

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

Held December 20 19 99

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 20, 1999, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Thomas Kuhn, City Chaplain and Pastor of the Church of the Incarnation, 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	J. V. Stone
	James Reppert
	C. Mark Kingseed
	Douglas Cline
	Susan Lienesch
Clerk of Council	Marilyn McLaughlin
City Manager	Gregory Horn
Assistant City Manager	Judith Gilleland
Public Works Director	Steve Weaver
City Planner	Steve Feverston
Director of Finance	William Bettcher
Assistant Director of Finance	Mark Schlagheck
Assistant to the City Manager	Kelly Fackel
Municipal Attorney	Robert Farquhar

Councilmembers Elect	Paul Gresham
	Roger Krass

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

- Council Meeting - November 15, 1999.
- Council Work Sessions - November 15, 1999.
- November 22, 1999.
- December 6, 1999.
- December 13, 1999.

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

Mrs. McLaughlin announced the receipt of letters of resignation from Centerville Arts Commission members John Malas and Lorenda Tiscornia. Mr. Reppert moved that the resignation of John Malas and Lorenda Tiscornia as members of the Centerville Arts Commission be accepted, with regret. Mr. Kingseed seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION APPOINT CLIFF PURDIN

Mayor Beals administered the Oath of Office to City Beautiful Commission member Cliff Purdin.

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Mayor Beals presented to members of the Centerville Washington Township Historical Commission a gift from the City of Centerville in appreciation for their dedication and service as members of the Commission.

Mayor Beals presented to Father Thomas Kuhn a Certificate of Appreciation and a gift in appreciation for his dedication to Centerville as City Chaplain.

Mayor Beals expressed appreciation to retiring Councilmembers James Reppert and J. V. Stone and presented to them a token of appreciation on behalf of the City of Centerville. Members of the Stone family were present and recognized.

RESOLUTION NUMBER 67-99 LIBRARY RECOGNITION

Mr. Singer read a Resolution recognizing the Washington-Centerville Public Library for national rankings in several categories. Mr. Cline sponsored Resolution Number 67-99, Recognition Of Best In The Nation Ranking Of The Washington-Centerville Public Library, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council. Mayor Beals expressed appreciation to the Library for bringing national recognition for excellence to our community.

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

A new business "GB Orthodontics" located in Centerville at the southeast corner of Ridgeway Road and Main Street.

A Christmas Tree Lighting Ceremony was held Sunday, November 21, 1999 at Benham's Grove.

A Thanksgiving Community Service was held in the Centerville-Washington Township community at Christ the King Lutheran Church.

Mayor Beals attended the National League of Cities Conference in Los Angeles, California along with 8000 other elected officials. She also attended the NLC Energy Environment and Natural Resources Committee meeting of which she is a member.

Staff will be on hand at the Centerville Municipal Building New Years Eve to monitor the turnover into the year 2000.

On December 14, 1999 flags were lowered to commemorate the 200 anniversary of the death of the nation's first President.

The next meeting of City Council will be Monday, January 24, 2000.

Mayor Beals wished all a Merry Christmas and Happy New Millennium.

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

The City financially is ending the year on very solid ground.

Final drawings for the new police facility are near completion. The City should be out to bid for this facility in April or May with construction beginning in May or June of the year 2000.

Mr. Horn outlined the short hours established for lunch, dinner and brunch at Yankee Trace during the winter months. The Golf Club at Yankee Trace will remain open, weather

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permitting.

On behalf of the entire City Staff, appreciation was expressed to Councilmembers James Reppert and J. V. Stone for their service to the Centerville community.

Happy Holidays was wished to all by Mr. Horn.

Miss Gilleland gave the Community Calendar for the following month.

ORDINANCE NUMBER 16-99 ZONING MAP

The Public Hearing was held concerning Ordinance Number 16-99, an Ordinance to adopt a new zoning map for the City of Centerville. Mayor Beals pointed out that a rezoning had been approved following the preparation of this new map. Mr. Horn identified this rezoning being that small portion of property located between Whipp Road and Old Whipp Court, deeded to the Finke Realty Company. Mr. Kingseed moved that the Official Zoning Map be amended to include the rezoning as adopted by Ordinance Number 10-99. Mrs. Lienesch seconded the motion. The motion passed unanimously. Mr. Feverston reviewed this new map as revised and outlined the two reasons for it: the old map with all its amendments since 1986 has reached maximum usage and, the City is computerizing all base mapping - this is one of the first major products of this project. He pointed out that the only zone change included on the new map is a very small portion of land which was involved in right-of-way for I-675 and in a land swap between the City of Kettering and the City of Centerville for which the zoning was changed from a City of Kettering zone classification to a Centerville zone classification. The Planning Commission during their September 28, 1999 meeting unanimously recommended approval of the new Official Zoning Map to City Council.

