

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 15*20 *03*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 15, 2003, 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 Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor C. Mark Kingseed
 Councilmembers Roger Krass
 Susan Lienesch
 Paul Gresham
 James Singer
 Douglas Cline
 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
 Head Golf Professional Patrick Bayley
 Municipal Attorney Robert Farquhar
 Assistant to the City Manager Jesse Lightle

Councilmember elect Robert Corbin

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

Council Meeting - November 17, 2003.
 Work Session Meetings - November 17, 2003.
 - November 24, 2003.
 - December 1, 2003.
 - December 8, 2003.

Mr. Kingseed moved that the minutes of the foregoing meetings be approved, as distributed. Dr. Gresham seconded the motion. The motion passed by unanimous vote; with Mrs. Lienesch abstaining from the minutes of the meeting held December 1, 2003, and Mayor Beals from the meeting on November 24, 2003.

Mayor Beals presented to Pastor John Bradosky a token of appreciation for his services to the Centerville community.

Sharon Lowry and Joyce Paulo presented a check to Mayor Beals and President Jon Hazelton for the Centerville-Washington Foundation from the Charity Auction associated with the Nationwide Tour, Dayton Open Golf Tournament. Mr. Horn and Mr. Bayley presented to Mrs. Lowry and Mrs. Paulo a token of appreciation for serving as Co-Chairs of the Charity Auction.

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Human Resources Coordinator Maureen Russell Hodgson explained the following three first place awards won for Government Access Programming by Mike Cornett at the Miami Valley Communications Council:

Sports Entertainment Professional Award - 2002 Buy.Com Dayton Open Recap, show hosted by Pat Bayley and Sherry Hanna,

Outstanding Magazine Program - Centerville Business Today created by former Economic Development Administrator Chris Pozzuto,

Documentary Events Category - Garden Fest 2002 Wrap-up, hosted by Anita Besco, Maureen Russell Hodgson, and the Friends of Benhams Grove.

Mayor Beals announced the following events which took place during the past month and will take place in the coming weeks:

The National League of Cities Conference held in Nashville, Tennessee, December 9-13, 2003, was attended by Mayor Beals and Councilmember Paul Gresham. Approximately 6000 delegates from 48 states as well as Porto Rica were in attendance. Mayor Beals outlined some of the activities which took place during the Conference.

The Montgomery County Auto Title Division has returned to the City of Centerville, making it one stop shopping for automobiles.

The City's Volunteer Salute was held this day to recognize all volunteers, both CIVIC and members of Boards and Commissions.

The one hundredth year of flight will be celebrated on December 17, 2003 at Kill Devil Hill.

The City of Centerville is sorry to lose the Dayton Open Golf Tournament to Clarksburg, West Virginia.

The Centerville-Washington Foundation has over \$400,000.00 under management in various funds. There is nearly \$50,000.00 in discretionary funds. Grants are awarded annually to organizations in the community. Mayor Beals reminded listeners to consider the Centerville-Washington Foundation when thinking of charitable giving.

Citizens were reminded that the Garden Fest will be held at Benham's Grove in June of 2004, sponsored by The Friends of Benham's Grove.

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

Appreciation was expressed to City Staff involved in Centerville telecasts for their quality work and commitment.

Employees of Centerville that received service awards during the employee holiday luncheon were named.

Residents were reminded that leaf pick-up has been completed; leaves now must be put in bags and picked-up with regular trash collection.

The renovation of the Centerville Municipal Building was briefly reviewed. The lower portion of the building should be completed by June, 2004.

Appreciation was expressed to all volunteers who worked the Dayton Open Golf Tournament the past five years, covering this period of time, \$385,000.00 was given to local charities.

On behalf of City Staff, farewell and best wishes were expressed to Councilmember Roger Krass.

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Mayor Sally Beals was recognized for being the founder of the Centerville-Washington Foundation.

Appreciation was expressed, on behalf of City Staff, to Mayor Beals for her many contributions to the City of Centerville.

Miss Gilleland outlined code violations and resolutions for the month of November, 2003, as well as the community calendar for the coming month.

Mr. Cline gave an update on Create the Vision Long Range Comprehensive Plan Open House held December 3, 2003. It was attended by over 100 interested citizens and numerous comment cards were received. The Plan will be presented to Centerville and Washington Township Public Officials late in January 2004. Mr. Cline outlined the many meetings held and attended by the Steering Committee.

