

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held November 17

20 03

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 17, 2003, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor John Bradosky of the Epiphany Lutheran Church and City Chaplain, and the Pledge of Allegiance to the Flag with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor C. Mark Kingseed
- Councilmembers Roger Krass
- Susan Lienesch
- Paul Gresham
- James Singer
- Douglas Cline
- Clerk of Council Marilyn McLaughlin
- Assistant Clerk of Council Debra James
- City Manager Gregory Horn
- Assistant City Manager Judith Gilleland
- Finance Director Mark Schlagheck
- Public Works Director Robert James
- City Planner Steve Feverston
- City Engineer Norbert Hoffman
- Economic Development Administrator William Covell
- Head Golf Professional Patrick Bayley
- Golf Maintenance Superintendent John Miller
- Fire Chief Kenneth Parks
- 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 - October 20, 2003.
 - Work Session Meetings - October 20, 2003.
 - October 27, 2003.
 - November 3, 2003.
 - November 10, 2003.

Mrs. Lienesch asked that the minutes of the October 27, 2003, Work Session, be amended to include that "she was informed by another Councilmember of a potential annexation". Mr. Kingseed moved that the minutes of the foregoing meetings be approved, as distributed and as amended. Mr. Krass seconded the motion. The motion passed by unanimous vote; with Mr. Cline and Mrs. Lienesch abstaining from the minutes of the November 3, 2003, Work Session.

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Mayor Beals administered the Oath of Office to the following Board and Commission members:

John J. Carr	Planning Commission
Carolyn Meininger	Planning Commission
Carol Echols	City Beautiful Commission
Alok K. Khare	Board of Architectural Review
Richard M. Morrison	Centerville Property Review Commission

Jennifer Boos, Community Program Specialist for the Montgomery County Solid Waste District was present at this meeting to define the many services they offer residents in the 28 District members. She explained the Montgomery County Material Reuse Facility (MCMRF) which receives donations from organizations, businesses and individuals to be given to non-profit organizations for reuse.

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

Congratulations were extended to winners in the November 4, 2003, election. Robert Corbin was welcomed as a Councilmember.

Mayor Beals announced that immediately she will be focusing on the Holidays and will spend time with family and friends; in the new year she will focus on projects that have been left undone.

SBC is now offering long distance telephone service; in celebration of this Mayor Beals placed the first long distance call to Mayor Lynne Woolstencraft, in Waterloo, Ontario, Canada, Centerville's Sister City. A Proclamation was issued designating October 27-31, 2003 as Operator Appreciation Week in the City of Centerville in recognition of their serving the public for 125 years.

Bill's Donut Shop in Centerville contributed the 900th Special Wish gift. They donated the first gift to the Special Wish Foundation which started as the result of a plea from a Dayton Police Officer.

The Veteran's Day Ceremony was held at the Leonard E. Stubbs Memorial Park on November 11, 2003, at 11:00 A.M. Appreciation was expressed to all who contributed to its success.

On Sunday, November 23, 2003, a Hometown Holiday will be featured in the Architectural Preservation District. Many of the merchants will be open from noon until 5:30 P.M. which will be followed with the annual Holiday Tree Lighting Ceremony at Benham's Grove. On December 7, 2003, the traditional Holiday Walk will be held beginning at 1:00 P.M. The Friends of Benham's Grove is funding the construction of a Pergola at Benham's Grove from monies raised through special events. The Garden Fest will return in 2004.

The Centerville Sister City is busy planning a trip to Sister City Bad Zwischenahn, Germany, in June, 2004. Look for details in the Town Crier.

Mayor Beals asked citizens to remember the Centerville-Washington Foundation when planning year end charitable contributions. This Foundation has awarded two \$500.00 grants to various causes in the community for the past five years.

Everyone was wished a Happy Thanksgiving.

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

Letters have been sent to Provident Bank, to McDonald's Restaurant and the Woodburne Library seeking their support for the proposed North Village Drive access road. The Library has agreed to assist with \$5,000.00 for engineering and has advised that their letter of intent is on its way. A grant application for \$75,000.00 has been sent to the Montgomery County Economic Development Government Equity program for their financial assistance.

The Miami Valley Communications Council hopes to have an Opt-out program for electricity and natural gas ready for the spring of 2004. Additional information will be forthcoming.

