

RECORD OF PROCEEDINGS

Minutes of *COUNCIL MEETING*

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held December 18, 1995

19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 18, 1995, 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, Pastor of the Church of the Incarnation and City Chaplain, and the Pledge of Allegiance to the Flag with Mayor Shirley Heintz presiding.

Councilmembers and City Staff present were as follows:

Deputy Mayor J. V. Stone
 Councilmembers Sally Beals
 C. Mark Kingseed
 Brooks Compton
 James Singer
 Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Peggy Whisman
 City Manager Gregory Horn
 Assistant City Manager Michael Haverland
 Assistant to the City Manager Judith Gilleland
 Director of Finance William Bettcher
 Municipal Attorney Robert Farquhar
 Councilmembers Elect Susan Lienesch
 James Reppert

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

Council Meeting - November 20, 1995.

- December 11, 1995.

Council Work Session Meetings - November 20, 1995.

- November 27, 1995.

- December 4, 1995.

- December 11, 1995.

Mr. Compton moved that the minutes of the foregoing meetings as distributed, be approved. Mr. Kingseed seconded the motion. The motion passed by unanimous vote; however Mayor Heintz abstained from the minutes of the Meeting held December 4 and Mrs. Beals abstained from the November 20 and 27 Council Meetings minutes. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mr. Stone presented to Mayor Heintz, on behalf of the City of Centerville, the first Bicentennial afghan placed in circulation in the Centerville/Washington Township community, in recognition of her many outstanding accomplishments in the community. Mayor Heintz expressed appreciation to the Centerville City Council, City Staff, Civic Volunteers, all residents, and the business community for their cooperation during the past 12 years, and to her husband Paul for his support and understanding.

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Mr. Michael A. Frasca, Spring Street Studio, described the sculpture "The Record" to be constructed in front of the Centerville Library in 1996 commemorating the community's Bicentennial. The sculpture is approximately 22 feet high, 5 feet square consisting of 280 individual pieces of high fired ceramic; each completed brick will weigh approximately 2500 pounds. Mary Bolton, past Chairman of the Centerville Arts Commission, outlined for the listening audience accomplishments of Mr. Frasca throughout other areas of the State. Upon question of Mrs. Beals, Mr. Frasca explained the process which will take place for the construction of the sculpture with anticipated completion being in October, 1996.

RESOLUTION NUMBER 80-95 BICENTENNIAL SCULPTURE "THE RECORD"

Mr. Stone sponsored Resolution Number 80-95, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement On Behalf Of The City Of Centerville With The Spring Street Studio For The Design, Fabrication And Installation Of A Sculpture To Commemorate The Community's Bicentennial In 1996, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Arts Commission Member Bianca M. Wellbrock. Mr. Compton moved that the resignation of Bianca M. Wellbrock be accepted with regret. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mayor Heintz advised that a seat on the Centerville City Council was vacated during the week of December 11, 1996. Mr. Farquhar explained the fact that on December 13, 1995 he was advised that Councilmember Mark Beasley had entered a plea of no contest to a charge of having an unlawful interest in a public contract, a fourth degree felony under Section 2921.42A1 of the Ohio Revised Code, and that Mr. Beasley had been found guilty of the charge. He outlined his opinion that the legal effect of Mr. Beasley's conviction under the provisions of Section 2961.01 of the Ohio Revised Code was his immediate removal from office as a Centerville City Council Member. This Section of the ORC make the letter of resignation received by the Clerk of Council from Mr. Beasley to be effective January 31, 1996, void. Mr. Farquhar declared the seat of Mark Beasley as a member of the Centerville City Council vacated in accordance with ORC Section 2961.01 and the Centerville City Charter. Mrs. Beals emphasized the importance of filling this vacancy on City Council as quickly as possible in consideration of the several changes on City Council occurring January 1, 1996 and the involvement of all members of Council in a Retreat scheduled for the middle of January, 1996. Mrs. Beals placed in nomination the name of Brooks Compton to fill this vacancy. Mr. Kingseed seconded the nomination. Mayor Heintz declared nominations closed. Mrs. Beals moved that Mr. Brooks Compton be appointed to fill the vacant seat of Mark Beasley as a member of the Centerville City Council to be effective January 1, 1996 and

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expiring December 31, 1997. Mr. Kingseed seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Compton abstained. Mayor Heintz administered the Oath of Office to Brooks Compton for the unexpired term on City Council of Mark Beasley beginning January 1, 1996. Mr. Compton thanked Mayor Elect Sally Beals and all members of City Council for this appointment.

