

RECORD OF PROCEEDINGS

422

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held February 19

19 2001

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 19, 2001, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Dan Meyer, Assistant Pastor of the Church of the Incarnation, and the Pledge of Allegiance to the Flag led by Boy Scout Troop 116 with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	Susan Lienesch
	Paul Gresham
	C. Mark Kingseed
	Douglas Cline
	Roger Krass

Clerk of Council Marilyn McLaughlin
Assistant to the Clerk of Council Debra James
City Manager Gregory Horn
Assistant City Manager Judith Gilleland
City Planner Steve Feverston
City Engineer Norbert Hoffman
Acting Public Works Director Donald Hill
Acting Municipal Attorney Scott Liberman
Assistant to the City Manager Jesse Lightle

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

Council Meeting - January 22, 2001.
Work Session Meetings - January 22, 2001.
- February 5, 2001.
- February 12, 2001.

Mr. Singer moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Kingseed seconded the motion. The motion passed unanimously; however, Mr. Cline and Dr. Gresham abstained from the February 12, 2001 Work Session minutes and Mr. Krass abstained from the minutes of meetings held on January 22, 2001.

Mayor Beals administered the Oath of Office to City Beautiful Commission members Lisa Bennett, Cathleen A. Gill, Sue G. Anderson and Alex Pearl, and to Sister City Committee members Marilyn Hoback and John J. Beals.

Mayor Beals presented the City of Centerville's financial support to Americana Festival Chairman Joseph Beyerle and President Ronald Weir. Mr. Weir and Mr. Beyerle reviewed activities scheduled for the 2001 Americana Festival.

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

Four DARE graduations were held during the month of January at area elementary schools:
Ida Weller, Dr. John Hole, Normandy and Driscoll.

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Lois Foley a long time employee of Seniors, Inc. and a very valued friend to the Seniors program retired on January 12, 2001.

A very successful Diversity Breakfast was held at Yankee Trace on January 15, 2001 with approximately 150 people in attendance.

City Council held a retreat on February 9 and 10, 2001 at the Worthington Inn to discuss issues in depth needing consideration.

Members of City Council will be attending the National League of Cities Congressional City Conference in Washington, D.C. March 9 - 13, 2001, meeting with colleagues and attending training seminars.

Councilmember Paul Gresham has been appointed to the National League of Cities Human Development Steering Committee.

A Business Breakfast will be held at Yankee Trace on March 15, 2001; the business community has been invited to attend.

The City has placed on Centerville's web site an electronic survey to solicit suggestions for information to be included on the web site and to answer questions of people in the community.

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

Work continues on the Alexandersville-Bellbrook Road widening project. City Staff has been working with negotiators and appraisers to acquire necessary property for right-of-way. The State of Ohio will be handling the bidding process and will administer the project. This project will be out to bid in early or mid June of this year.

The BUY.COM Dayton Open Golf Tournament is back at The Golf Club at Yankee Trace for this year. Volunteers are needed on all committees.

The construction of the new Centerville Police facility is progressing well. Completion is anticipated near the end of 2001.

Gene Bates Golf Design is currently working on the design of the additional nine holes at The Golf Club at Yankee Trace. The City should be out to bid mid March of this year.

At this time of the year, if people wish to play golf, they are encouraged to call the Pro Shop to find out whether the course is open for play. The course will be open on a day by day basis.

City Staff is currently working on the City's resurfacing program for the current year. Best wishes were sent to Public Works Director Steve Weaver.

Miss Gilleland reviewed code violations and resolutions for the month of January and outlined the community calendar for the coming weeks.