City Staff has put together, with the assistance of consultants, the following four grant applications to the Miami Valley Regional Planning Commission:

- Traffic signal interconnect and upgrade along State Route 48 from Whipp Road to Sheehan Road.
- Intersection upgrade for Main Street and State Route 725 (Alexandersville-Bellbrook Road).
- Resurfacing of Bigger Road from State Route 725 to the Centerville/Kettering Corporation limits.
- Resurfacing of East Whipp Road from Far Hills Avenue to the Centerville/Kettering Corporation limits.

Mr. Horn reviewed each of these projects for which funds would not be utilized until the year 2007.

The Golf Club at Yankee Trace is still open weather permitting; seatings for Thanksgiving Dinner are sold out.

The City's annual leaf pick-up is on schedule.

Appreciation was expressed to Brian Clever, a student at Archbishop Alter High School, for his Eagle Scout project building benches and racks for the multi-purpose court at the Leonard E. Stubbs Memorial Park.

Attention was brought to the fact that Miami Valley Hospital is looking at a site on Wilmington Pike for the construction of a new cancer facility.

A surplus auction held on November 14, 2003, netted the City \$700.00.

The City should know around December 1, 2003, whether the Dayton Open Golf Tournament will return to The Golf Club at Yankee Trace. The ultimate decision will be made by the PGA Tour.

Steve Stanley, Montgomery County Transportation Improvement Director, is very positive relative to the Austin Road Interchange, funding should be in place for construction to take place in 2008.

Miss Gilleland outlined code violations and resolutions for the month of October, 2003, as well as the community calendar for the coming month.

Mr. Cline extended an invitation to the public to the Community Open House hosted by the Create the Vision Steering Committee scheduled for Wednesday, December 3, 2003 from 4:00 P.M. to 7:00 P.M. at the Washington Township Fire Headquarters on McEwen Road. This will be an opportunity for the public to review outcomes and recommendations and give input relative to the nine study areas.

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ORDINANCE NUMBER 19-03 ZONING ORDINANCE AMENDMENT TEXT
INCREASE BUILDING GROUND FLOOR SQUARE FOOTAGE

The Public Hearing was held concerning Ordinance Number 19-03, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections 10, 12, 13, 17 And 20 In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code. Mr. Feverston reviewed this Ordinance which proposes to change the maximum ground floor area from 5,000 to 10,000 square feet for buildings in O-S, Office-Service and B-1, Neighborhood Business Zoning Districts, and in the APD, Architectural Preservation District reduce the maximum gross floor area of the ground level of any one individual building to 5,000 square feet. It also proposed changes to standards in the Supplemental Zoning District Requirements.

Mr. James Durham, Chairman of the Planning Commission when the proposed Ordinance was recommended to Council explained the reason for this Ordinance. Some parcels in O-S and B-1 are larger than anticipated when standards in the Zoning Ordinance were established. Property owners have requested variances in order to place a larger building on these lots. Mr. Durham stated his displeasure in granting variances for this reason. Mass regulations are only required on design which forces a building to be more architecturally pleasing and breaks up the mass on larger buildings. He pointed out that due to set back requirements, parking requirements, etc. a lot must be large enough to satisfy all requirements which means 10,000 square foot buildings can only occupy large lots. This Ordinance is an attempt to make the requirements proportionate to the lot size. If a developer wanted 10,000 square feet on a large enough lot, according to today's standards, he would have to construct two buildings instead of just one. Mr. Durham emphasized the fact there is less demand in the City for smaller buildings, they become difficult to market.

In answer to a question of Mr. Krass, Mr. Durham defined a big box as having 60,000, 70,000 or 80,000 square feet.

Mrs. Lienesch, making reference to variances approved for buildings in excess of 5,000 square feet, asked within what period of time these variances were granted? Mr. Durham advised over a five year period. He pointed out that the list of variances referred to by Mrs. Lienesch are all located in the O-S, B-1 Zoning Districts or in the overlay APD. He explained that Commercial Realtors, when a small building becomes vacant, find it difficult to market. Mr. Durham advised that variances should only be granted when a hardship exists. Buildings should be proportionate to the size of the lot. Mrs. Lienesch cited the fact that three of the variances were for property located on the Dayton-Lebanon Pike and annexed to the City of Centerville after the 1986 Zoning Ordinance. Mr. Durham explained that they were granted B-1 zoning following their annexation in order to eliminate the possibility of an undesirable use.

