

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held December 17 20 19 01

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 17, 2001, 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
- City Manager Gregory Horn
- Assistant City Manager Judith Gilleland
- City Planner Steve Feverston
- Finance Director Mark Schlagheck
- Economic Development Administrator Chris Pozzuto
- 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 - November 19, 2001.
- Work Session Meetings - November 19, 2001.
- November 26, 2001.
- December 3, 2001.
- December 10, 2001.

Mr. Cline moved that the minutes of the foregoing meetings be approved, as distributed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin announced the receipt of a letter of resignation from Planning Commission member Richard Pluckebaum. Mrs. Lienesch moved that the resignation of Richard Pluckebaum as a member of the Planning Commission be accepted with regret. Dr. Gresham seconded the motion. The motion passed unanimously.

Mayor Beals administered the Oath of Office to City Beautiful Commission member W. Steven Wolff.

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

The Council Meeting in January will be held on Monday, January 28, 2002.

A new business, Morning Sun, opened their doors in the City of Centerville at the southwest corner of Main and Franklin Streets in the barn.

City offices will be closed on December 25, 2001 and January 1, 2002.

A Swearing-in Ceremony will be held on December 30, 2001 for the recently elected Councilmembers.

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Mayor Beals reminded everyone when making charitable contributions, to consider one of the funds under the Centerville-Washington Foundation.

Congratulations were expressed to Emily Gresham upon her graduation from the University of Missouri.

Mayor Beals wished all Happy Holidays.

Mr. Horn reported the following during his City Managers Report:

Congratulations were extended to Mayor Beals for having been elected to the National League of Cities Board of Directors.

The Washington Church Road connector from the Homestead Section of Yankee Trace has been completed.

The City of Centerville has made an offer to purchase the Ratterman Farm on West Spring Valley Road for an opportunity to expand the Leonard E. Stubbs Memorial Park.

The Ohio Department of Transportation plans to open Alexandersville-Bellbrook Road from Clys Road to Bigger Road on either Wednesday, December 19 or Thursday, December 20, 2001.

Work continues on the construction of the new police facility.

The City Beautiful Commission was commended for the beautiful Christmas decorations throughout Centerville.

Mr. Horn reviewed some of the highlights which took place during the employees' Annual Christmas Awards Luncheon. He emphasized years of service for many employees and recognized police officer Lynn Davis who will soon retire from public service.

The Martin Luther King Breakfast will be held on January 21, 2002 at Yankee Trace.

Miss Gilleland outlined code violations and resolutions for the month of November, 2001 as well as activities planned at Yankee Trace.

Mayor Beals advised that several items on this meeting's agenda are finance related and will be passed as emergency measures so that bills and salaries can be paid without interruption. Public Hearings will be held on these items during the January 28, 2002 Council Meeting.

ORDINANCE NUMBER 32-01 YEAR END APPROPRIATIONS FOR 2001

Mr. Singer sponsored Ordinance Number 32-01, An Emergency 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. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 33-01 YEAR END APPROPRIATIONS FOR 2001

Mr. Singer moved that 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,

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be set for Public Hearing on January 28, 2002. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

CAPITAL IMPROVEMENT PROGRAM 2002-2006

Mr. Kingseed moved that the Capital Improvement Program for 2002-2006 be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 34-01 APPROPRIATIONS FOR 2002

Dr. Gresham sponsored Ordinance Number 34-01, 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 December 31, 2002, and moved that it be passed. Mr. Krass seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 35-01 APPROPRIATIONS FOR 2002

Mr. Cline moved that 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, be set for Public Hearing on January 28, 2002. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 36-01 MUNICIPAL PERSONNEL

Mr. Cline sponsored Ordinance Number 36-01, An Emergency 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. Mr. Krass seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 37-01 MUNICIPAL PERSONNEL

Mrs. Lienesch moved that 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, be set for Public Hearing on January 28, 2002. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 38-01 YANKEE TRACE PERSONNEL

Dr. Gresham sponsored Ordinance Number 38-01, An Emergency 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. Mr. Kingseed seconded the motion. The motion passed unanimously by City Council.

