

Held November 17, 1975

CENTERVILLE CITY COUNCIL
REGULAR MEETING
NOVEMBER 17, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, November 17, 1975 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reader Wendell P. Thomas from the First Church of Christ Scientist and the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Council Members and City Staff present were as follows:

Deputy Mayor J. V. Stone
Councilwoman Nora Lake
Councilmen Charles McQueeney
Ralph Spencer
Leonard Stubbs
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Planner Garth Reynolds
Service Director Richard Bishop
City Engineer Karl Schab
Director of Finance William Bettcher
Municipal Attorney Robert Farquhar
Administrative Assistant John Levermann

Mayor Hoy announced that Councilman Russell Sweetman was on active duty with the Army Reserves in Washington, D. C., thus his absence at this Meeting. Mr. McQueeney moved that Councilman Russell Sweetman be excused from this Meeting. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of November 3, 1975 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of November 3, 1975 as distributed, be approved. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Council Work Session held November 10, 1975 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Council Work Session held November 10, 1975 as distributed, be approved. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mrs. McLaughlin reported that a letter of resignation had been received from Parks and Recreation Board Member Barbara Heglund.

Mr. Kenning reported the following during his City Manager's Report: Approximately 100 traffic control signs have been sold, others are still available. Missing signs will be erected hopefully through State Funds.

The speed limit study concerning North Main Street has been forwarded to the State of Ohio.

Manhole adjustments included in the 1975 street resurfacing program will be concluded during the current week.

Mr. Kenning reviewed the Miami Valley Cable Television Council Meeting held the previous week. The next Meeting will be held December 11, 1975.

The winter recreation program is underway. Improvements have been made in the Elizabeth Hoy Park.

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Mrs. Lake wondered whether there is a Centerville Parks and Recreation Board Member participating on the Miami Valley Regional Bicycle Committee; Mr. Kenning will investigate.

Mr. Spencer reported on the Meetings held by the Finance and Long Range Planning Council Committee on November 6, 1975 and on November 13, 1975. The Five Year Capital Improvements Program has been adjusted, it will be before Council in approximately two weeks. The Finance Committee approved travel expense for the Mayor to attend the National League of Cities Meeting in Florida.

Mr. McQueeney has met with Sister City Committee Chairman John Spoor. The Committee is in need of approximately \$200.00 to cover miscellaneous expenses; Mr. Kenning will pursue this appropriation.

CHEVY CHASE

The Public Hearing was held concerning Winchester Management's request for a variation from their site plan to eliminate enclosures around dumpsters throughout the Chevy Chase Park Apartment Complex.

Mr. Kenning reviewed dumpster areas as they are presently screened and how this differs from their original plan.

Miss Pam Borton, Manager of Chevy Chase Park explained how past experience proves gates on enclosures to become a continuing maintenance problem and eye sore. Through her review, she found no apartment complexes in Centerville having gates on enclosures around dumpsters; in some cases she found no enclosures. Miss Borton read a letter written by Charles Collins II, Director of HUD in which he relates poor experience with gates on dumpster enclosures over many years of experience.

Mr. McQueeney questioned whether, with the elimination of some concrete pads, this project is now within Government specifications. He requested an outline from the City Staff of deviations from the original specifications.

Mr. Albert Hurtzinger, Maintenance Man for Chevy Chase has experienced no problem with elimination of some pads.

Mr. Stubbs moved that the request for a variation in the site plan to eliminate enclosures around the dumpsters in the Chevy Chase Park Apartment Complex be approved. The motion died for lack of a second. Mayor Hoy requested that the City Manager and Staff compile the information requested concerning this matter, action has been deferred until the next Council Meeting. Mayor Hoy pointed out the fact that this Public Hearing was held upon courtesy of the City as an Appeal had not been received from Winchester Management.

RESOLUTION NUMBER 60-75 APPRECIATION

Mr. Stone sponsored Resolution Number 60-75, A Resolution Of Appreciation For The Services Of Elyse Kindler As A Member Of The City Beautiful Commission Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 89-75 PERSONNEL APPEALS BOARD

Mr. Spencer moved that Ordinance Number 89-75, An Ordinance Appointing John E. Riley To The Personnel Appeals Board Of The City Of Centerville And Establishing A Term Of Office, be set for Public Hearing on December 1, 1975. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy referred to the Legal Council Committee proposed amendments to the Income Tax Ordinance for their review and recommendation to Council.