Mr. Kingseed proposed increasing the maximum square footage of a building to 7,500 instead of 10,000 square feet. Mr. Feverston explained that 10,000 square feet is a graduation based upon the size of the lot. Businesses have asked for 10,000 square foot buildings and have located elsewhere due to Centerville's limit of 5,000 square feet. Mr. Kingseed expressed concern that a 10,000 square foot building would have a negative impact upon a residential neighborhood. Mr. Durham explained that the proposed Ordinance improves the scaling of the

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building with the neighborhood, having one building on a large lot instead of two. Supplemental requirements will cause the building to fit in very well with residential neighborhoods.

Mrs. Lienesch located areas in the City that she is concerned with upon which a 10,000 square foot building could be constructed, if this Ordinance is passed. Mr. Durham identified two areas vacant in the City with O-S or B-1 zoning, which could accommodate a large building.

Sandy Gerber, 10641 Falls Creek Lane, Waterbury Woods, does not believe that this O-S and B-1 change is for all parcels in the City of Centerville. He is particularly concerned with the southeast corner of Yankee Street and Social Row Road. He believes this property should be looked at differently than all of Centerville. Mr. Gerber sees a lot of compromise in this proposal, a 7,500 square foot building with a height of 25 feet, with a gable or hip roof would be more in keeping with the residential neighborhood. He suggested that a vote on the proposed Ordinance be postponed in order to reevaluate the remaining properties of adequate size.

Dr. Steve Sutherin, 1641 Stafford Springs Place, Waterbury Woods, believes that a 7,500 square foot building would be a nice size building for B-1 zoning. He supported dropping architectural requirements to the 5,000 square foot limit. He explained the fact that any building to be constructed at the southeast corner of Yankee Street and Social Row Road will require review and approval.

Mr. Feverston explained that the maximum height of a roof in B-1 zoning provides for a two story building with a gable or hip roof. He identified some of the concerns expressed by Create the Vision relative to commercial strips along major corridors.

Mr. Kingseed question why go to 10,000 square foot buildings when variances have been granted for most, if not all, buildings having 7,500 square feet. He identified one building in the Architectural Preservation District which is in excess of 10,000 square feet due to the joining of two buildings into one. The City has had requests for buildings larger than 7,500 square feet. Mayor Beals identified one question being "does the City prefer two buildings or one building on a large lot?" There is much more control when it is just one building.

Mr. Krass proposed 7,500 square foot buildings and variances become a useful tool in special cases.

In answer to a question of Dr. Gresham, Mr. Feverston advised that variances granted for buildings larger than 5,000 square feet did not meet the hardship requirements, but were considered valid due to the size of the parcel and the fact that one building would be more desirable than two.

Mr. Kingseed moved that Ordinance Number 19-03, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections 10, 12, 13, 17 And 20 In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, be adopted but that the 10,000 square foot maximum be reduced to 7,500. Mr. Krass seconded the motion. Mr. Kingseed pointed out that this matter can again be addressed when Create the Vision nears completion. As proposed by Mr. Horn, Mr. Kingseed suggested that staff draft a sliding scale for percentages of lots to be covered by buildings, thus regulating the size of the building appropriate for the size of the lot.

Mrs. Lienesch suggested that this Ordinance be tabled until Create the Vision comes forth with recommendations and to receive more input from citizens and staff. Mr. Kingseed withdrew his motion. Mr. Krass withdrew his second to the motion. Mr. Kingseed moved that Ordinance Number 19-03, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections 10, 12, 13, 17 And 20 In Accordance With The

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Provisions Of Chapter 713 Of The Ohio Revised Code, be tabled indefinitely and that staff prepare a proposal dealing with larger lots and permitting footprints that are suitable for the larger lots. Mrs. Lienesch seconded the motion. The motion passed with five ayes in favor of the motion; Dr. Gresham and Mayor Beals voted no.

ORDINANCE NUMBER 20-03 ZONING ORDINANCE AMENDMENT TEXT PARKING LOT LANDSCAPING

The Public Hearing was held concerning Ordinance Number 20-03. Mr. Feverston reviewed this proposed amendment to the Zoning Ordinance to allow the amount of required landscaping in the interior of a parking area to be relocated to the perimeter of the area for vehicle inventory lots. This is for auto dealerships and lots where vehicles are stored so that landscaping can be relocated to serve as screening and buffering. Mr. Singer sponsored Ordinance Number 20-03, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections 21 And 37 In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

Mr. Kenneth Hahn, 311 South Village Drive, making reference to bids received for the renovation of the Centerville Municipal Building and comments made during a Council Work Session on November 10, 2003 relative to a new building in five to fifteen years, suggested that some sort of a limit be placed on the cost of renovating the Municipal Building as well as the use of it, if it is going to be replaced. He brought attention to the fact that the low bid is \$100,000.00 over Budget, monies which could be spent elsewhere. Mayor Beals explained that monies now spent should increase the value of the building for resale. Mr. Krass pointed out the fact that the present Council cannot bind a future Council relative to the future of the Municipal Building. Mr. Horn outlined the many scenarios considered for the building and explained delayed maintenance, the many repairs that need to be made.