Upon question of John McIntire, 70 West Franklin Street, Suite E, Mr. Feverston verified the fact that no other property on this new map will receive a zone change at this time. Mr. Stone sponsored Ordinance Number 16-99, An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance Of Centerville, Ohio, To Adopt A New Official Zoning Map To Replace The Official Zoning Map Adopted July 21, 1986 And All Amendments Thereto, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 22-99 MUNICIPAL CODE RECODIFICATION

The Public Hearing was held concerning Ordinance Number 22-99. Mr. Horn reviewed this proposed Ordinance which incorporates appropriate Ordinances and Resolutions passed since the last recodification of Centerville's Municipal Code into the City's code. Mr. Kingseed sponsored Ordinance Number 22-99, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 23-99 PROTECTIVE HELMET LAW

The Public Hearing was held concerning Ordinance Number 23-99. Mr. Horn reviewed this proposed Ordinance to require persons under the age of 18 years operating a bicycle or riding as a passenger on a bicycle equipped with a passenger seat, within the City of Centerville to wear a protective helmet with the chin strap fastened under the chin. The Ordinance contains a minor misdemeanor penalty in the amount punishable not more than \$100.00. This legislation will be publicized by the City so that bicycle riders can be made aware of the new requirement. Mr. Horn pointed out that if this legislation is passed, Centerville would be one of a few Municipalities in Ohio to have this type of legislation in effect; this is becoming a nationwide issue. Mr. Kingseed, speaking as Council Liaison to the Bicycle Committee, reviewed the recommendation forwarded to City Council from the Bicycle Committee that this Ordinance not be adopted. Pros and cons were considered; however, the majority of the Committee after considering the rights of citizens to do what they desire vs government restrictions, believed that the better course of action was to work with parents and schools to encourage the wearing of helmets. He pointed out that now Council needs to make a decision on this issue after hearing testimony for the support of such legislation.

Dr. Paul Gresham, 7865 Stonehouse Court, explained how he led the drive for the passage of this type legislation in Centerville as well as other Municipalities in the State of Ohio. He provided Council with a presentation supporting the need for the passage of the proposed Ordinance. Dr. Gresham recommended that in addition to the passage of this legislation, the City encourage the continuance of education for the wearing of helmets by bicycle riders.

Nathaniel Goldstein, 2440 Beechnoll Point, offered his support for the passage of the proposed Ordinance. He reviewed for Council an accident he had in which a helmet protected him from serious injury.

Vicki Giambone, The Childrens Medical Center, encouraged the passage of the proposed Ordinance. She offered their commitment to a bicycle helmet give-a-way program for needy children and their continuation with educational programs in the schools.

Upon question of Mr. Reppert, Dr. Gresham advised that this type regulation has been most effective in Ohio Cities with said requirement.

Mr. Kingseed offered his support for children's safety while riding a bicycle.

Mayor Beals stated her opposition to this proposed Ordinance. She believes that it should be the duty of parents to cause children to wear helmets. Mayor Beals sees a real problem with bicycle riders crossing boundaries with Centerville bordering on jurisdictions without such requirement.

Mr. Cline sponsored Ordinance Number 23-99, An Ordinance Amending Section 474.02 Of The Centerville Municipal Code To Require Persons Under The Age Of 18 Years Riding Bicycles To Wear Protective Helmets, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mayor Beals voted no.

ORDINANCE NUMBER 24-99 HANDICAPPED PARKING

The Public Hearing was held concerning Ordinance Number 24-99. Mr. Horn reviewed this proposed Ordinance to provide that the City's Traffic Code be in accordance with a new law passed at the State level relative to handicapped parking spaces. The proposed Ordinance

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requires that affixed to a new or replacement handicap sign be the penalty imposed for violation, that a vehicle parked in a handicapped parking space in violation can be towed at the owners expense, and includes a penalty therefore. The law also includes the provision that if a person parked in a handicap parking space has been found to be in violation and can prove injury not more than seventy-two hours prior to the time a citation was issued, the person will be relieved of the violation. Upon question of Mayor Beals, Mr. Horn advised that the Centerville Police Department typically would not issue a citation unless a vehicle in violation was parked in that position for a long period of time. Mayor Beals expressed two concerns: some handicap parking spaces are so faded that they cannot be detected, and there is no provision in the law to provide that a person assisting a handicapped person can park in a handicap parking space. Mr. Horn advised that the space must be marked on the pavement as well as by signage. Mr. Farquhar clarified the fact that a handicap sticker is issued to the handicapped person and, if portable, can be used in other vehicles. Mr. Cline sponsored Ordinance Number 24-99, An Ordinance Amending Section 452.04 Of The Centerville Municipal Code To Comply With The Amendments To Section 4511.69 Ohio Revised Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by a vote of six to one with Mayor Beals voting no.