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Mr. Stone announced a Meeting for this Committee scheduled for Wednesday, November 19, 1975 to begin at 7:30 P.M. for this review.

COUNCIL RULES

Mr. McQueeney moved that the Council Rules of the City of Centerville, Article II-MEETINGS be amended by the substitution of the following Article in lieu of the present Article II:

ARTICLE II-MEETINGS.

A. DEFINITIONS.

1. "Meeting" means any prearranged discussion of the public business of the Council of the City of Centerville, any committee thereof, any board or commission of the City by a majority of its members.

2. "News Media" means any newspaper, magazine of regular and general circulation any any radio or television station.

B. A regular meeting of the City Council shall be held on the first and third Mondays of each month. Such meetings shall be called to order at 8:00 P.M. in the Council Chambers of the City of Centerville or in any other public place within the confines of the City of Centerville.

C. Special meetings may be called by the Mayor, or any four (4) members of Council, provided that notice is given to all members of Council, the Clerk of Council, and the City Manager, at least 24 hours prior to such meetings, stating clearly the time, place and purpose of the meeting and provided that notice is given to persons and news media as provided in Subsections G and H hereof. Council may, by motion, at any meeting of the Council, establish a special meeting. Notice will be given as provided above.

D. When any regular meeting of the Council falls due on a legal Federal holiday, or on an election day, the Council may meet in regular session on a date to be set by the Council meeting preceding the holiday or election day.

E. All meetings of Council, any committee thereof, and all boards and commissions of the City shall be open to the public except as otherwise provided with respect to executive sessions. Executive sessions may be held only at regular or special meetings for the sole purpose of the consideration of any of the following matters:

1. Unless the public employee, official, or licensee requests a public hearing, to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee, or official, or the investigation of charges or complaints against a public employee, official, or licensee. Except as otherwise provided by law, the Council shall not hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.

2. To consider the purchase of property for public purposes, or for the sale of property at competitive bidding. if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. The provisions of this subsection shall not be used as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the Council, show that all meetings and deliberations have been conducted in compliance with this provision, any instrument executed by or under the authority of the Council purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in

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compliance with this provision insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the party is concerned.

3. Conferences with an attorney for the City, concerning disputes involving the City that are the subject of pending or imminent court action;

4. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

5. Matters required to be kept confidential by Federal law or rules or state statutes;

6. Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

7. A resolution, rule, ordinance, or formal action of any kind is invalid unless adopted in an open meeting of the Council, committee thereof, board or commission. A resolution, rule, ordinance or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized herein.

F. Minutes of all meetings of the Council, a committee thereof, a board or commission shall be kept, promptly recorded and open to the public except that minutes of executive sessions permitted by these rules need not be kept and if kept shall not be open to the public. Minutes need only reflect the general subject matter of discussions in executive sessions authorized herein.

G. Any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings by contacting the Clerk of Council who shall disclose such requested information. In addition, any person may, upon request and payment of an annual fee of \$12.00, receive reasonable advance notification of all meetings of the Council, committees thereof, all boards and commissions at which any specific type of public business is to be discussed. Said person shall specify to the Clerk of Council the particular public body meetings for which such notices shall be set and shall supply to the Clerk of Council sufficient self-addressed stamped envelopes for the mailing of said notices as the Clerk may reasonably direct from time to time. In the event said self-addressed stamped envelopes are not provided to the Clerk of Council as directed, or said annual fee is not paid, the Clerk of Council shall not mail said notices to said person.

H. No special meeting of the Council, a committee thereof, a board or commission shall be held unless at least twenty-four (24) hours advance notice has been given to any news media that have requested notification, except in the event of any emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.