Mayor Heintz announced the issuance of a Proclamation designating December 10, 1995 as Human Rights Day in the City of Centerville.

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

The South Suburban connector has been completed to Clio Road.

Pathways have been completed along Alexandersville-Bellbrook Road between Loop Road and Clio Road and in front of the St. Leonard Center along Centerville Station Road.

Leaf collection in the City of Centerville has been completed staying on schedule during the process.

The City has experienced a good golf year at The Golf Club at Yankee Trace and in food service at The Gallery during the month of December.

Installation of a traffic signal at the Austin Road/Social Row Road/Yankee Street intersection will begin soon by Montgomery County.

On behalf of the entire staff of the City of Centerville, Mr. Horn expressed appreciation to Mayor Heintz for her outstanding leadership as Mayor of the Centerville community.

Mr. Terry Trepanier, President, representing the Fire Fighters Union Local 3369, was present at this meeting to present to Mayor Heintz an award of distinguished achievement from the International Association of Fire Fighters in appreciation of her outstanding contributions to the Centerville community.

ORDINANCE NUMBER 31-95
INDOOR GOLF ACADEMY COMPENSATION RATES

The Public Hearing was held concerning Ordinance Number 31-95. Mr. Horn reviewed this proposed Ordinance to establish compensation rates for indoor golf lessons given by golf professionals at The Golf Club at Yankee Trace. The Ordinance provides for the payment of an amount equal to no more than 50% of the gross lesson revenue generated by each professional, over a base amount of \$1,400.00 of gross lesson revenue generated by each professional per calendar month. Mrs. Beals sponsored Ordinance Number 31-95, An Ordinance Establishing Compensation Rates For Indoor Lessons Given By Golf Professionals At The Golf Club At Yankee Trace, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 33-95 GOLF ACADEMY FEES

The Public Hearing was held concerning Ordinance Number 33-95. Mr. Horn reviewed this proposed Ordinance to establish indoor golf academy fees at The Golf Club at Yankee Trace and full golf academy membership fees for April 1 through October 31, 1996. The Ordinance also establishes membership fees for the 1996 outdoor golf season. Mr. Horn briefly outlined the various fees being established and the amenities included in each package. Mrs. Beals sponsored Ordinance Number 33-95, An Ordinance Amending Ordinance Number 35-94 Adopting Indoor Golf Academy Fees And 1996 Golf Academy Membership Fees, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Steve Quarin, 6908 Spring Farm Court, was present at this meeting expressing his dissatisfaction with the process which has been followed relative to issues between homeowners and the developer in Nestle Creek II. He outlined issues which he believes should be addressed not included on punch lists prepared by the City of Centerville and Ray Black of John G. Black Builders. Mr. Horn outlined for Mr. Quarin issues which have been addressed and those issues which will be addressed when weather permits. Following further discussion, Mr. Compton suggested that a punch list of items to be accomplished and items which have been accomplished in Nestle Creek II be coordinated between the City Manager and Mr. Quarin, including items which are required of a developer by the City and items which have perhaps been understood by homeowners to be required. A list will be developed by the City outlining those issues which the City requires to be done and those issues for which the City has no leverage for accomplishment. Mr. Quarin brought attention to the following two safety issues for the City's consideration: legislation to require fencing around ponds, and better direction reflectors on Alexandersville-Bellbrook Road at the entrance into Nestle Creek at Marwyck Drive.

ORDINANCE NUMBER 36-95 1995 APPROPRIATIONS ADJUSTMENTS

Mr. Horn reviewed for Council a proposed Ordinance to readjust appropriations for the year 1995. He outlined reductions in various funds, thus reducing the total appropriations from \$31,726,850 to \$28,356,325 for a net reduction of \$3,370,525 in appropriations for 1995. Mr. Singer sponsored Ordinance Number 36-95, An Emergency Ordinance To Repeal Ordinance 27-94 In Its Entirety And To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1995, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 37-95 1995 APPROPRIATIONS ADJUSTMENTS

Mr. Compton moved that Ordinance Number 37-95, An Ordinance To Repel Ordinance 27-94 In Its Entirety And To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1995, be set for Public Hearing on January 15, 1996. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

