

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held January 28

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 28, 2002, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Deputy-Mayor James Singer, and the Pledge of Allegiance to the Flag, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
 Councilmembers Susan Lienesch
 Paul Gresham
 C. Mark Kingseed
 Roger Krass
 Douglas Cline
 Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Debra James
 City Manager Gregory Horn
 Assistant City Manager Judith Gilleland
 City Planner Steve Feverston
 Finance Director Mark Schlagheck
 Economic Development Administrator Chris Pozzuto
 Chief of Police Steve Walker
 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 - December 17, 2001.
 Work Session Meetings - December 17, 2001.
 - January 7, 2002.
 - January 14, 2002.

Mr. Singer moved that the minutes of the foregoing meetings be approved, as distributed. Mrs. Lienesch seconded the motion. The motion passed unanimously with Dr. Gresham abstaining from the minutes of the December 17, 2001 Work Session.

Mrs. McLaughlin announced the receipt of letters of resignation from Centerville Arts Commission members Erica Chenoweth and Stevie Ann Kremer. Mr. Kingseed moved that the resignations of Erica Chenoweth and Stevie Ann Kremer be accepted with regret. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

DEPUTY-MAYOR C. MARK KINGSEED

Mr. Singer moved that C. Mark Kingseed be appointed as Deputy Mayor. Mrs. Lienesch seconded the motion. The motion passed unanimously.

COUNCIL COMMITTEES, LIAISONS, REPRESENTATION

Dr. Gresham moved that the following appointments be made:

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COUNCIL COMMITTEES

COMMUNITY RELATIONS

Paul M. Gresham, Chairman
Susan W. Lienesch
Roger W. Krass

ECONOMIC DEVELOPMENT

C. Mark Kingseed, Chairman
Douglas C. Cline
Roger W. Krass

FINANCIAL AND LONG RANGE PLANNING

James E. Singer, Chairman
C. Mark Kingseed
Paul M. Gresham

INTERGOVERNMENTAL RELATIONS

Douglas C. Cline, Chairman
Susan W. Lienesch
James E. Singer

LEGAL

C. Mark Kingseed, Chairman
Douglas C. Cline
James E. Singer

PUBLIC HEALTH AND SAFETY

Susan W. Lienesch, Chairman
Roger W. Krass
Paul M. Gresham

STREETS AND HIGHWAYS

Roger W. Krass, Chairman
Douglas C. Cline
James E. Singer

COUNCIL LIAISON TO COMMITTEES

BICYCLE COMMITTEE

Roger W. Krass

BOARD OF ARCHITECTURAL REVIEW

James E. Singer

CENTERVILLE ARTS COMMISSION

Paul M. Gresham

CENTERVILLE CITY SCHOOLS

Douglas C. Cline

CENTERVILLE-WASHINGTON TOWNSHIP HISTORICAL SOCIETY

Roger W. Krass

CENTERVILLE PROPERTY REVIEW COMMISSION

Susan W. Lienesch

CENTERVILLE-WASHINGTON PARK DISTRICT

C. Mark Kingseed

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CITY BEAUTIFUL COMMISSION

C. Mark Kingseed

CITY PLANNING COMMISSION

Douglas C. Cline

SISTER CITY COMMITTEE

Paul M. Gresham

WASHINGTON-CENTERVILLE PUBLIC LIBRARY

Susan W. Lienesch

WASHINGTON TOWNSHIP TRUSTEES

Sally D. Beals

COUNCIL REPRESENTATION

MIAMI VALLEY CABLE COUNCIL

James E. Singer (Delegate)

Paul M. Gresham (Delegate)

Gregory B. Horn (Alternate)

MIAMI VALLEY REGIONAL PLANNING COMMISSION

Sally D. Beals, Chair (Delegate)

Douglas C. Cline (Alternate)

Technical Advisory Committee

Steven A. Feverston (Delegate)

Norbert A. Hoffman (Alternate)

Transportation Committee

Sally D. Beals, Delegate

Douglas C. Cline, Alternate

The Lower Greater Miami River Basin Council

Susan W. Lienesch

MONTGOMERY COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

Sally D. Beals

MONTGOMERY COUNTY DRUG ACTION COALITION

Susan W. Lienesch

MONTGOMERY COUNTY SOLID WASTE

Solid Waste Management Advisory Council

Sally D. Beals

SENIORS, INC.

