

# RECORD OF PROCEEDINGS

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Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *December 23*20 *02*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 23, 2002, 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 Deputy-Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Councilmembers      James Singer  
                                 Susan Lienesch  
                                 Paul Gresham  
                                 Douglas Cline  
                                 Roger Krass  
Clerk of Council Marilyn McLaughlin  
City Manager Gregory Horn  
Assistant City Manager Judith Gilleland  
Municipal Attorney Robert Farquhar

Mr. Kingseed advised that Mayor Sally Beals would not be present for this meeting. Mr. Cline moved that Mayor Beals be excused from this meeting. Dr. Gresham seconded the motion. The motion passed unanimously.

John McIntyre, Corporate address is 70 West Franklin Street, stated his opinion that the City has not followed the proper point of order in that the Resolution fixing the date for a Recall Election on the Council Meeting Agenda had not been submitted to the taxpayers of Centerville for their examination. Mr. Kingseed explained the procedure followed as mandated by the City Charter.

## RESOLUTION NUMBER 58-02 RECALL ELECTION

Mr. Horn briefly reviewed a Resolution ordering and fixing the date for holding a recall election and specifying the ballot question as required by Section 4.06 of the Centerville City Charter. He advised that the Recall Petition has been reviewed by the City's Law Director and found to be sufficient. The Montgomery County Board of Elections has checked the signatures on the Petition and found the number of valid signatures to be sufficient. Mr. Kingseed read the proposed Resolution.

Dr. Gresham pointed out that his vote for passage of this Resolution is in no way in support of the recall of Mayor Sally Beals. He does not believe that the purported reasons given by the petitioners for the recall are sufficient reasons for such action. He advised that Mayor Beals has been guided in her decisions by what she feels is in the best interest for the citizens of Centerville. Dr. Gresham pointed out that the members of City Council who chose not to overturn the 6-0 approval of the Voss facility by the Planning Commission voted in accordance with the Municipal Attorney's advice. Mr. Voss should not be denied the legal use of his land.

Mr. Cline advised that this behavior should not merit removal from office. In his opinion the standard for removal should be malfeasance or dereliction of duty, that should be the question to be answered on February 25, 2002. He asked voters to give the question serious consideration.

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Mr. Singer pointed out that February 25, 2002 is the last Tuesday before the window for this election expires. Tuesdays are normal and convenient days for elections.

Mr. Kingseed encouraged voters to study the question thoroughly and to vote on February 25.

Mrs. Lienesch sponsored Resolution Number 58-02, A Resolution Ordering And Fixing The Date For Holding An Election To Determine The Question Of The Recall Of Sally D. Beals As Mayor Of The City Of Centerville, Ohio, And Specifying The Ballot Question As Required By Section 4.06 Of The Charter Of The City Of Centerville, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

APPOINT JOHN BEALS CHAIRMAN OF THE SISTER CITY COMMITTEE

Mr. Singer moved that John Beals be appointed as Chairman of the Sister City Committee for a period of one year. Dr. Gresham seconded the motion. The motion passed with five votes in favor of the motion; Mrs. Lienesch voted no.

APPOINT JOHN CARR CHAIRMAN OF THE BOARD OF ARCHITECTURAL REVIEW

Mrs. Lienesch moved that John Carr be appointed as Chairman of the Board of Architectural Review for a period of one year. Mr. Cline seconded the motion. The motion passed unanimously.

Kenneth Hahn, 311 South Village Drive, in attendance at this meeting, advised that the vote taken on June 24, 2002 relative to the Voss facility had nothing to do with the recall of Mayor Beals, it is about her unfair handling of the entire Public Hearing at that meeting. He believes that her responsibility was to use her leadership to mitigate the damage to the nearby neighborhood. She ignored the testimony of the neighborhood's attorney who pointed out clauses in the Centerville Zoning Ordinance that he believes clearly allowed necessary remedies.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals  
Mayor, City of Centerville

ATTEST: Wanda J. McLaughlin  
Clerk of Council