purchase of property located at 43 West Franklin Street to become part of the parking lot expansion in the center of Centerville.
- Appreciation was expressed to Public Works for many hours of hard work with snow removal.
- Appreciation was also expressed to those who participated in the Martin Luther King Breakfast Ceremony held at Yankee Trace on January 17, 2005.
- Project Lifesaver is close to being implemented, through the support of the Washington Township Fire Fighters Association.
- The next Neighborhood Improvement meeting has been scheduled for February 17, 2005, at the South Dayton Presbyterian Church.
- Jesse Lightle is leaving the City of Centerville to become Assistant City Manager of Clayton, Ohio.

Mrs. Wilder outlined code violations and resolutions for the month of December, 2004, as well as the community calendar for the coming month. She explained Project Lifesaver, an electronic tracking device to locate people with Alzheimer's or a related disorder who have wandered and become lost. Members of the Centerville Police Department, the Washington Township Fire Department and the Montgomery County Sheriff's Office have been trained to manage, maintain and conduct the Project Lifesaver program. Mrs. Wilder gave an update relative to the City's smoking ban which will take effect on April 4, 2005, and explained how information will be made available to the public.

Mayor Kingseed expressed appreciation to Jesse Lightle for the many things she has done for the City of Centerville during her tenure as a City employee, and wished her well in her new endeavor.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He brought attention to the appointments and reappointments to be made by passage of the Consent Agenda. Mr. Singer moved that the following Consent Agenda items be approved:

1. Resolution Number 01-05: A Resolution Authorizing The City Of Centerville To Partner With The Dayton Area School Superintendent's Association And Other Entities To Ensure A Final Budget Document That Provides Adequate State Resources For Essential Local Government Services And Educational Opportunities Throughout The State.

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2. Resolution Number 02-05: A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville, To Enter Into An Agreement With Philip Wertz For Plan Examination.
3. Appointments as follows:
Tiffany Shaw as a Member of the Centerville Arts Commission.
Carol Wasson-Shaw as a Member of the Centerville Arts Commission.
Julie P. Ross as a Member of the Centerville Arts Commission.
4. Reappointments as follows:
Dan Carfagno, Centerville Property Review Commission Chairman.
Linda Meily, City Beautiful Commission Chairman.
Shirley Oglesbee, City Beautiful Commission Member.

Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 19-04 ADULT ENTERTAINMENT

The Public Hearing was held concerning Ordinance Number 19-04. Mr. Feverston reviewed this proposed Ordinance which better defines commercial entertainment in the Zoning Ordinance and restricts adult entertainment to the B-PD, Business-Planned Development zone classification. The Ordinance increases set backs to different kinds of uses and establishes set backs to family oriented businesses to separate those uses from adult entertainment. The Planning Commission, by unanimous vote, recommended approval of this Ordinance to City Council. Mr. Liberman explained that the intent of enacting this Ordinance is to reduce negative secondary effects of sexually oriented businesses, not to regulate speech. It does not zone out sexually oriented businesses, but keeps them in districts where age is appropriate and most suitable. Mr. Cline pointed out that the City received a report from the First Amendment Center regarding adult entertainment and the secondary effects doctrine, it was found that it is relevant to Centerville's locality. Mr. Corbin sponsored Ordinance Number 19-04, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections 14 And 37 In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code And Enacting Chapter 838 Of The Centerville Municipal Code Relating To Adult Entertainment, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 22-04 2005 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 22-04. Mr. Horn and Mr. Schlagheck reviewed the operating budget for the year 2005. Mr. Horn reported that the budget includes no increase in taxes. He outlined some of the cuts in State funds expected in 2005 to local governments and the impact these will have on the City of Centerville. Mr. Schlagheck outlined major revenue sources for the coming year and funds allocated for capital improvement projects. He explained how property taxes are split among the School District, Montgomery County, the Library, Fire Department, the Park District, Washington Township and the City of

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Centerville, with the City receiving just 2.5 % of a dollar. Mr. Horn compared revenues and expenditures in the various funds projected for 2005 with previous years. He identified capital projects proposed to take place in 2005. Upon question of Mr. Corbin, Mr. Horn suggested that, depending upon revenue cuts from the State, some of the 2005 capital projects may have to be put on hold. Mr. Singer Sponsored Ordinance Number 22-04, 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, 2005, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 24-04 AMEND PERSONNEL MANUALS

The Public Hearing was held concerning Ordinance Number 24-04. Miss Lightle outlined changes in the following areas of the personnel manual for employees at Yankee Trace and all other City employees:

New employees need not wait until their probationary period has been completed to take personnel leave.

The City may retire/rehire Department Heads and Division Heads under certain conditions.

An additional Holiday has been added, being Christmas Eve.

Upon retirement, an employee may cash in accrued but unused sick leave for a cash payment equal to \$350.00 for each year of service.

Miss Lightle outlined some changes in class titles and pay ranges for employees at Yankee Trace and changes made to regulations for other employees of the City of Centerville. The Ordinance also includes a salary increase of 3.25% across the board for City employees.

Mr. Corbin expressed concern with meeting all salary adjustments, due to funds cut at the State level. Miss Lightle requested that Section 4.04G be omitted from Ordinance Number 24-04.

Mr. Corbin sponsored Ordinance Number 24-04, An Ordinance Amending The Personnel Manuals Of The City Of Centerville, and moved that it be passed as amended. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 26-04 PERSONNEL

The Public Hearing was held concerning Ordinance Number 26-04. Dr. Gresham sponsored Ordinance Number 26-04, An Ordinance To Repeal Ordinance Number 28-03 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 28-04 YANKEE TRACE PERSONNEL

The Public Hearing was held concerning Ordinance Number 28-04. Mr. Singer sponsored Ordinance Number 28-04, An Ordinance To Repeal Ordinance Number 30-03 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

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motion. The motion passed by unanimous vote.

Joseph Koussa, 1537 Beaver Creek Lane, asked that troops come home safely. He expressed appreciation to street maintenance workers and to the police for their diligence during the recent snow emergency. He congratulated City Council for taking the lead on a smoking ban.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Keegan*
Mayor

ATTEST: *Wanda McFarland*
Clerk of Council