Board of Trustees

Paul M. Gresham

SOUTH METRO DAYTON AREA CHAMBER OF COMMERCE

Board of Trustees

Douglas C. Cline

WASHINGTON TOWNSHIP FIRE DEPARTMENT

C. Mark Kingseed

WASHINGTON TOWNSHIP RECREATION BOARD

Douglas C. Cline (Delegate)

Paul M. Gresham (Alternate)

Mr. Cline seconded the motion. The motion passed unanimously

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Mr. Horn introduced the following Police Officers and recognized their recent accomplishments:

- Police Officer Lynn Davis - retiring after 25 Years of Public Service.
- Police Officer Greg Engelhard - Montgomery County Police Chiefs Association Officer of the year.
- Chief of Police Steve Walker - Incoming President of the Montgomery County Police Chiefs Association.

Mayor Beals announced the following events which occurred during previous weeks: Bernie Young, Volunteer of the Year in 2000 has passed away. His many outstanding contributions to the City of Centerville were outlined.

January 11, 2001 was declared Nathan Ross Chapman Day in the City of Centerville. Nathan Chapman was a graduate of Centerville High School and was the first serviceman in the military to be killed by enemy fire. A fund has been established at the High School to benefit the Chapman children.

The General Motors Minority Dealers Association presented to the Bob Ross family the 2002 GMMDA Trailblazer of the Year Award in honor of Robert P. Ross, Sr., the former President of Bob Ross GMC.

Mayor Beals gave the "State Of The City" address outlining the events which took place in 2001, the many accomplishments made by the City of Centerville, as well as on-going projects in the City.

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

The widening project of Paragon Road is scheduled to begin the current week with utility installation across Paragon at The Golf Club at Yankee Trace.

Public Works Director interviews are continuing. An appointment is expected in mid-February.

The Open House for the new Centerville Police facility has been scheduled for March 17, 2002 from 1:00 P.M. to 5:00 P.M., with a formal dedication taking place at 2:00.

Mr. Horn expressed appreciation to Staff and to Council for their time spent on the preparation of the 2002 budget for the City of Centerville.

Miss Gilleland outlined code violations and resolutions for the month of December, 2001 as well as the community calendar for the coming month.

WATSON'S OF CINCINNATI CONDITIONAL USE REQUEST

The Public Hearing was held concerning a Conditional Use Request submitted by Donald Oeters for Watson's of Cincinnati to permit outdoor pool sales and display on a 7.467 acre parcel zoned Business-Planned Development. Mr. Feverston located the subject property on a map being situated south of Whipp Road and west of Wilmington Pike. This acreage is part of an overall Master Plan previously approved by City Council for this site. A one hundred foot buffer is required between this property and the property to the west. The outdoor storage will occupy 14,000 square feet. Landscape islands will meander between the pool displays. A secure

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wrought iron fence will surround the display area. The Planning Commission by unanimous vote recommended approval of this Conditional Use to City Council.

Upon question of Mrs. Lienesch, Mr. Feverston advised that the parking requirement in accordance with the Zoning Ordinance has been satisfied, however it is excessive for this particular use. Mr. Horn suggested that perhaps the applicant apply for a parking variance in order to reduce the amount of asphalt.

Robert Treadon, Architect, expressed their willingness to work with the City for a parking variance for this use with the condition that if the property is sold in the future, the parking must be increased to conform to the requirements of the Zoning Ordinance.

In answer to a question of Mr. Singer, Mr. Feverston advised that twelve conditions have been placed on the Site Plan for this project by the Planning Commission. No conditions were recommended concerning the outdoor sales and display area.

Mr. Kingseed moved that the Conditional Use Request submitted for Watson's of Cincinnati for outdoor pool sales and display area be approved with the stipulation that Watson's work with the City of Centerville to obtain a Variance for a reduction of the parking area for this use only, and if the property is sold or used for a different use, the parking must be increased to conform with the parking requirements of the Centerville Zoning Ordinance.

ORDINANCE NUMBER 33-01 2001 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 33-01. Mr. Schlagheck reviewed this proposed Ordinance to amend appropriations for the year 2001. The grand total appropriations for the year is \$32,485,520 which is approximately \$550,000 less than the original appropriations. Mr. Singer sponsored Ordinance Number 33-01, An Ordinance To Amend Ordinances 36-00 And 26-01 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, 2001, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 35-01 2002 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 35-01. Mr. Horn reviewed the 2002 Financial Plan for the City of Centerville. He outlined revenue sources and proposed expenditures with a \$30,601,750 grand total appropriation for the current year. Mr. Krass sponsored Ordinance Number 35-01, 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, 2002, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 37-01 CITY PERSONNEL

The Public Hearing was held concerning Ordinance Number 37-01. Miss Gilleland outlined changes for the year 2002 to the Personnel Ordinances and Personnel Manuals for City employees and employees at Yankee Trace. The Ordinance provides a 3.5 percent increase for certain positions in the City. Mr. Kingseed sponsored Ordinance Number 37-01, An Ordinance To Repeal Ordinance Number 38-00 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 unanimously.