ORDINANCE NUMBER 23-03 GOLF FEES

The Public Hearing was held concerning Ordinance Number 23-03. Mr. Horn reviewed this proposed Ordinance which makes very few adjustments to the golf rates established for 2003 and provides some new offerings. It provides an annual fee program and a weekday only annual fee membership for couple residents and couple non-residents. Mr. Cline sponsored Ordinance Number 23-03, An Ordinance To Amend Ordinance Number 16-02, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

Joseph Koussa, 1537 Beaver creek Lane, was present to Congratulate the American Military Personnel and to ask that they return safely, to encourage citizens to conserve on the use of gasoline, and to thank Mayor Beals for being such a good Mayor.

ORDINANCE NUMBER 24-03 YEAR END APPROPRIATIONS

Mr. Schlagheck reviewed proposed Ordinance Number 24-03, an Ordinance to amend appropriations for the year 2003, providing increases in some funds and decreases in other funds which cause a decrease in the grand total of approximately \$750,000.00. Dr. Gresham sponsored Ordinance Number 24-03, An Emergency Ordinance To Amend Ordinance 20-02 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, 2003, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 25-03 2004 APPROPRIATIONS

Mr. Horn advised that a full presentation will be provided in January relative to appropriations for the year 2004. Mr. Singer sponsored Ordinance Number 25-03, An Emergency Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended

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December 31, 2004, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 26-03 2004 APPROPRIATIONS

Mr. Singer moved that Ordinance Number 26-03, 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, 2004, be set for Public Hearing on January 26, 2004. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

CAPITAL IMPROVEMENT PROGRAM FOR 2004-2008

Mr. Singer explained City Council's review of the Budget and Capital Program and how the Capital Program for 2004 is incorporated into the 2004 Budget for the City of Centerville. This is a five year Capital Program. Mr. Singer moved that the Capital Improvement Program 2004-2008 be approved. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 27-03 CITY PERSONNEL

Mr. Horn advised that this proposed Ordinance will be reviewed during the January, 2004 Council Meeting. Mr. Singer sponsored Ordinance Number 27-03, An Emergency Ordinance To Repeal Ordinance Number 22-02 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 28-03 CITY PERSONNEL

Mrs. Lienesch moved that Ordinance Number 28-03, An Ordinance To Repeal Ordinance Number 22-02 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on January 26, 2004. Mr. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 29-03 YANKEE TRACE PERSONNEL

Dr. Gresham sponsored Ordinance Number 29-03, An Emergency Ordinance To Repeal Ordinance Number 24-02 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. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 30-03 YANKEE TRACE PERSONNEL

Mr. Cline moved that Ordinance Number 30-03, An Ordinance To Repeal Ordinance Number 24-02 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, be set for Public Hearing on January 26, 2004. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 66-03 ADVANCE OF TAXES

Mr. Schlagheck reviewed a proposed Resolution to request Montgomery County to advance tax dollars as they are collected for the City of Centerville on a weekly basis. Dr. Gresham sponsored Resolution Number 66-03, A Resolution Requesting An Advance Of Two Million Dollars (\$2,000,000.00) Out Of The Current Collection Of Real Estate, Personal Property And Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 67-03 FLEXIBLE SPENDING ACCOUNT

Mrs. Gilleland explained the 125 Flexible Spending Account which will provide employees with the ability to set aside dollars on a pre-tax basis to help with rising health care costs in the areas of medical insurance premiums, miscellaneous health care expenses, and child care expenses. Mr. Krass sponsored Resolution Number 67-03, A Resolution Adopting A Flexible Benefits Plan For The Employees Of The City And Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Place Said Plans In Effect, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 68-03 ENERGY AGGREGATION

Miss Gilleland explained a proposed Resolution for the City of Centerville to adopt the Miami Valley Communications Council Electric Aggregation Program of Operation and Governance. Adopting this Plan is one step of moving forward with the opt-out portion of aggregation. Miss Gilleland outlined potential benefits to the consumer and explained the difference between an opt-in and an opt-out program. Passage of this Resolution does not lock Centerville into the program, it is merely an administrative step which must be taken. The City of Centerville will not enact the opt-out program if it is not a significant savings to residents.

Don Speyer, 7383 Cades Cove, Retiree from the Dayton Power & Light Company, expressed concerns he had with the opt-in natural gas program and concerns he has with the opt-out program for electricity. He outlined impacts in the utility markets which affect costs. Mr. Speyer listed areas of concern which Council should consider with an out-out program. He encouraged residents to continue to seek information relative to such a program. He believes that people are satisfied with the service they now receive relative to utilities. Mr. Speyer suggested

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an opt-in rather than an opt-out program for both natural gas and electricity.

