

# RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *April 19*

20 *04*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 19, 2004, 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 of the Epiphany Lutheran Church and City Chaplain, 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     |
|                                 | Paul Gresham       |
|                                 | Robert Corbin      |
|                                 | Brooks Compton     |
|                                 | James Singer       |
| Clerk of Council                | Marilyn McLaughlin |
| Assistant Clerk of Council      | Debra James        |
| City Manager                    | Gregory Horn       |
| Assistant City Manager          | Judith Gilleland   |
| Finance Director                | Mark Schlagheck    |
| Public Works Director           | Robert James       |
| Golf Maintenance Superintendent | John Miller        |
| Head Golf Professional          | Patrick Bayley     |
| Assistant Golf Pro              | David Kraus        |
| Municipal Attorney              | Robert Farquhar    |
| Assistant to the City Manager   | Jesse Lightle      |

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

- Council Meeting - March 15, 2004.
- Work Session Meetings - March 15, 2004.
  - March 22, 2004.
  - April 5, 2004.
  - April 12, 2004.

Mr. Singer moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Compton seconded the motion. The motion passed unanimously.

Mayor Kingseed presented a Certificate of Congratulations to Logann Peterson, a six year old student at Kindergarten Village, for her State Of Ohio grand prize winning design, a Dragon Flag. This flag will represent Ohio as part of the annual Youth Art Month flag competition in Washington, D.C.

Dr. Gresham expressed his concern with risks to smokers and non-smokers caused by second hand smoke. Some communities and states have passed legislation to cause smoke free establishments. Dr. Gresham introduced members of an organization which has been formed namely "Smoke Free Centerville".

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Ron Tinnerman, 6719 Eddington Court, Chairman of the Smoke Free Committee, outlined why the City of Centerville should become smoke free. He listed the dangers and risks to people in public places and in their work place from second hand smoke. Mr. Tinnerman asked City Council to join approximately 1600 other communities to cause Centerville to become smoke free in all public places. A video was shown by the Committee identifying the dangers of second hand smoke.

Tracy Carson, worker for Tobacco Free Ohio and housed at the Heart Association of Dayton, advised that she has been working on this project since 1997 dealing with second hand smoke exposure and the use of tobacco by children and adults. She has worked with many communities as well as Centerville to eliminate second hand smoke in public places. Surveys have indicated that residents want smoke free laws in place; businesses are divided. Ms. Carson presented to Council some statistics relative to a smoke free environment. She explained how smoke free restaurants have affected workers, they are staying longer, and it has decreased the number of smokers. Ms. Carson listed some of the communities which are smoke free and are considering smoke free legislation. She pointed out that only Cities, Villages and Home Rule Townships have the authority to pass legislation to ban smoking in public places. She explained how smoke free has been enforced and controlled in restaurants and other public places.

Ron Rentz, owner of the Centerville Lanes, 911 South Main Street, advised that bowlers want to smoke and be with smokers. He explained how he controls smoking at the bowling alley during certain hours of the day. Mr. Rentz believes that the tavern industry will be hurt by the passage of smoke free legislation. He stated some statistics in the larger smoke free Cities relative to bowling alleys. He requested that the business community be involved if the City is in favor of smoke free in public places.

Curtis Delk, 6610 Green Branch Drive, owner of the Soft Rock Café, advised that a survey of his clientele indicated that they want to be with smokers. A no smoking ban for his industry will put him out of business. He suggested that businesses be given the option whether to become smoke free and let customers decide the type of environment they wish.

Mayor Kingseed explained the process the City follows when legislation is proposed: a public notice is given, a public hearing is scheduled at which time pros and cons are heard, and everyone has the opportunity to speak.

Utsav Goel, 7050 Forest Brook Blvd., a Centerville High School ninth grader, stated his objection to second hand smoke and outlined diseases to children caused by second hand smoke.

Jake McNamara, 1071 Charter Place, wants a smoke free community, does not want to breathe polluted air.

Elisa French, 361 South Village Drive, a Respiratory Therapist, explained that Centerville has many things to be proud of; residents should not be involuntarily exposed to smoke. She offered support for smoke free businesses.

