

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held February 18

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Mayor Beals administered the Oath of Office to City Beautiful Commission member Shirley Oglesbee.

Mayor Beals introduced Don Paolo, President of the Government Finance Officers Association, present at this meeting to present to Mr. Schlagheck the Financial Reporting Achievement Award from the Government Finance Officers Association of the United States and Canada. Mr. Paolo advised that this award is the highest form of recognition in governmental accounting and financial reporting; its attainment is a significant accomplishment. Less than 3,000 of the 82,000 governments in the United States and Canada receive this award. Mr. Schlagheck expressed appreciation to Council and City Staff for their assistance in putting the City's Annual Report together.

Mayor Beals outlined the following events which took place last month and will take place in weeks and months to come:

Congratulations were extended to Mr. Cline on the birth of a baby girl on February 6, 2002.

The Dayton Open Golf Tournament will take place at The Golf Club at Yankee Trace July 11 - 14, 2002. Many volunteers are needed for this event; volunteer forms were included in the recently sent Town Crier.

City Council attended a very rewarding Retreat on February 1 and 2, 2002. This was an opportunity to discuss items and issues in depth.

Two new businesses opened their doors in the City of Centerville: Michael's Hair Salon and Day Spa in the Cross Pointe Center and Edward Jones at 70 West Franklin Street.

Members of Council will be attending the National League of Cities Annual Congressional Conference in Washington, D.C. March 7 - 12, 2002.

The Mayor's Business Breakfast will be held on March 20, 2002, at Yankee Trace. This is a great time to network and to exchange ideas with other businesses.

The Centerville Police Department has moved into their new facility. An Open House will be held on March 17, 2002, between 1:00 P.M. and 5:00 P.M.

Appreciation was expressed to Katherine Ullmer relative to a very comprehensive article printed in the Dayton Daily News relative to issues involving the City of Centerville and Washington Township.

A Blood Drive will be held at the City's Public Works facility at 7970 South Suburban Road on February 28, 2002, between 10:00 A.M. and 2:00 P.M. in memory of former Public Works Director Steve Weaver.

Miss Lightle outlined code violations and resolutions for the month of January, 2002, as well as the community calendar for the coming month.

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

Progress continues with improvements to Paragon Road.

Robert James has accepted the position of Centerville's Public Works Director. He is currently employed by the City of Kettering in their Civil Engineering Department. Mr. James will begin his employment with the City of Centerville on April 1, 2002.

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Mr. Horn, making reference to articles recently in the newspapers and on television relative to fire service for Centerville and Washington Township, clarified the fact that these articles were not against the fire department but were in response to some studies being conducted by City Staff to evaluate relationships between the City and the Township from the standpoint of a tax effort, funding, services and cooperation levels. He pointed out that in 1971, 1977 and in 1992, studies were conducted relative to City and Township relationships and in all three cases the end result was that the status quo was unacceptable; the City and the Township should either unify or separate. Mr. Horn pointed out that the relationships, instead of improving over the years, have decreased. The fire service to the total community provided by Washington Township has been impacted by this strained relationship. Residents of the City of Centerville, being in Washington Township, pay for a levy to support the Township Fire Department and the Recreation Center with the City having very little input. Mr. Horn brought attention to the amount of revenue paid to Washington Township by Centerville residents for services in which the City has no involvement. He listed the many areas in which the City and the Township cooperate, while the two entities disagree in so many ways. Attention was brought to the amount of tax dollars spent by the City of Centerville relative to annexation battles. The Township has continued to oppose annexations even when they have been 100 percent ownership causing significant costs to the taxpayers. Mr. Horn outlined actions taken by the Township Trustees to prevent annexations to the City from happening with no prior notification to the City. He highlighted purchases by Washington Township with no planning or involvement of the entire Centerville/Washington Township community. He defined the lack of cooperation by the Township relative to the development of a joint Comprehensive Plan, a joint Plan which would best serve the residents of the entire area. Mr. Horn explained how action taken by the Washington Township Trustees prevented the City from adding to the Leonard E. Stubbs Memorial Park; the last opportunity for the expansion of this open space. He defined the lack of cooperation by the Township to develop a joint dispatching, records and communication center for the Fire Department and the Police Department to serve the entire community. Because of these kind of events, City Staff has been asked to examine the relationship between the City and the Township, to look at the financial commitment the City and its residents make to the Township and to report to City Council whether the status quo remains unacceptable; if that is the case the two entities would be better served to be separate. Mr. Horn emphasized the fact that this is not a reflection upon the Fire Department but is a matter of relationships.