ORDINANCE NUMBER 39-01 YANKEE TRACE PERSONNEL

The Public Hearing was held concerning Ordinance Number 39-01. Dr. Gresham sponsored Ordinance Number 39-01, An Ordinance To Repeal Ordinance Number 40-00 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. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 41-01 PERSONNEL MANUALS

The Public Hearing was held concerning Ordinance Number 41-01. Mr. Cline sponsored Ordinance Number 41-01, An Ordinance Amending The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 42-01 DESIGNATE LANDMARK
JAMES MCCRACKEN HOMESTEAD

The Public Hearing was held concerning Ordinance Number 42-01. Mr. Feverston reviewed a City initiated application for the designation of the James McCracken Homestead as a landmark in the City of Centerville. He located the subject property on a map being situated at 5285 Wilmington Pike. The homestead includes a house, a barn and a milk house. The Board of Architectural Review has recommended approval of this application to City Council. Upon question of Mr. Singer, Mr. Feverston advised that the property owners, Loren and Virginia Gannon, are very supportive of this designation. Mr. Singer sponsored Ordinance Number 42-01, An Ordinance To Designate The Building Located At 5285 Wilmington Pike And Known By Local Historians As The James McCracken Homestead, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance No. 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, and moved that it be passed. Mr. Krass seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 43-01 DESIGNATE LANDMARK
JOHN ARCHER-ROBERT MCEWEN HOUSE

The Public Hearing was held concerning Ordinance Number 43-01. Mr. Feverston reviewed an application submitted by the City of Centerville to designate the John Archer-Robert McEwen House as a landmark. He located this house on a map being situated at 8661 Lebanon Pike and owned by Jack and Barbara Fritzsche. The Board of Architectural Review has recommended landmark designation of this house to City Council. Mr. Feverston pointed out that designating this house as a landmark does not affect the zoning of the property. If the land surrounding the house is developed, the house must be incorporated into the plan. The zoning of the property is R-PD, Residential-Planned Development which would provide a condominium or apartment development up to six units per acre. The house is one of Centerville's limestone houses. Upon question of Mr. Singer, Mr. Feverston advised that the owners are supportive of this house being designated as a historic landmark. Mrs. Lienesch questioned whether there was a property maintenance problem with this house. Mr. Singer sponsored Ordinance Number 43-01, An Ordinance To Designate The Building Located At 8661 Lebanon Pike And Known By Local Historians As The John Archer-Robert McEwen House, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance No. 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed with six ayes in favor of the motion, Mrs. Lienesch voted no.

Mr. Joseph Koussa, 1537 Beaver creek Lane, was present at this meeting to encourage people to conserve on the use of gasoline, to state his position relative to the new war on terrorism, and to express his condolences to the families of fallen soldiers.

ORDINANCE NUMBER 1-02 AMEND AND ADOPT ELECTRIC CODE

Mr. Horn advised that from time to time the City's Electrical Inspector recommends amendments to the Electrical Code for the City of Centerville. Dr. Gresham moved that Ordinance Number 1-02, An Ordinance Amending The Centerville Municipal Code, Part 14 Building And Housing Code, Chapter 1424 National Electrical Code, And Adopting The 2002 Electric Code-NFPA 70-2002 By Reference, be set for Public Hearing on February 18, 2002. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 1-02 WAIVE COMPETITIVE BIDDING
SOFTWARE AND HARDWARE PURCHASE

Mr. Schlagheck reviewed Resolutions which ratify action taken by Mr. Horn in the execution of Contracts for software and hardware without competitive bidding. These Contracts are for software license, hardware purchase, and for annual software service from Sanderson CMI, and for the development of custom software with Aether Systems, Inc. This equipment will provide for police officers to retrieve information electronically in the cruisers and transmit the information to the Police Department and to the Courts. Mrs. Lienesch sponsored Resolution Number 1-02, A Resolution Ratifying The Action Of The City Manager In Executing A Contract With Sanderson CMI For Software License And Hardware Purchase And Waiving Competitive Bidding, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 2-02 WAIVE COMPETITIVE BIDDING
SOFTWARE AND HARDWARE PURCHASE