1996-2000 CAPITAL IMPROVEMENT PROGRAM

Mr. Horn reviewed a Capital Improvement Program prepared for 1996 through the year 2000 for the City of Centerville. Costs included in the program for 1996 have been included in the 1996 Budget and 1996 appropriations. Items included in the Capital Improvement Program are Street and Sidewalks, Traffic Controls, Land Acquisition, Building Improvements, etc. for a total of \$4,253,105 for 1996 with a grand total for the five years of \$27,574,201. He pointed out the fact that items included in the program beyond 1996 are a guide, subject to annual adjustments. Mr. Singer, as Chairman of the Council Finance Committee, identifying the program for 1996 as being very modest, moved that the 1996-2000 Capital Improvement Program for the City of Centerville be approved, pointing out the fact that no land acquisition is included in the 1996 program. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 81-95 INCOME TAX ALLOCATIONS

Mr. Horn reviewed the following proposed Income Tax allocations for 1996 in the various funds:

General Fund	75.3%
Capital Improvements Fund	12.8%
Street Construction and Maintenance Fund	7.4%
Cops Fast Fund	.3%
Unvoted Debt Retirement Fund	2.3%
Golf Course Operations Fund	1.9%

The City receives approximately 6.5 million dollars Income Tax each year. Mr. Kingseed sponsored Resolution Number 81-95, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Received On And After January 1, 1996 Between The General Fund, Capital Improvements Fund, Street Construction And Maintenance Fund, Cops Fast Fund, Unvoted Debt Retirement Fund And Golf Course Operations Fund Of The City Of Centerville, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 38-95 1996 APPROPRIATIONS

Mr. Horn reviewed a proposed Ordinance to establish appropriations for 1996 in the various funds, for a grand total of \$30,932,155. These appropriations include capital improvements for 1996, and the employment of an Assistance Director of Finance, 2 additional Police Officers (partially paid for through Cops Fast), the full time employment of a current part time Assistant Finance Clerk, reducing Police Cadets to 2 and adding 2 part time Police Dispatchers in the administrative staff. Mr. Singer sponsored Ordinance Number 38-95, An Emergency Ordinance To Make Appropriations For The Current And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1996, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 39-95 1996 APPROPRIATIONS

Mrs. Beals moved that Ordinance Number 39-95, An Ordinance To Make Appropriations For The Current And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1996, be set for Public Hearing on January 15, 1996. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 40-95 PERSONNEL

Miss Gilleland reviewed Ordinances to establish Class Titles, Pay Ranges, Grades, Rates of Pay, and Regulations for employees of the City of Centerville as well as employees associated with the food service, maintenance and/or golf operations at The Golf Club at Yankee Trace. The Ordinances include a 3.75 percent pay adjustment for certain employees and includes a minor change in the Supplemental Retirement Plan for regular City of Centerville employees. Both personnel Ordinances include some substitutions for current positions, deletions of unfilled positions, a few title changes, and a few position upgrades. Mr. Kingseed sponsored Ordinance Number 40-95, An Emergency Ordinance To Repeal Ordinances Number 31-94 And 11-95 In Their Entirety, 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. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 41-95 PERSONNEL

Mrs. Beals moved that Ordinance Number 41-95, An Ordinance To Repeal Ordinances Number 31-94 And 11-95 In Their Entirety, 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 15, 1996. Mr. Singer seconded

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the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 42-95 YANKEE TRACE PERSONNEL

Mr. Horn briefly reviewed a proposed Ordinance to establish Class Titles, Pay Ranges, Grades, Rates of Pay, and Regulations for employees associated with The Golf Club at Yankee Trace. Due to the fact that operations at Yankee Trace are much like a business venture, this type legislation was introduced in 1995. The Ordinance includes separate benefits schedules as well as separate pay schedules. The Ordinance includes a 3.75 percent pay adjustment for certain positions as well as some changes and deletions of particular class titles. Mr. Compton sponsored Ordinance Number 42-95, An Emergency Ordinance To Repeal Ordinances Number 33-94 And 9-95 In Their Entirety, 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, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 43-95 YANKEE TRACE PERSONNEL

Mrs. Beals moved that Ordinance Number 43-95, An Ordinance To Repeal Ordinances Number 33-94 And 9-95 In Their Entirety, 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, be set for Public Hearing on January 15, 1996. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 44-95 COMPENSATION FOR GOLF PROFESSIONALS