Mr. Kingseed advised that he is bothered by the overlapping of governments which result in taxpayers paying millions of dollars which they don't need to pay. There are duplications in facilities, services, equipment, personnel and political bodies. He pointed out that decisions made by the Washington Township Trustees have taken money from Centerville residents to fund law suits against the City of Centerville. The City of Centerville and Washington Township are one community, they share many amenities, they have common history and common heritage and therefore Mr. Kingseed believes that the two forms of government should unify. Unification is a method by which many problems can be resolved. Even though the Trustees and the residents of Washington Township did not support unification in the past, he suggested that another attempt be made at this time. Mr. Kingseed suggested that if the Township and its residents cannot support unification, then the City should proceed with a study and a financial

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analysis to decide the best future for Centerville residents. One government would be most efficient, save a lot of money, and avoid the problematic decision making that has not been beneficial for the total community. Mr. Kingseed emphasized the fact that this has not been an attack upon the Washington Township Fire Department; there is no reason to split the fire department. If the City would separate, a fire district could be established so that each entity would have input.

Mrs. Lienesch supported all issues previously outlined by Mr. Kingseed. She believes in the long run; the Centerville/Washington Township community will be stronger if the entities thoughtfully discuss the issues. "United we stand, divided we fall" is a thoughtful way to look at the situation.

Mr. Krass explained the difference between city and township forms of government, with municipal government being far superior with home rule enabling cities to pass laws to provide for the safety and comfort of their residents. Township government is statutory and is governed by rules and regulations passed by the general assembly before they become law. Mr. Krass described the history of township formation and how the Village of Centerville became a City through annexations requested by Township Trustees years ago. He pointed out that the City has no authority to supervise or regulate fire service or EMS services provided by the Township while City residents are being taxed for said services; this is taxation without representation. Mr. Krass also emphasized the fact that the status quo is unacceptable. Without complete Township cooperation there are some alternatives left for the City: form a fire district, contract with Washington Township for fire service or contract with another fire department, or the City to own its fire department. The Trustees will make the decision as to which alternative the City will adopt. The Trustees will also decide whether the City will remain in Washington Township or will be separate. Annexation disagreements must stop and spending taxpayer dollars to fight annexations must stop. Mr. Krass pointed out that the action taken by the Washington Township Trustees or the lack of action thereof will determine the future for the total community.

Mr. Singer offered his support for the formation of a fire district and that the Washington Township Fire Department seek national accreditation. He believes that Washington Township is very complex with three Trustees making the decisions; it is time for them to have a municipal form of government. Mr. Singer pointed out that property tax in the unincorporated portion of Washington Township is higher than in the incorporated area of Washington Township. Approximately 70 percent of residents in Washington Township already pay an income tax to the entity in which they work. A very small portion would be affected by the City's income tax.

Dr. Gresham, speaking as a relatively new member of Council, feels the frustration caused by the lack of cooperation between the City of Centerville and Washington Township. He feels very strongly that the City and the Township is one community and should have one government. He stressed the fact that additional tax dollars would be available if the total community became one. He encouraged residents of the City and the Township to educate themselves about the pros and cons of one government and that the two governmental bodies put disputes aside and become one.

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Mr. Cline being a relatively new member of City Council advised that he does not have a long standing political grudge but has a personal level of frustration with the lack of effort by Washington Township for a joint Comprehensive Plan and other decisions recently made by the Trustees which are not in the best interest of Centerville residents. He pledged to exhaust every effort to seek to unify the two governments or to seek other alternatives.

ORDINANCE NUMBER 1-02 ADOPT 2002 ELECTRIC CODE

The Public Hearing was held concerning Ordinance Number 1-02. Mr. Horn reviewed this proposed Ordinance to amend the Centerville Municipal Code, Part 14 Building and Housing and to adopt the 2002 Electric Code for the City of Centerville. This Ordinance replaces the 1999 National Electric Code with the 2002 edition, published by the National Fire Protection Association. Dr. Gresham sponsored 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, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 9-02 SALE OF COMMON STOCK OF ANTHEM

Mr. Horn reviewed a proposed Resolution to enable the City Staff to sell stock received from Anthem Insurance Companies, Inc. The City's Insurance Company, Anthem, has converted from a mutual insurance company to a stock company, therefore the City has been issued 2102 shares of stock worth approximately \$40.00 per share. It is in the best interest of the City to sell some or all of this stock. This Resolution authorizes the City Manager and the Director of Finance to investigate the advisability of selling some or all of the stock. Mr. Krass sponsored Resolution Number 9-02, A Resolution To Authorize The Sale Of Some Or All Of The City's Shares Of Common Stock Of Anthem, Inc. And Setting Forth The Procedure Therefore, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote. Mrs. Lienesch was not present for this item on the agenda.