ORDINANCE NUMBER 32-00 BAR COMPOSITION

The Public Hearing was held concerning Ordinance Number 32-00. Mr. Feverston reviewed this proposed Ordinance which changes the composition of the Board of Architectural Review. These changes will make this Ordinance more compliant with requirements of the State of Ohio for Centerville to receive Local Government Status. The Planning Commission recommended approval of this Ordinance to City Council. Mr. Kingseed sponsored Ordinance

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Number 32-00, An Ordinance Amending Section 17, APD, Architectural Preservation District, Of Ordinance No.11-86, Zoning Ordinance Of The City Of Centerville, Ohio, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

Abraham Miller, 1724 Haley Drive, was present at this meeting to request that the City of Centerville, Washington Township and the Centerville-Washington Park District form a committee to explore the feasibility of constructing a skatepark for the children in this community. He outlined the need for such a rink due to the fact that there is no place in the community where it is permissible for children to skate. Many other Municipalities have already constructed skateparks. Mr. Horn advised that this issue has been discussed previously. The City of Centerville has not pursued this issue from a liability standpoint. He suggested that the Park District would be the proper entity to provide such a facility. Mayor Beals suggested that this issue be discussed by City Council at a future Work Session.

Sarah Stanton, 7575 McEwen Road, offered her support for the construction of a skatepark in the Centerville/Washington Township community. She presented to City Council information relative to skateparks in other entities. Mr. Stanton advised that the Park District has offered space for such a park but they have no money for its construction.

In answer to a question of Mr. Singer, Miss Gilleland advised that a skatepark did not rank on a survey relative to the Master Plan for the Leonard E. Stubbs Memorial Park.

Sarah Stanton, 7575 McEwen Road, Realtor, asked Council to consider some relief in the positioning of Open House signs.

ORDINANCE NUMBER 3-01 APPROPRIATE RIGHT-OF-WAY FOR ALEX-BELL
MARJORIE NEARING

Mr. Horn advised that City Staff has been working with the Ohio Department of Transportation in preparation for the widening of Alexandersville-Bellbrook Road from 1,000 feet west of Loop Road to the intersection of Bigger Road. The City has engaged the services of professional negotiators and professional appraisers deemed eligible to work in this type of arena by ODOT. Alex-Bell will be widened to a four lane roadway with center landscaped median and turn lanes. Parcels of land are needed from some property owners for right-of-way purposes. The price of some parcels have been negotiated and some remain outstanding. Six property owners have not agreed with the appraised value. Mr. Horn explained the fact that some properties may have to be appropriated for a court to decide the amount of money to be paid. Mr. Kingseed moved that Ordinance Number 3-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, be set for Public Hearing on March 19, 2001. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 4-01 APPROPRIATE RIGHT-OF-WAY FOR ALEX-BELL
JUNE LOWRY

Dr. Gresham moved that Ordinance Number 4-01, An Ordinance To Appropriate Certain

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Interests In Real Property For The Purpose Of Making Public Improvements, be set for Public Hearing on March 19, 2001. Mr. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 5-01 APPROPRIATE RIGHT-OF-WAY FOR ALEX-BELL
W. DANIEL LOWRY AND DEBORAH A. LOWRY

Mr. Singer moved that Ordinance Number 5-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, be set for Public Hearing on March 19, 2001. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 6-01 APPROPRIATE RIGHT-OF-WAY FOR ALEX-BELL
WINSTON DANIEL LOWRY

Mr. Cline moved that Ordinance Number 6-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, be set for Public Hearing on March 19, 2001. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 7-01 APPROPRIATE RIGHT-OF-WAY FOR ALEX-BELL
CLAUDIA C. PHILLIPS

Dr. Gresham moved that Ordinance Number 7-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, be set for Public Hearing on March 19, 2001. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 8-01 APPROPRIATE RIGHT-OF-WAY FOR ALEX-BELL
RONALD B. AND LAURIE DIANE PHILLIPS

Mr. Cline moved that Ordinance Number 8-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, be set for Public Hearing on March 19, 2001. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 15-01 ELECTRIC SERVICE TO MUNICIPAL FACILITIES

Mr. Horn reviewed an Agreement with DPL Energy for the supply of electricity to the City's Municipal facilities. The City pays between \$80,000.00 to \$100,000.00 per year for this generation component. The Agreement locks the price for a period of three years with no increase, DPLE will monitor the City's facilities, and will advise the City on ways to save on its usage if other sources become available. Mr. Krass sponsored Resolution Number 15-01, A Resolution Authorizing The City Manager To Enter Into An Agreement With DPL Energy (DPLE) For The Supply Of Electricity And Consultative Services To The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 16-01 CHANGE ORDER FOR POLICE FACILITY