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ORDINANCE NUMBER 39-01 YANKEE TRACE PERSONNEL

Mr. Cline moved that 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, be set for Public Hearing on January 28, 2002. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 40-01 AMEND PERSONNEL MANUAL

Dr. Gresham sponsored Ordinance Number 40-01, An Emergency Ordinance Amending The Personnel Manuals Of The City Of Centerville, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 41-01 AMEND PERSONNEL MANUAL

Mr. Singer moved that Ordinance Number 41-01, An Ordinance Amending The Personnel Manuals Of The City Of Centerville, be set for Public Hearing on January 28, 2002. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 42-01 LANDMARK DESIGNATION JAMES MCCRACKEN HOMESTEAD

Mr. Feverston reviewed the City Initiated Landmark Designation of the James McCracken Homestead located at 5285 Wilmington Pike and owned by Loren and Virginia Gannon. The Gannons are supportive of this designation. Mr. Feverston located the subject property on a map. Mr. Krass moved that 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, be set for Public Hearing on January 28, 2002. Mr. Singer seconded the motion. The motion passed unanimously.

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

Mr. Feverston reviewed the City Initiated Landmark Designation of the John Archer-Robert McEwen House located at 8661 Lebanon Pike and owned by Jack and Barbara Fritzche. The Fritzches are supportive of this designation. Mr. Feverston located the subject property on a map. Mr. Kingseed moved that Ordinance Number 43-01, An Ordinance To Designate The Building Located At 8661 Lebanon Pike And Known By Local Historians As The John Archer-

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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, be set for Public Hearing on January 28, 2002. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 89-01 ESTABLISH FRIENDS OF BENHAM'S GROVE FUND

Mr. Horn reviewed a proposed Resolution to establish a Friends of Benham's Grove Fund. There is a need to segregate funds generated from fund raising activities by this organization from general funds of the City. This will provide the organization more ownership of their funds but does not give them the ability to make improvements to Benham's Grove without approval by the City. Mr. Singer sponsored Resolution Number 89-01, A Resolution Establishing A Friends Of Benham's Grove Fund, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council

RESOLUTION NUMBER 90-01 REQUEST ADVANCE OF TAXES

Mr. Horn reviewed a property Resolution to request an advance of real estate taxes collected by the Auditor of Montgomery County on behalf of the City of Centerville. These funds can be drawing interest for the City. Mrs. Lienesch sponsored Resolution Number 90-01, A Resolution Requesting An Advance Of Two Million Dollars (\$2,000,000.00) Out Of The Current Collection of Real Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 91-01 REPEAL INCENTIVE COMPENSATION SYSTEM FOR DIRECTOR OF FOOD SERVICE/EXECUTIVE CHEF

Mr. Horn advised that a Resolution passed in 1995 established a bonus plan for the Director of Food Service/Executive Chef at Yankee Trace which constituted a portion of his income. Due to the fact that a new plan will be developed Resolution Number 7-95 needs to be repealed. Mr. Krass sponsored Resolution Number 91-01, A Resolution Repealing Resolution 7-95, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 92-01 AGREEMENT WITH LAMAR

Mr. Pozzuto reviewed an Economic Development Agreement between the City of Centerville and Lamar Companies for the rehabilitation of the former K-Mart facility located at the northeast corner of South Main Street and Spring Valley Road in the City of Centerville. In accordance with this agreement the City of Centerville will grant to Lamar Companies \$100,000.00 to financially assist in the exterior rehabilitation of the property. Mr. Pozzuto

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outlined improvements to be made to the property: a new facade, upgrading the parking lot and landscaping, adding new landscape areas in the parking lot, a new roof, and a new fence and plantings in the rear of the building. In answer to a question of Mrs. Lienesch, Mr. Pozzuto advised that work on the project is proposed to begin by the end of December weather permitting. Mr. Krass sponsored Resolution Number 92-01, A Resolution Authorizing The City Manager To Enter Into An Agreement With Lamar Companies, On Behalf Of The City Of Centerville, To Encourage Economic Development Activities Within The City Of Centerville, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 93-01 AGREEMENT WITH GIFT CERTIFICATE PLUS

Mr. Horn reviewed a proposed Agreement with Gift Certificate Plus for off site Gift Certificate sales. This is an excellent way to promote golf and food service at Yankee Trace. Dr. Gresham sponsored Resolution Number 93-01, A Resolution Ratifying The Action Taken By The City Manager To Execute An Agreement Between The City Of Centerville And Gift Certificates Plus, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 94-01 PUBLIC DEFENDER

Mr. Horn reviewed a proposed Agreement between the City of Centerville and the Law Office of the Montgomery County Public Defender to provide legal services for indigent persons charged with jailable offenses under City Ordinances. The City enters into this Agreement on an annual basis at a cost of \$93.81 per case. The cost for this service for this year through October was \$2,100.00. Mrs. Lienesch sponsored Resolution Number 94-01, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Law Office Of The Montgomery County Public Defender To Provide Legal Services For Indigent Persons Charged With Jailable Offenses Under The City's Local Ordinances, and moved that it be passed. Mr. Krass seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 95-01 SENATE BILL 5

