

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 10 20 06

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 10, 2006, 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 Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor Douglas Cline
- Councilmembers Paul Gresham
- Robert Corbin
- Susan Lienesch
- James Singer
- Brooks Compton

- Clerk of Council Debra James
- City Manager Gregory Horn
- Finance Director Mark Schlagheck
- Public Works Director Robert James
- City Engineer Douglas Spitler
- Assistant to the City Manager Jennifer Kuschnerus
- Acting Municipal Attorney Nick Farquhar

ORDINANCE NUMBER 19-06 RESIDENTIAL RENTAL UNIT MANDATORY INSPECTION REQUIREMENT

Mr. Horn briefly reviewed the proposed Ordinance which will allow Council to consider a few basic changes to the legislation that has been set for Public Hearing on July 17, 2006. The first amendment is on page 2 of the Ordinance, B. 5. This is to remain in accordance with the Ohio Revised Code Section 5323.02. Recently the State of Ohio enacted legislation to place the County Auditors in charge of maintaining rental registration information, and this will follow that precedent by allowing an inspection to be triggered if a rental property owner does not keep a current property registration on file with the County Auditor. Another section was omitted from the earlier legislation and that was a provision that allowed for funds to be received from the rental inspection program to be strictly utilized for the rental inspection program. Since this program will not be self-sustaining, monies coming in and monies being expended will be taken from the general fund. There are no provisions in this legislation for rental registration in general. Dr. Gresham moved that Ordinance Number 19-06, An Ordinance Enacting A Residential Rental Unit Mandatory Inspection Requirement, be set for Public Hearing On July 17, 2006. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 32-06 SETTLE CLAIMS AMERICAN MOTORIST INSURANCE COMPANY (CENTERVILLE POLICE HEADQUARTERS)

Mr. Horn explained that the City had the Open House for the Police Headquarters in March 2002, and has been working with legal counsel for the past three years trying to get some

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of the construction issues resolved. This Settlement Agreement will settle all disagreements, all claims against the Surety (American Motorist Insurance Company) for an amount of \$639,000.00 and in addition to that, the retainage that is still on file in the Finance Office for this project, will be turned over to the City in the amount of \$137,597.00. That money will be used to go back and remediate the problems that have arisen with the construction defects. This Settlement Agreement does not prohibit the City from additional potential action against L.B. Robinson, or the Architects or others involved in the project. We still have some outstanding issues with the HVAC. We will be pursuing those issues but this Settlement Agreement resolves the outstanding issues against American Motorist Insurance Company as Surety. Mr. Corbin sponsored Resolution Number 32-06, A Resolution Authorizing The City Manager To Enter Into An Agreement To Settle Claims With American Motorist Insurance Company As Surety For L.B. Robinson, Inc. For The Project Known As Centerville Police Headquarters, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kengseel*  
 Mayor

ATTEST: *Debra A. James*  
 Clerk of Council