RESOLUTION NUMBER 10-02 YANKEE TRACE SAF VII

Mr. Horn reviewed proposed Resolution Number 10-02 declaring it necessary to make improvements to the last phase of Special Assessment Financing "SAF VII" in Yankee Trace and located said properties on a map. Improvements in the amount of \$600,000.00 will be paid for through this assessment; this is a one owner petition. Upon question of Mrs. Lienesch, Mr. Horn advised that it has been stressed to the developer that electric lights be installed in the area which is east of Paragon Road. Gas lights are not included in this Special Assessment Financing. Mr. Krass sponsored Resolution Number 10-02, A Resolution Declaring It Necessary To Improve Cobblewood Court, Olde Georgetown Way, Legend Lake Lane And Other City Rights Of Way, All Between Certain Termini, By Clearing, Grading, Draining, Curbing, Paving, Constructing And Installing Sanitary Sewers, Storm Sewers, Water Mains, And Sidewalks, Together With All Necessary Appurtenances Thereto, And Also Social Row Road As Provided To The Extent Of Available Funds, And Declaring An Emergency, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 2-02 YANKEE TRACE SAF VII

Mr. Horn reviewed a proposed Ordinance determining to proceed with the improvements to be made in Yankee Trace by Special Assessment Financing. This is the second part of the assessment procedure. Mrs. Lienesch sponsored Ordinance Number 2-02, An Ordinance Determining To Proceed With The Improvement Of Cobblewood Court, Olde Georgetown Way, Legend Lake Lane And Other City Rights Of Way, All between Certain Termini, By Clearing, Grading, Draining, Curbing, Paving, Constructing And Installing Sanitary Sewers, Storm Sewers, Water Mains, And Sidewalks, Together With All Necessary Appurtenances Thereto, And Also Social Row Road As Provided To The Extent Of Available Funds, And Declaring An Emergency, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 3-02 APPROPRIATE PROPERTY 201 WEST SPRING VALLEY ROAD

Mr. Horn reviewed a proposed Ordinance to appropriate property located at 201 West Spring Valley Road for public purposes. The subject property is situated immediately west of the new Centerville Police facility. This property is the only one not owned by the City of Centerville in the immediate area. The City has been unable to agree with the owner of this property relative to the compensation to be paid for its purchase. Passage of this Ordinance provides for the purchase of said property at a fair market value. Mr. Kingseed moved that Ordinance Number 3-02, An Ordinance By The Council Of The City Of Centerville, Montgomery County, State Of Ohio To Appropriate Certain Real Property Located At 201 West Spring Valley Pike, Centerville, Ohio For Public Purposes, be set for Public Hearing on March 18, 2002. Mrs. Lienesch seconded the motion. The motion passed unanimously.

WALNUT CREEK BOND REDUCTION

Mr. Hoffman advised that grading, storm drainage, curbs, aggregate base and sixty percent of asphalt base has been completed in Walnut Creek. As requested by the developer, Mr. Hoffman recommended that the original Performance Bond in the amount of \$287,866.00 be reduced to \$95,000.00. This amount is sufficient to cover the remaining plat improvements. A separate Performance Bond in the amount of \$36,234.00 is in place to cover the installation of sidewalks. Mrs. Lienesch moved that the Performance Bond posted for Walnut Creek in the amount of \$287,866.00 be reduced to \$95,000.00. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

CITY BEAUTIFUL COMMISSION REAPPOINT LINDA MEILY AS MEMBER AND CHAIRMAN

Mr. Singer moved that Linda Meily be reappointed as Chairman of the City Beautiful Commission for an additional year and as a member for an additional term of three years. Dr. Gresham seconded the motion. The motion passed unanimously.

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BOARD OF TAX APPEALS REAPPOINT LOWELL STEBBINS

Mrs. Lienesch moved that Lowell Stebbins be reappointed as a member of the Board of Tax Appeals for an additional term of three years. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE ARTS COMMISSION REAPPOINT ROBERT CAHILL

Mr. Krass moved that Robert Cahill be reappointed as a member of the Centerville Arts Commission for a period of three years. Mr. Cline seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: *Sally D. Bialk*
Mayor, City of Centerville

ATTEST: *Maile J. McLaughlin*
Clerk of Council