Sandra Palizzi, 84 Mallard Glen Drive, moved to Centerville from Beverly Hills. She lived in Beverly Hills when it became smoke free. She explained that people actually came to Beverly Hills to eat in smoke free restaurants. Ms. Palizzi hopes Centerville will become smoke free.

Rosalee Schoenfeld, 7076 Fallen Oak Trace, a nurse at Good Samaritan Hospital, outlined some of her experiences with people with lung diseases.

Jim Minutilli, 6581 Brighams Square, offered his support for a smoke free Ordinance and businesses. He would like to go to a smoke free bowling alley.

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Tara Logan, 974 Hyde Park Drive, suggested that business people decide whether to become smoke free; don't take rights away.

John Zengel, 226 Pleasant Hill Drive, suggested that this matter go to a higher level of government, perhaps put the question to the vote of the people and make the decision statewide.

Deborah Jay, Court Coordinator for the Satellite Juvenile Court of Washington Township and the City of Centerville, was present to give an overview of this juvenile court system. The court was established in 1991 to provide a forum to deal with the type of offenses committed by the youth in the Centerville/Washington Township Community. Hearings are dealt with within weeks instead of months and are private with only parents and the offender being present. Mrs. Jay explained how the cases are treated and the types of restitutions made. Other communities have modeled Centerville and Washington Township's Juvenile Court for the same type of court in their jurisdiction.

Mayor Kingseed presented a Certificate of Congratulations to Jeremy Lovejoy, a resident of Centerville who won two gold medals in kali stick fighting at the Arnold Martial Arts World Games IV. Mr. Lovejoy explained this combative sport of stick fighting. He has been involved in the Martial Arts since he was six years old.

Mayor Kingseed announced the following which occurred during the previous month and will take place during the coming weeks:

City Council and Staff toured areas of the City to observe maintenance issues. The Neighborhood Relations Council Committee will begin to study the types of issues to be concerned with and the types of remedies needed in some of the older neighborhoods throughout the City to make sure property values are maintained.

He hosted the Business Breakfast on March 16, 2004 at Yankee Trace. Approximately one hundred businesses were represented.

He was involved in the opening of two new businesses in the City of Centerville: Oak Hills Bank and Fifth Third Bank.

Mayor Kingseed reminded all invitees of the Volunteer Appreciation Dinner scheduled for April 29, 2004 at Yankee Trace. He stressed the importance of volunteerism in Centerville.

Mr. Cline reviewed events which took place during Arbor Day in Centerville on the 15<sup>th</sup> of April, 2004. Centerville, for the eighteenth consecutive year, has been designated as a Tree City USA. Nine trees were planted along Forest Brook Boulevard, by third graders from the area's nine grade schools. Eight hundred saplings were distributed to third graders for their planting and nourishment.

Mrs. Lienesch read a Proclamation designating the month of May as Golf in Centerville Month. Miss Lightle thanked Mayor Kingseed for proclaiming May as Golf in Centerville Month and outlined some food service initiatives for the year 2004, in the restaurant at Yankee Trace. Mr. Bayley highlighted some new golf programs at The Golf Club at Yankee Trace. Mr. Miller explained a new program "Grow it like the Pros" for homeowners.

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Mrs. McLaughlin announced the receipt of a letter of resignation from Planning Commission member John Carr.

Mr. Corbin read a Proclamation which designated April 7, 2004, as Healthy Heart Choices Day in the City of Centerville.

Mr. Horn reported the following during his City Manager's report:

On Memorial Day, May 31, 2004, the City of Centerville will host a memorial service at 9:00 A.M. in front of the Centerville Police facility.

The Community-wide Garage Sale will be held for Centerville residents on May 13, 14, and 15, 2004.

Clean Sweep in Centerville will be held May 17, 18, 19 and 20, 2004.

Accreditation hearings were held April 19, 2004 at 5:30 at the police facility. The hearings were well attended and positive comments were received.

Mr. Horn and Chief of Police Steve Walker will attend the dedication ceremony in Columbus of the Fire and Police Pension Memorial on April 28, 2004. The City of Centerville has given a bench in the name of fallen Police Officer John Kalaman to be placed at this memorial.

The renovation of the Centerville Municipal Building continues with completion anticipated by the end of summer.