Mr. Horn outlined statewide efforts to place Senate Bill 5 by referendum on the November 2002 election ballot. An association was formed known as "No on State Control of Property Rights" to pursue these efforts. Mr. Singer has served as a member of this association on behalf of the City of Centerville. Legal actions have been taken against Cities and members of this committee. Mr. Horn reviewed a proposed Resolution which would cover any legal expenses Mr. Singer may incur from these actions. Mr. Kingseed sponsored Resolution Number 95-01, A Resolution Recognizing An Obligation Of The City To Reimburse Councilmember James E. Singer For Any Financial Obligations Incurred By Him While Acting On Behalf Of The City In Connection With Its Public Information Efforts For The Referendum Campaign For Senate Bill 5, and moved that it be passed. Mr. Krass seconded the motion. The motion passed with six ayes in favor of the motion, Mr. Singer abstained.

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RESOLUTION NUMBER 96-01 ACCEPT 1.939 ACRE ANNEXATION

Mr. Horn reviewed a proposed Resolution to accept the annexation of 1.939 acres of land located in Washington Township to the City of Centerville. This annexation has been approved by the Board of County Commissioners of Montgomery County. The subject property is owned by the City of Centerville and is Yankee Street right-of-way easement. Mr. Feverston located the property on a map. Dr. Gresham sponsored Resolution Number 96-01, A Resolution Accepting The Annexation Of Property Owned By The City Of Centerville Which Is Contiguous To The Corporate Limits Of The City And Which Is Located In The Unincorporated Area Of Washington Township, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 97-01 SERVICES FOR 24.21 ACRE ANNEXATION

Mr. Horn reviewed a proposed Resolution committing the City of Centerville to providing a superior level of services for 24.21 acres of land which are the subject of an annexation to the City of Centerville. This annexation contains the 17 acre Ratterman Farm, the property upon which the Ratterman home is located and the Dayton Power and Light substation. The Rattermans have signed the annexation petition. The Dayton Power and Light Company did not sign but have stated that they will not oppose the annexation. Mr. Feverston located the subject property on a map being situated immediately west of the Leonard E. Stubbs Memorial Park. Mr. Singer sponsored Resolution Number 97-01, A Resolution In Support Of The Proposed Annexation Of Property Containing 24.21 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements Of Revised Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

YANKEE TRACE SECTION TWENTY FIVE BOND REDUCTION

Mr. Horn reviewed recommendations from City Engineer Norbert Hoffman that the Letters of Credit posted on Yankee Trace, Section Twenty Five and Section Twenty Seven be reduced as follows:

Section Twenty Five - \$215,500.00 to \$65,000.00

Section Twenty Seven (originally Section Twenty Six) - \$284,000.00 to \$100,000.00.

These amounts are sufficient to cover remaining work to be completed. Mr. Singer moved that the Letter of Credit posted on Yankee Trace, Section Twenty Five be reduced as recommended by the City Engineer. Mr. Kingseed seconded the motion. The motion passed unanimously.

YANKEE TRACE SECTION TWENTY SEVEN BOND REDUCTION

Mr. Singer moved that the Letter of Credit posted on Yankee Trace Section Twenty Seven be reduced as recommended by the City Engineer. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

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SISTER CITY REAPPOINT CO-CHAIRS MARY PIZZA AND NANCY BOWLUS

Mr. Cline moved that Mary Pizza and Nancy Bowlus be reappointed as Co-Chairmen for the Sister City Committee for an additional year. Dr. Gresham seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT JAMES TREFFINGER CHAIRMAN

Mr. Krass moved that James Treffinger be reappointed as Chairman of the Board of Architectural Review for an additional year. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT DAN CARFAGNO AS CHAIRMAN AND BARRY MCCLAIN AS MEMBER

Mr. Singer moved that Dan Carfagno be reappointed as Chairman of the Centerville Property Review Commission for an additional year and Barry McClain as a member for an additional term. Mrs. Lienesch seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION REAPPOINT JOANN RIPLEY

Mrs. Lienesch moved that Joann Ripley be reappointed as a member of the Centerville Arts Commission for an additional term of three years. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

Mayor Beals wished all a very happy holiday season.

There being no further business, the meeting was adjourned.

Approved: _____

Mayor

Sally D. Beals

ATTEST:

Clerk of Council

Ward J. McLaughlin