Mr. Jim Rowe, 6611-7 Brigham Square, commended City Council and staff for their dialogue and positive decision during this meeting.

RESOLUTION NUMBER 57-03 LEASE FOR AUTO TITLE OFFICE

Miss Gilleland outlined the mechanics of the proposed lease between the City of Centerville and the Board of County Commissioners of Montgomery County for the location of the Auto Title Division, under the direction of the Montgomery County Clerk of Courts, in the City owned building at 108 West Spring Valley Road. Clerk of Courts, Dan Foley, explained how pleased they are with their new location being near the Auto License Bureau. The decision was made through the assistance of City Staff. Mr. Foley advised they will try to meet the greatest expectations, to be the best Auto Title Office in the State of Ohio. Dr. Gresham sponsored Resolution Number 57-03, A Resolution Authorizing And Directing The City Manager To Enter Into A Lease Agreement With The Board Of County Commissioners Of Montgomery County, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 22-03 GOLF FEES

Miss Lightle explained minor changes in fees charged at The Golf Club at Yankee Trace for the year 2004. There are no changes to green fees for play during the week or on weekends. Minor changes are recommended in the junior weekday fee, golf cart fees, the junior lesson fee and the junior outdoor academy program. Miss Lightle reviewed the following additions: an annual couple fee, an annual couple fee for the Vintage Course, and an weekday only annual fee membership. In answer to a question of Mrs. Lienesch, Mr. Schlagheck explained why the City proposes to lease golf carts for a period of three years and then own them, it spreads the cost over a three year period. This is the procedure used in the past. Mrs. Lienesch requested that the matter of golf fees not be brought to Council next year as an emergency. Dr. Gresham sponsored Ordinance Number 22-03, An Emergency Ordinance Number 16-02, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote

ORDINANCE NUMBER 23-03 GOLF FEES

Dr. Gresham moved that Ordinance Number 23-03, An Ordinance To Amend Ordinance Number 16-02, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, be set for Public Hearing on December 15, 2003. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 58-03 PUBLIC DEFENDER

Mr. Horn reviewed a proposed Contract with the Law Office of the Montgomery County Public Defender to provide legal services for indigent persons charged with offenses under City Ordinances. The City is charged on a per case basis. In the previous year the cost was approximately \$800.00. Mrs. Lienesch sponsored Resolution Number 58-03, 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. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 59-03 ALCOHOLISM

Mr. Horn reviewed a proposed Agreement with the Combined Health District of Montgomery County for the implementation, operation and maintenance of a program for the prevention and treatment of alcoholism and chemical dependency. This Agreement provides that the City contribute ten percent of the funds received from the State of Ohio for liquor permit fees. The City receives approximately \$18,000.00, thus the City's contribution is \$1,800.00. Dr. Gresham sponsored Resolution Number 59-03, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Combined Health District Of Montgomery County For The Implementation, Operation And Maintenance Of A Program For The Prevention And Treatment Of Alcoholism And Chemical

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Dependency And Providing For The Payment Of Fees, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 60-03 EMERGENCY SERVICES

Mr. Horn reviewed a proposed Agreement for the City of Centerville to form a partnership with Montgomery County's Emergency Management Authority for emergency preparedness, homeland security and emergency management services. Mrs. Lienesch, making reference to an explosion which recently occurred at a plant on the west side of I-75, questioned Chief Parks whether there was any danger to Centerville from fumes caused by chemicals stored at Isotec, Inc. Chief Parks will receive information from the Hazmat coordinator and report back to Council. Mr. Kingseed sponsored Resolution Number 60-03, A Resolution Authorizing An Agreement With Montgomery County To Provide Emergency Preparedness, Homeland Security And Emergency Management Services For The City Of Centerville, and moved that it be passed. Mr. Krass seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 61-03 MUNICIPAL BUILDING RENOVATION