Mr. Horn reviewed a proposed Ordinance to establish compensation rates for outdoor lessons given by golf professionals at The Golf Club at Yankee Trace. This Ordinance provides for the payment of an amount equal to no more than 75% of the gross lesson revenue generated by each professional, the exact percentage to be determined by the City Manager. Mr. Stone moved that Ordinance Number 44-95, An Ordinance Establishing Compensation Rates For Outdoor Lessons Given By Golf Professionals At The Golf Club At Yankee Trace, be set for Public Hearing on January 15, 1996. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 45-95 AGREEMENT WITH DP&L ELECTRICITY

Mr. Horn reviewed a proposed Ordinance to grant the Dayton Power and Light Company a franchise to supply electricity to businesses and residences in the City of Centerville. Mr. Jeff Nini, Manager of the Dayton Power and Light Company

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Centerville Office, explained the fact that this Ordinance satisfies a legal administrative obligation replacing the previous twenty-five year agreement which just recently expired. Mrs. Beals moved that Ordinance Number 45-95, An Ordinance Granting To The Dayton Power And Light Company, Its Successors And Assigns, Authorization To Supply Electricity In The City Of Centerville, State Of Ohio, For A Period Of One (1) Year, Automatically Renewing For Successive Terms Of One (1) Year Unless Notice Is Given, Commencing On The Effective Date Of This Ordinance, be set for Public Hearing on January 15, 1996. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 46-95 STREET NAME CHANGE SOUTH METRO PARKWAY

Mr. Horn explained the fact that when the South Metro Industrial Park was developed it was the intent that the roadway be named South Metro Parkway; however, when the plat was filed the name of the street was recorded as South Metro Drive. Upon Petition of a property owner and agreement of all other property owners a proposed Ordinance has been prepared to change the name of said street to South Metro Parkway. Mr. Kingseed moved that Ordinance Number 46-95, An Ordinance Changing The Name Of South Metro Drive To South Metro Parkway, be set for Public Hearing on January 15, 1996. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 47-95 STREET NAME DIMCO WAY

Mr. Horn reviewed a proposed Ordinance to name the new roadway connecting South Suburban Road to Clyo Road as Dimco Way. Dimco Gray has been one of the City's largest industries; the new roadway leads to the entrance of this establishment. Mr. Singer moved that Ordinance Number 47-95, An Ordinance Naming A Newly Constructed Street Dimco Way, be set for Public Hearing on January 15, 1996. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CITY PLANNING COMMISSION APPOINT TIMOTHY SHROYER

Mr. Compton moved that Timothy Shroyer be appointed as a member of the City Planning Commission to fill the unexpired term of Stanley Swartz. Mr. Kingseed seconded the motion. The motion passed unanimously.

CENTERVILLE PROPERTY REVIEW COMMISSION APPOINT BARRY MCCLAIN

Mr. Stone moved that Barry A. McClain be appointed as a member of the Centerville Property Review Commission. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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PERSONNEL APPEALS BOARD APPOINT PAUL CLARK

Mr. Compton moved that Paul Clark be appointed as a member of the Personnel Appeals Board to the term vacated by Timothy Shroyer. Mr. Stone seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT MARTHA SHELEY AS CHAIRMAN

Mrs. Beals moved that Martha Sheley be reappointed as Chairman of the Board of Architectural Review for one additional year. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

USE OF MONTGOMERY COUNTY FIREARMS RANGE FACILITY

Mr. Horn reviewed a proposed Agreement between the City of Centerville and Montgomery County for the City's use of the Montgomery County Sheriff's Office outdoor firearms range facility and other training facilities by the Centerville Police Department. This Agreement has been reviewed and approved by Mr. Farquhar. Mr. Stone moved that the City Manager be authorized to execute, on behalf of the City of Centerville, an Agreement with the Montgomery County Sheriff's Office for use of the Montgomery County firearms facility by the Centerville Police Department for the year 1996, subject to the execution of an Indemnity Release Agreement. Mr. Compton seconded the motion. The motion passed unanimously.

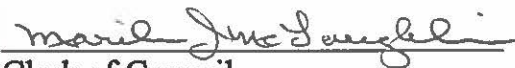
There being no further business, the meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of Council