Miss Gilleland outlined code violations and resolutions for the month of March, 2004, as well as the community calendar for the coming month.

Mr. Cline gave a brief update relative to the Create the Vision Steering Committee. The Comprehensive Plan was formally presented to the Montgomery County Planning Commission on April 8, 2004, at which time it was tabled until it has been approved by Washington Township. The next step is a joint meeting of the City Planning Commission and the Township Zoning Commission on May 6, 2004, at which time they hope to make a formal recommendation to the elected officials of the City of Centerville and Washington Township. Mr. Compton reported that the Implementation Task Force for Create the Vision Comprehensive Plan met on April 7, 2004. He emphasized the fact that this is a community plan and must be treated as such.

#### ORDINANCE NUMBER 5-04 TAX GAMBLING WINNINGS

The Public Hearing was held concerning Ordinance Number 5-04. Mr. Schlagheck explained this proposed Ordinance to tax income received from gambling winnings. This Ordinance amends Section 880.02 (s) and 880.03 (a)(8) of the Centerville Municipal Code to provide that all income received as gambling winnings as reported on IRS Form W-2G, Form 5754 and/or any other Form required by the Internal Revenue Service that reports winnings from gambling, be subject to the City's income tax. Mr. Corbin sponsored Ordinance Number 5-04, An Ordinance Amending Sections 880.02 And 880.03 Of The Centerville Municipal Code To Include Gambling Winnings As A Type Of Taxable Income Subject To The Municipal Income Tax, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

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## ORDINANCE NUMBER 6-04 REVERSE AUCTION

Mr. Horn reviewed this proposed Ordinance to provide for the City of Centerville to purchase items and to sell at public auction items via the Internet. This has been very successful in the State of Kentucky and is now being promoted in the State of Ohio. The Ohio Revised Code permits municipalities to adopt the Reverse Auction method of competitive bidding. Mr. Horn outlined the process to be followed and identified some of the potential advantages. This is enabling legislation if the City determines to use the method in the future. Mrs. Lienesch moved that Ordinance Number 6-04, An Ordinance Adopting The "Reverse Auction" Method Of Competitive Bidding, be set for Public Hearing on May 17, 2004. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 11-04 MUNICIPAL BUILDING FURNITURE

Miss Lightle reviewed a proposed Resolution to ratify the action taken by the City Manager to purchase furniture for the Centerville Municipal Building Renovation Project through the State of Ohio bid for the total price of \$80,982.14. Dr. Gresham sponsored Resolution Number 11-04, A Resolution Ratifying The Action Taken By The City Manager To Participate In A Contract With The Department Of Administrative Services, Office Of State Purchasing For The Purchase Of Furniture For The Municipal Building Renovation Project In Accordance With Ordinance Number 19-88, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 12-04 CANINE OFFICER

Mr. Horn reviewed a proposed Resolution to ratify the action taken by the City Manager to enter into an agreement with Anthony M. Beran, to serve as Centerville's canine officer. Jake, the City's drug dog will retire in about one year; he will be replaced by a police dog. This dog will be a true police dog with a much broader set of uses. The dog will be housed, transported, and cared for by the canine officer. Upon question of Mr. Singer, Mr. Horn advised that Jake has been used by other entities, as well as Centerville has used police dogs owned by other entities. Mr. Singer sponsored Resolution Number 12-04, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement With Anthony M. Beran, To Serve As Centerville's Canine Officer, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

## SISTER CITY COMMITTEE APPOINT FRANK SULLIVAN

Mr. Corbin moved that Frank Sullivan be appointed as a member of the Sister City Committee. Mr. Compton seconded the motion. The motion passed unanimously.

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CITY BEAUTIFUL COMMISSION REAPPOINT CARL FRIESE

Mr. Cline moved that Carl Friese be reappointed as a member of the City Beautiful Commission. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

PLANNING COMMISSION REAPPOINT JOE WEINGARTEN

Mrs. Lienesch moved that Joe Weingarten be reappointed as a member of the Planning Commission. Mr. Compton seconded the motion. The motion passed unanimously.

Approved: C. Mark Kengseed  
Mayor

ATTEST: Marilyn J. McLaughlin  
Clerk of Council