Mr. John McIntire, 70 West Franklin Street, expressed opposition to the rezoning of large parcels of land for development purposes. He believes that large commercial developments are bleeding the Architectural Preservation District. Mr. McIntire suggested that an impact fee be charged with an approval for development of a large parcel of land and that revenue be utilized to enhance the Architectural Preservation District. He asked City Council to revert back to the spirit of the Architectural Preservation District original Ordinance relative to the use of permitted materials in the APD.

ORDINANCE NUMBER 25-99 1999 REAPPROPRIATIONS

Mr. Horn reviewed a proposed Ordinance to adjust appropriations for the year 1999. The City is required by State law to periodically revise appropriations to the end of the fiscal year. This Ordinance represents a reduction from \$30,454,905.00 originally to \$25,238,079.00. Most of this reduction is due to the police facility project being a year 2000 encumbrance expense. Mr. Singer sponsored Ordinance number 25-99, An Emergency Ordinance To Repeal Ordinances 37-98 And 13-99 In Their Entirety And 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, 1999, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 26-99 1999 REAPPROPRIATIONS

Mrs. Lienesch moved that Ordinance Number 26-99, An Ordinance To Repeal Ordinances 37-98 And 13-99 In Their Entirety And 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, 1999, be set for Public Hearing on January 24, 2000. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

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2000-2004 CAPITAL IMPROVEMENT PROGRAM

Mr. Horn advised that a Capital Improvement Program has been prepared for the years 2000-2004. The first year program is incorporated in the 2000 appropriation Ordinance. Mr. Reppert moved that the 2000-2004 Capital Improvement Program for the City of Centerville be approved. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 68-99 INCOME TAX ALLOCATION

Mr. Horn reviewed a proposed Resolution to allocate all income tax receipts to the General Fund. Mr. Stone sponsored Resolution Number 68-99, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Received On And After January 1, 2000 To The General Fund, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 27-99 2000 APPROPRIATIONS

Mr. Horn advised that the grand total appropriations for the year 2000 is \$31,731,780.00. The major change between the grand total appropriations for the years 1999 and 2000 is the inclusion of the police facility project in the year 2000. Mr. Kingseed sponsored Ordinance Number 27-99, 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, 2000, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 28-99 2000 APPROPRIATIONS

Mr. Singer moved that Ordinance Number 28-99, 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, 2000, be set for Public Hearing on January 24, 2000. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 69-99 APPOINT DEBRA JAMES
ASSISTANT TO CLERK OF COUNCIL

Mr. Stone sponsored Resolution Number 69-99, A Resolution Establishing The Position of Assistant To The Clerk Of Council, Specifying The Duties Therefore And Appointing Debra James To Said Position, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 29-99 PERSONNEL YANKEE TRACE

Miss Gilleland presented highlights contained in Ordinances relative to establishing class titles, pay ranges, grades, rates of pay, and regulations for employees of the City of Centerville. The Ordinances relative to employees at Yankee Trace as well as other employees include a 3.75

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percent pay increase for most positions. Miss Gilleland outlined a few additional positions included in the personnel Ordinances. The effective date for the pay increases is January 3, 2000. Mrs. Lienesch sponsored Ordinance Number 29-99, An Emergency Ordinance To Repeal Ordinance Number 19-99 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 of City Council.

ORDINANCE NUMBER 30-99 PERSONNEL YANKEE TRACE

Mr. Reppert moved that Ordinance Number 30-99, An Ordinance To Repeal Ordinance Number 19-99 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 24, 2000. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 31-99 PERSONNEL

Mr. Stone sponsored Ordinance Number 31-99, An Emergency Ordinance to Repeal Ordinance Number 20-99 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. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 32-99 PERSONNEL

Mrs. Lienesch moved that Ordinance Number 32-99, An Ordinance to Repeal Ordinance Number 20-99 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 24, 2000. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 33-99 FEES AT THE GOLF CLUB AT YANKEE TRACE

Mr. Horn advised that each year City Staff considers usage levels, needs for the operations at The Golf Club at Yankee Trace and possible fee increases for the coming year. Ms. Fackel outlined proposed minor increases in green fees, golf car fees, golf instruction fees, fees charged in the golf academy program, the annual fee program, the executive business membership program, and the preferred players card program. Mr. Stone sponsored Ordinance Number 33-99, An Emergency Ordinance To Amend Ordinance Number 32-98 And 3-99, 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.