Mr. William Williams, Levin Porter Associates, Inc., reviewed the bids received for the renovation of the Centerville Municipal Building which included interior renovation work, exterior driveway work, perimeter drain tile installation and painting the exterior of the building. Bids were also received for four alternate bids, for carpet, wood veneer casework, ceramic tile in restrooms and exterior door replacement. Mr. Williams recommended that Council accept the bid submitted by Joe Becks & Associates, Inc., in the amount of \$373,400.00 plus three of the alternates for a total bid price of \$498,600.00. Mr. Kingseed sponsored Resolution Number 61-03, A Resolution Accepting The Bid Submitted By Joe Becks & Associates, Inc., For The Municipal Building Renovation Project 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. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 62-03 SOCIAL ROW ROAD WIDENING

Mr. Horn announced that the last major project associated with Yankee Trace is Yankee Trace Improvements, Social Row Road Widening which involves Special Assessment Financing. The low and best bid received for this project was submitted by Flora Excavating in the amount of \$172,908.50. City Staff recommended acceptance of the bid submitted by Flora Excavating. Mr. Singer sponsored Resolution Number 62-03, A Resolution Accepting The Bid Submitted By Flora Excavating For Yankee Trace Improvements, Social Row Road Widening 2003, In The City of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 63-03 GOLF COURSE CHEMICALS

Mr. Horn reviewed bids received for the purchase of chemicals for The Golf Club at Yankee Trace for the year 2004. Golf Maintenance Superintendent John Miller has recommended acceptance of portions of two bids: Prosource One in the amount of \$32,720.30 and UAP in the amount of \$29,723.20. Mr. Singer sponsored Resolution Number 63-03, A Resolution Accepting The Bids Submitted By Prosource One And UAP For The Purchase Of Chemicals For The Golf Course At Yankee Trace And To Authorize The City Manager To Enter Into Contracts In Connection Therewith, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 64-03 SBC CENTREX SERVICE

Mr. Horn reviewed an Agreement with SBC Global Services, Inc. for SBC Centrex Service to extend the current phone service for an additional twelve months until the renovation of the Centerville Municipal Building is complete. Dr. Gresham sponsored Resolution Number 64-03, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement With SBC Global Services, Inc., For SBC Centrex Services, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 65-03 HOLIDAY LIGHTING

Mr. Horn listed the areas in the City of Centerville which will be lighted for the Holiday Season. This is the same program as in previous years except there will be less lighting in the rear of the Centerville Municipal Building. In answer to a question of Mrs. Lienesch, Mr. Horn advised that the City did not advertise for bids due to the fact that the cost is under the \$30,000.00 bid limit and there are only two or three companies that provide this service. Mr. James pointed out that this is a sole source type of contact. Mr. Horn explained that the lights are put up and taken down by a private company due to the fact that at the same time City crews are picking up leaves and the safest time to deal with the lights is at night; if City crews were used overtime would have to be paid. Mr. Kingseed sponsored Resolution Number 65-03, A Resolution Ratifying The Action Taken By The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With Homestead Decor, Inc., For Services Connected With Holiday Lighting For The City Of Centerville, and moved that it be passed. Mr. Krass seconded the motion. The motion passed by unanimous vote.

GOLF CART BIDS

Mr. Horn recommended that the City reject all bids submitted for golf carts for The Golf Club at Yankee Trace due to the fact that not all bidders submitted trade-in allowances. There is still time to rebid for golf carts. Mr. Singer moved that bids received for golf carts for The Golf Club at Yankee Trace be rejected. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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BOARD OF ARCHITECTURAL REVIEW REAPPOINT JAMES TREFFINGER

Mr. Kingseed moved that James Treffinger be reappointed as a member of the Board of Architectural Review. Mr. Singer seconded the motion. The motion passed unanimously.

Mr. Kingseed announced that there will be an opening on City Council effective January 1, 2004. Anyone interested in applying for that position should contact Marilyn McLaughlin, City Clerk, for an application. The deadline will be December 31, 2003. The applicants will be narrowed to two or three during the first Council Work Session in January, and hopefully a decision made the second meeting in January.

Mrs. Lienesch requested that in the future businesses outside the Architectural Preservation District be apprised of events such as the Heart of Centerville Hometown Holiday.

There being no further business the meeting was adjourned.

Approved: Sally D. Beals
Mayor

ATTEST: Marilyn McLaughlin
Clerk of Council