Mr. Horn advised that a Change Order is necessary in the construction of the new Centerville Police facility to replace the colored split face block from the base of the building with brick and to backfill with lean concrete the footer area at the northwest area of the building. The total amount of the Change Order is \$23,829.75. Dr. Gresham sponsored Resolution Number 16-01, A Resolution Ratifying The Action Taken By The City Manager To Execute Payment For Change Order Number One To L. B. Robinson, Inc., Relative To The Construction Of The Centerville Police Headquarters For The City Of Centerville, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 17-01 DAYTON OPEN

Mr. Horn reviewed a proposed Agreement between the City of Centerville and the Dayton Open for the use of The Golf Club at Yankee Trace for the BUY.COM Dayton Open Golf Tournament. The Dayton Open is a not for profit Board of Trustees who contracts with the City for the use of the golf course at a fee of \$65,000.00 which represents revenue lost by the City during tournament week. The tournament itself will take place June 21-24, 2001, with other related activities beginning June 16, 2001. Mr. Cline sponsored Resolution Number 17-01, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville, To Execute A Contract With Dayton Open, and moved that it be passed. Mr. Krass seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 18-01 DAYTON OPEN

Mr. Horn reviewed a proposed Agreement between the City of Centerville and the Dayton Open to provide for the management of day to day tasks and other services necessary to assure the success of the BUY.COM Dayton Open Golf Tournament at the Golf Club at Yankee Trace. The PGA Tour has agreed to provide an Operations Director for the tournament at their cost. Mr. Kingseed sponsored Resolution Number 18-01, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Execute A Contract With Dayton Open, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 19-01 BEVERAGE MARKETING AGREEMENT PEPSI

Mr. Horn advised that the City has received a negotiated proposal from Pepsi-Cola General Bottlers, Inc. to supply Pepsi products to Yankee Trace for an additional period of five years. They have supplied their product to Yankee Trace for the past three years. The Agreement provides the City with three exemptions per year. The benefits to the City with this proposal are: purchasing discounts, revenue based upon sales, Pepsi will provide portable bars, refrigeration equipment, refreshment trailers and two motorized beverage carts that are used daily. Dr. Gresham sponsored Resolution Number 19-01, A Resolution Authorizing And Directing The City Manager To Enter Into An Exclusive Beverage Marketing Agreement With Pepsi-Cola General Bottlers, Inc. And Finding That Competitive Bidding Is Inappropriate, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous

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vote of City Council.

RESOLUTION NUMBER 20-01 PUBLIC DEFENDER

Mr. Horn reviewed a proposed Agreement between the City of Centerville and 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. This is the continuance of a service from previous years. The method of charging the City for said services has been changed. The City will be charged on a per case basis based upon previous year expenditures and experience factors. The cost for the current year will be \$82.40 per case. Mr. Kingseed sponsored Resolution Number 20-01, 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. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 21-01 MOWING OF CITY PROPERTY

Mr. Horn advised that bids were received and reviewed by the City Horticulturist for the mowing of certain properties owned by the City of Centerville. The total estimated cost for the 2001 season is \$76,906.00. Mr. Hill advised that two of the three contractors to be awarded bids provided service to the City in the year 2000. Mr. Singer sponsored Resolution Number 21-01, A Resolution Accepting The Bids Submitted By Tangeman And Son, Combs Lawn Service, And Michael's Lawn And Mulch Inc., For The Maintenance Of Certain Specified City Properties During 2001 Throughout The Community And To Authorize The City Manager To Enter Into Contracts In Connection Therewith, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION APPOINT HEATHER MENDELSON

Mr. Krass moved that Heather Mendelson be appointed as a member of the Centerville Arts Commission. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

There being no further business the meeting was adjourned.

Approved: Sally D. Beak
Mayor

ATTEST:

Wanda McLaughlin
Clerk of Council