Dr. Gresham sponsored Resolution Number 2-02, A Resolution Ratifying The Action Of The City Manager In Executing A Contract With Aether Systems, Inc., For The Development Of Custom Software And Waiving Competitive Bidding, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 3-02 WAIVE COMPETITIVE BIDDING
SOFTWARE AND HARDWARE PURCHASE

Mr. Cline sponsored Resolution Number 3-02, A Resolution Ratifying The Action Of The City Manager In Executing A Contract With Sanderson CMI For Annual Software Service And Waiving Competitive Bidding, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 4-02 WAIVE COMPETITIVE BIDDING
REPAIR ELEVATOR

Miss Gilleland advised that the elevator in the Centerville Municipal Building is out of order due to a malfunction in the hydraulic jack. It was necessary to contract for the repair work without competitive bidding due to the amount of time involved in the bidding process. Three comprehensive bids were received with the bid from Kone Elevators being the most thorough and they were able to complete the work two to three weeks earlier than the other two companies. Mr. Kingseed sponsored Resolution Number 4-02, A Resolution Ratifying The Action Of The City Manager In Executing A Contract With Kone Elevator Company In The Amount Of \$24,970.00 And Waiving Competitive Bidding, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 5-02 PERCY PROPERTY

Mr. Horn advised that the City has attempted to acquire the property just west of the new Centerville Police facility but has not been successful. The single family home on the property is vacant. A Resolution has been prepared to appropriate this property at a fair market value. Mr. Krass sponsored Resolution Number 5-02, A Resolution By The Centerville City Council, Montgomery County, State Of Ohio, Declaring The Intent Of The City Of Centerville To Appropriate The Property Located At 201 West Spring Valley Pike, Centerville, Ohio For Public Purposes, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 6-02 INCENTIVE PROGRAM FOR EXECUTIVE CHEF

Mr. Horn reviewed a new Bonus Program Payment Schedule for the Director of Food Service/Executive Chef at Yankee Trace. This is a very fair program for both the Director and the City of Centerville. Mrs. Lienesch sponsored Resolution Number 6-02, A Resolution Adopting An Incentive Compensation System For The Director Of Food Service/Executive Chef In Addition To The Compensation Set Forth In The City Pay Ordinance, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 7-02 POLICE CRUISERS

Mr. Horn reviewed a proposed Resolution to purchase five marked police cruisers through the State of Ohio, Department of Administrative Services, Office of State Purchasing. The State's contract this year is with Planet Ford in Centerville. The total cost of these cruisers is \$102,728.85. Mrs. Lienesch sponsored Resolution Number 7-02, A Resolution Authorizing The City Manager To Participate In A Contract With The Department Of Administrative Services, Office Of State Purchasing For The Purchase Of Several Vehicles For The City Of Centerville In Accordance With Ordinance Number 19-88, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 8-02 PUBLIC DEPOSITORY CORNERSTONE BANK

Mr. Schlagheck advised that Cornerstone Bank located on Wilmington Pike has asked to become a public depository for the City of Centerville. Dr. Gresham sponsored Resolution Number 8-02, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION APPOINT SHIRLEY OGLESBEE

Mr. Singer moved that Shirley Oglesbee be appointed as a member of the City Beautiful Commission for the City of Centerville for a term of three years. Dr. Gresham seconded the motion. The motion passed by unanimous vote of City Council.

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CENTERVILLE CITY SCHOOL DISTRICT PERSONNEL APPEALS BOARD
APPOINT DAVID L. HALL

Mrs. Lienesch moved that David L. Hall be appointed as a member of the Centerville City School District Personnel Appeals Board for a term of three years. Dr. Gresham seconded the motion. The motion passed unanimously.

BOARD OF TAX APPEALS REAPPOINT STEPHEN MIKULA, GINA TOLLEFSON

Mr. Singer moved that Stephen Mikula and Gina Tollefson be reappointed as members of the Board of Tax Appeals for the City of Centerville for a term of three years. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE REAPPOINT SUZANNE HOLLOWAY, JOHN SPOOR

Mr. Cline moved that Suzanne Holloway and John Spoor be reappointed as members of the Sister City Committee for the City of Centerville. Dr. Gresham seconded the motion. The motion passed unanimously.

CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT JAMES WASSON

Mrs. Lienesch moved that James Wasson be reappointed as a member of the Centerville Property Review Commission for an additional term of three years. Mr. Kingseed seconded the motion. The motion passed unanimously.

There being no further business the meeting was adjourned.

Approved: Sally D. Burns
Mayor

ATTEST: Wail Jones
Clerk of Council