Kent Bristol, Executive Director, Miami Valley Communications Council, explained that they are trying to protect people from potential downsizing; to be ready with utility aggregation when they are forced to proceed. The response to the natural gas opt-in program was greater than expected. The Ohio Legislature has enacted deregulation legislation which authorizes government entities to aggregate electricity and natural gas if the entity wishes to do so; it is not a mandate.

In Answer to questions of Mrs. Lienesch, Mr. Bristol advised that the governing body who decides whether or not to proceed with aggregation is the Gov Tech Committee which is comprised of City Managers, no elected officials. He identified the fees charged by the Miami Valley Communications Council to set up an aggregation program.

Upon question of Mr. Singer, Mr. Bristol explained filings made by the Communications Council with the PUC against actions of the Dayton Power & Light Company.

Jim Mahoney, Dayton Power & Light, Inc., explained the process of processing billing costs for other suppliers. He expressed concern with the potential impact electric aggregation can have on DP&L.

Mr. Singer sponsored Resolution Number 68-03, A Resolution Adopting The Miami Valley Communications Council Electric Aggregation Program Plan Of Operation And Governance Pursuant To Section 4928.20, Ohio Revised Code And Natural Gas Aggregation Program Plan Of Operation And Governance Pursuant To Section 4929.26, Ohio Revised Code, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously. Upon request of Mrs. Lienesch, a roll call vote resulted in four ayes in favor of the motion. Mr. Krass, Mr. Cline, and Mrs. Lienesch voted no.

RESOLUTION NUMBER 69-03 PUBLIC PARKING

Mr. Horn reviewed a proposed agreement between the City and Washington Township to lease from Cross Point Church the use of their parking lot for a period of ten years. This public parking area will provide approximately ninety-two spaces in the Architectural Preservation District.

Upon question of Mrs. Lienesch, Mr. Horn advised that signage needs improvement in this area to make people aware of the public parking.

Mr. Cline sponsored Resolution Number 69-03, A Resolution Ratifying The Action Taken By The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Board Of Township Trustees Of Washington Township, Montgomery County, For A Parking Lot Expense Agreement, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 70-03 DISPOSAL OF WILD ANIMALS

Mr. Horn reviewed an agreement between the City of Centerville and the Board of Commissioners of Montgomery County for the disposition of wildlife. This agreement provides the City with a way to dispose of road kill. Dr. Gresham sponsored Resolution Number 70-03, A Resolution Ratifying The Action Taken By The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Board Of Commissioners Of Montgomery

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County For The Disposition Of Wildlife Delivered To The Montgomery County Animal Shelter By The City of Centerville, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 71-03 GOLF CARTS

Mr. Horn reviewed bids received for the purchase of 100 golf carts for The Golf Club at Yankee Trace. He recommended acceptance of the bid received from E-Z-GO Division of Textron, Inc. at a bid price of \$320,300.00 with a trade-in of \$109,880.00 for the City's existing carts for a net purchase price of \$210,420.00. The cost of a lease purchase agreement will be spread over a three year period. The 100 carts will replace the entire present fleet. Mr. Krass sponsored Resolution Number 71-03, A Resolution Accepting The Bid Submitted By E-Z-GO Division Of Textron, Inc., For The Purchase Of Golf Carts For The Golf Club At Yankee Trace In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

PLANNING COMMISSION REAPPOINT PAUL CLARK

Mr. Cline moved that Paul Clark be reappointed as a member of the Planning Commission. Mr. Kingseed seconded the motion. The motion passed unanimously.

CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT DAN CARFAGNO AS CHAIRMAN

Mr. Singer moved that Dan Carfagno be reappointed as Chairman of the Centerville Property Review Commission. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT ROBERT PERKINS

Mr. Singer moved that Robert Perkins be reappointed as a member of the Centerville Property Review Commission. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE REAPPOINT JOHN BEALS CHAIRMAN

Mr. Cline moved that John Beals be reappointed as Chairman of the Sister City Committee for an additional year. Mr. Krass seconded the motion. The motion passed unanimously, with Mayor Beals abstaining.

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CITY BEAUTIFUL COMMISSION
REAPPOINT MARY HIGGINS, CATHLEEN GILL, DONALD EADIE

Mrs. Lienesch moved that Mary Higgins, Cathleen Gill, and Donald Eadie be reappointed as members of the City Beautiful Commission. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business the meeting was adjourned.

Approved: Sally D. Beals
Mayor

ATTEST: Mark J. McLaughlin
Clerk of Council