

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 5*20 *05*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 5, 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	Brooks Compton
	Paul Gresham
	Susan Lienesch
	James Singer
	Robert Corbin

Clerk of Council Debra James

City Manager Gregory Horn

Finance Director Mark Schlagheck

Public Works Director Robert James

Assistant to the City Manager Jennifer Wilder

Assistant to the City Manager Jennifer Kuschnerus

Municipal Attorney Scott Liberman

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. Mr. Compton excused himself from the meeting because of the first item on the Consent Agenda. Mr. Horn gave a brief summary of the two items.

Mayor Kingseed, calling for a motion to consider the Consent Agenda, Mrs. Lienesch moved that the following items be passed:

1. Resolution Number, 65-05, A Resolution Ratifying The Action Of The City Manager In Executing The Contract With Centerville Investors, LLC As Assignee Of Breads Of The Worlds Acquisitions, LLC And Authorizing The City Manager To Take Any And All Steps Necessary To Sell The Property Located On Lot 1 Of The Centerville Benjamin Robbins Plat - Section One.
2. Resolution Number 66-05, A Resolution Authorizing And Directing The City Manager To Enter Into A Reciprocal Easement Agreement With Washington Township, Ohio For Grant Of Ingress, Egress And Parking Easement For The Area North Of West Franklin Street And West Of Main Street In The APD.

Mr. Corbin seconded the motion. The motion passed unanimously. Mr. Compton re-entered the meeting at this time.

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## RESOLUTION NUMBER 67-05 RE-APPOINTING GREGORY B. HORN

The Public Meeting was held concerning Resolution Number 67-05. Mayor Kingseed explained that Mr. Horn has recently completed 30 years of service under the Ohio Public Employee Retirement System. The law allows him to retire with a pension and the issue is whether the City will rehire Mr. Horn to his present position. Mr. Liberman reviewed the legal procedure under state law. It requires that in order for a person to be rehired under the PERS system, there has to be a hearing or public meeting held between 15 to 30 days before the employment of the rehire and that notice was provided 60 days before the employment of the rehire date.

Mayor Kingseed stated that this issue has been publicized and he had received a couple of phone calls from citizens expressing their concern about someone retiring and then being rehired by the City. Mr. Horn has held the position of City Manager since 1992. Mr. Kingseed's personal view is that Mr. Horn has done an excellent job for the city; has provided an exceptional level of service; and doesn't feel that the City could find someone better than Mr. Horn. It would be prudent and wise to bring him back and allow the City to use his services into the future as City Manager.

Mrs. Lienesch stated that she had heard from many in the community regarding the two words referred to as "double dipping". She holds nothing personal against Mr. Horn and feels that he has the upmost ability and has served the City really well. Mrs. Lienesch just has a personal viewpoint about the double-dipping that is going on. It is state allowed; it happens in the federal government; it happens at the state level and it is experienced at the local level. It is not illegal - she does not have any animosity against anyone on Council on how this will turn out. Just wanted to express her viewpoint.

Mr. Corbin explained that he may share some of the concerns of double dipping as Mrs. Lienesch but it is a state law, this is a practice that is going on and he ran into it in the legislature 20 years ago. He has since come to learn that it is a practice that has been passed by the legislature and is law. He went on to explain that although Mr. Horn will receive additional compensation; none of that comes from the City. That comes from PERS and in no way, shape or form does it affect our finances or our operation.

Mr. Compton stated that he feels that the City is very fortunate to have Mr. Horn and fortunate that he will continue his employment after exercising an option that is fully available to him.

Mr. Cline wanted to echo some of the same comments about Mr. Horn. Having worked in the private sector, this is not available in the private sector, so when it comes up in the public sector it is a foreign concept to us. He understands that it may rub some people the wrong way. He feels it is Council's duty to act in the manner that is in the best interests of the City. He feels it is the most prudent action for Council to take to rehire Mr. Horn and looks forward to working with him in the future.

Dr. Gresham echoed the same comments and although philosophically has some problem with the idea; it is legal and it is available to him. He feels that Mr. Horn has done a good job for the City and I think we would be hard-pressed to find someone else to do a better job.

Mr. Cline sponsored Resolution Number 67-05, A Resolution Re-appointing Gregory B. Horn City Manager For The City Of Centerville And To Amend Resolution Number 39-03 By Renewing The City Manager's Employment Contract For An Additional Five Year Term

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Commencing January 1, 2006. The following terms are set forth in Section 1 of the Resolution:

The terms for Mr. Horn's reappointment are as follows:

- a) base pay shall be frozen at the 2005 base pay level for two years up through December 31, 2007;
- b) payment of 2005 bonus before December 31, 2005; and
- c) allow Mr. Horn to convert an additional two weeks of vacation in 2005.
- d) That portion of Section 6 of said Agreement which specified a twelve (12) month prior notice of termination and compensation shall be changed to read six (6) months. In all other respects, Section 6 shall remain in full force as written.

Mr. Corbin seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mrs. Lienesch voted no.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kenepood  
Mayor

ATTEST: Debra A. James  
Clerk of Council