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ORDINANCE NUMBER 34-99 FEES AT THE GOLF CLUB AT YANKEE TRACE

Mrs. Lienesch moved that Ordinance Number 34-99, An Ordinance To Amend Ordinance Number 32-98 And 3-99, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, be set for Public Hearing on January 24, 2000. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 35-99 NATURAL GAS FRANCHISE WITH DP&L

Mr. Horn advised that the City of Centerville has had a franchise with the Dayton Power and Light Company for natural gas since 1985 which contains an expiration date of December 31, 1999. In order that negotiations can take place with the Dayton Power and Light Company, its successors or assigns, an extension of this franchise agreement has been proposed for a period of six months. Mr. Singer moved that Ordinance Number 35-99, An Ordinance Amending Ordinance 22-85 By Extending The Expiration Date From December 31, 1999 to June 30, 2000, be set for Public Hearing on January 24, 2000. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 70-99 AGREEMENT WITH PUBLIC DEFENDER

Mr. Horn advised that each year the City of Centerville enters into an Agreement with the Montgomery County Public Defender Commission for legal counsel to indigent persons charged with violations of the City's Municipal Ordinances. The cost for this service is estimated to be \$3,500.00, however the actual cost is adjusted at the end of the fiscal year. Mr. Singer sponsored Resolution Number 70-99, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons; Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 2000 And Terminating On December 31, 2000, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 71-99 YANKEE TRACE SECTION 22 IMPROVEMENT

Mr. Weaver announced that the following seven bids were received for Yankee Trace Improvement, Yankee Trace Section 22 (1999):

Stone Excavating, Inc.	\$523,691.90
Demmy Construction, Inc.	549,177.80
Excel Contracting, Inc.	577,182.40
Pyper Construction	613,972.55
R. B. Jergens Contractors	649,453.79
R. E. Holland Excavating	654,627.38
Jergens Bales Contractor	682,944.15

He reviewed the history of the low bidder, Stone Excavating, Inc. and found their work to be satisfactory. Mr. Weaver recommended that the bid submitted by Stone Excavating, Inc. be

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accepted in the amount of \$523,691.90 plus an additional amount of 5 percent of the bid or \$25,000.00 for extra work if it becomes necessary. Mr. Cline sponsored Resolution Number 71-99, A Resolution Accepting The Bid Submitted By Stone Excavating, Inc. For Yankee Trace Improvement, Yankee Trace Section 22 (1999) For 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. Kingseed seconded the motion. The motion passed unanimously.

PLANNING COMMISSION APPOINT JACK KINDLER

Mr. Reppert moved that Jack Kindler be appointed as a member of the Planning Commission for the City of Centerville. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION ROXANNE DYE FERGERSON

Mrs. Lienesch moved that Roxanne Dye Ferguson be appointed as a member of the Centerville Arts Commission. Mr. Stone seconded the motion. The motion passed unanimously.

SISTER CITY COMMITTEE APPOINT SHIRLEY OGLESBEE CHAIRMAN

Mr. Cline moved that Shirley Oglesbee be appointed as Chairman of the Sister City Committee for the City of Centerville for a period of one year. Mr. Singer seconded the motion. The motion passed by unanimous vote.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT JAMES TREFFINGER CHAIRMAN

Mr. Kingseed 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 of City Council.

CENTERVILLE PROPERTY REVIEW COMMISSION
REAPPOINT DAN CARFAGNO CHAIRMAN

Mr. Singer moved that Dan Carfagno be reappointed as Chairman of the Centerville Property Review Commission for an additional year. Mr. Reppert seconded the motion. The motion passed unanimously.

CENTERVILLE PROPERTY REVIEW COMMISSION
REAPPOINT DAN CARFAGNO AS MEMBER

Mr. Singer moved that Dan Carfagno be reappointed as a member of the Centerville Property Review Commission. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

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**CENTERVILLE PROPERTY REVIEW COMMISSION
REAPPOINT JOHN LOHBECK AS MEMBER**

Mrs. Lienesch moved that John Lohbeck be reappointed as a member of the Centerville Property Review Commission. Mr. Stone seconded the motion. The motion passed unanimously.

PERSONNEL APPEALS BOARD REAPPOINT RICHARD RICE AS MEMBER

Mr. Cline moved that Richard Rice be reappointed as a member of the Personnel Appeals Board for the City of Centerville. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: Sally D. Bink
Mayor

ATTEST:

Maril J. McLaughlin
Clerk of Council