I. Immediately upon any notice of meeting required by these Rules having been given, the following certification shall be completed by the person giving said notice and said certification shall be filed with the Clerk of Council who shall maintain a record of said certifications:

CERTIFICATION OF NOTICE

I, _____, hereby certify:
 (name)

1. That I am _____ of the City of Centerville, Ohio;
 and (Title)

2. That on the _____ day of _____, 19____, by-telephone-depositing in regular mail addressed to the last known address of the recipient (cross out one) I gave notice of a regular-special-emergency (cross out two) meeting of the _____ of the City of Centerville to the _____
 (public body)

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following persons and news media: _____

(Name of person certifying the giving of notice)

Mr. Spencer seconded the motion. This amendment conforms to the Sunshine Law as included in State Law. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 61-75 DISASTER WARNING SYSTEM

Mr. Kenning reviewed the following three bids received for the provision and installation of a disaster warning system in Centerville and Washington Township:

Helldoerfer-Castellini	\$ 79,473.00
York Electric Company	100,508.00
Bohn and Snead	107,707.00

He along with Fire Chief Randall Staley recommended the acceptance of the bid submitted by Bohn and Snead; said bid being the most complete. The cost of the project will be paid: 50% Federal Funds, 25% City Funds and 25% Washington Township Funds. The Federal Government has agreed to fund their share of the cost in excess of the estimated cost.

As questioned by Mayor Hoy, Chief Staley advised that the Washington Township Officials are in agreement with his recommendation. No problem is anticipated with the Federal Government if the City does not accept the lowest bid. The City has budgeted \$20,000.00 for this system in 1975, the remainder will be budgeted in 1976.

Mr. Stubbs expressed concern with this system being in effect during tornado season. Chief Staley advised that the system should be completed in a maximum of 180 days.

Mr. Kenning explained the fact that this is an outdoor warning system with twelve locations throughout Centerville and Washington Township.

Mr. Dean Ward, Utility Manager with York Electric, Inc., questioned why the City will accept a bid in an amount which is \$7,000.00 higher than the one he submitted.

Councilman Ralph Spencer left the Meeting at this time.

Chief Staley explained the fact that York's bid included open ended items, items which would carry additional costs. Mr. McQueeney explained the City's past experience in accepting open ended projects.

Mr. McQueeney sponsored Resolution Number 61-75, A Resolution Accepting The Bid Of Bohn & Snead, Inc. To Supply A Disaster Warning System To 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. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mrs. Lake made comments relative to the defeat of the Police Levy on November 4, 1975. She outlined what this defeat will mean to the City in the future. She recommended the establishment of a Citizens Tax Committee to review alternatives and present their report to Council. Mrs. Lake sponsored Resolution Number 62-75, A Resolution To Create A Citizens Tax Committee To Assist The City Council Of The City Of Centerville, Ohio To Raise Or Sustain Revenue In Behalf Of Centerville Residents For The Purpose Of Financing Local Government, and moved that it be passed. Mr. Stubbs seconded the motion. Mr. McQueeney indicated his dissatisfaction with surprise Legislation, he asked for time to consider a Citizens Tax Committee and time to reconcile the difference between a Citizens Tax Committee and the Council Committee to review tax issues. Mr. McQueeney moved that this matter be tabled for two weeks. Mrs. Lake seconded the motion. Mayor Hoy questioned the type of Committee proposed, the number

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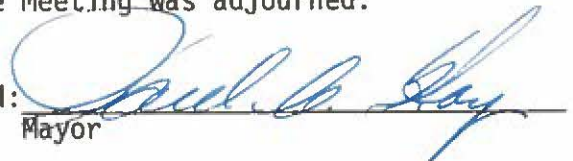
to serve on the Committee and he felt that perhaps the scope should be expanded. A roll call vote resulted in five ayes in favor of the motion. Mr. Stubbs also expressed concern over the defeat of the Police Levy.

Mr. Stubbs suggested that the City of Centerville consider requiring Contractors to install better security devices in new homes. Mr. Stubbs requested that Mr. Kenning review this proposal to ascertain merit and determine whether it could be done wisely and quickly.

Mr. Stubbs announced the fact that Council will be considering the appointment of a Charter Study Committee during the month of December. Interested Citizens should contact the Clerk of Council.

Mr. Stubbs expressed his appreciation to Director of Parks and Recreation Timothy Shroyer. He recognized the excellent job he did in expanding the recreation program in the City of Centerville.

There being no further business, the Meeting was adjourned.

Approved: 
Mayor

ATTEST:


Clerk of the Council