

Held June 19, /19 2000

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 19, 2000, 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, City Chaplain and Pastor of the Church of the Incarnation, and the Pledge of Allegiance to the Flag with Deputy-Mayor James Singer presiding. Councilmembers and City Staff present were as follows:

- Councilmembers Douglas Cline
- Susan Lienesch
- Paul Gresham
- Roger Krass
- C. Mark Kingseed
- Clerk of Council Marilyn McLaughlin
- City Manager Gregory Horn
- Assistant City Manager Judith Gilleland
- Public Works Director Steve Weaver
- City Engineer Norbert Hoffman
- Finance Director Mark Schlagheck
- Chief of Police Steve Walker
- Assistant to the City Manager Kelly Fackel
- Assistant City Planner Ryan Shrimplin
- Acting Municipal Attorney Scott Liberman

Mr. Singer advised that the flight for Mayor Sally Beals from Dallas-Fort Worth to Dayton had been delayed. For this reason she would not be present for this meeting. Dr. Gresham moved that Mayor Sally Beals be excused from this meeting. Mr. Kingseed seconded the motion. The motion passed unanimously.

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

- Council Meeting - May 15, 2000.
- May 31, 2000.
- Work Session Meetings - May 15, 2000.
- May 22, 2000.
- June 12, 2000.

Dr. Gresham requested that the minutes of the Work Session held June 12, 2000 be amended to reflect the fact that the proposed amendment to the sign section of the Centerville Zoning Ordinance will not permit internal illuminated signs in the Architectural Preservation District and that the Magsig Middle School is not located in the APD. Mr. Kingseed moved that the minutes of the foregoing meetings be approved as distributed and the minutes of the June 12, 2000 as amended. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Singer administered the Oath of Office to Centerville Arts Commission member Virginia Krause Hess.

DAYTON LEGAL BLANK CO. FORM NO. 1014M

Held June 19, 2000 continued 19

Mr. Singer read and presented to Kelly Fackel a Certificate of Appreciation for her services as an employee of the City of Centerville and as Tournament Director for the BUY.COM Dayton Open golf tournament.

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

Recognition was given to the Friends of Benham's Grove for the tremendous Garden Fest held June 16-18, 2000.

Appreciation was expressed to everyone who participated in the BUY.COM Dayton Open golf tournament held at The Golf Club at Yankee Trace June 3-11, 2000. This was the second successful golf tournament of this type held at Yankee Trace. It is estimated that \$100,000.00 will be given to local charities from the proceeds of this event.

Acknowledgment was given for the outstanding effort the Centerville Police Department and local businesses made with Hometown Survival Trail held at The Leonard E. Stubbs Memorial Park on June 17, 2000.

A Pre-Bid Conference was held on June 13, 2000 for the construction of the new police facility. 90 General Contractors and Sub-Contractors have taken out bid specifications.

Work continues with various Municipalities in the preparation of a rights of way Ordinance which Dayton area communities can adopt at one time.

State Route 48 between Nutt Road and Mandel Drive will be closed between Monday, July 10, 2000 and Friday, July 21, 2000. The Ohio Department of Transportation will be removing a hump in the road to create improved sight distance.

Chief Walker gave an update on the enforcement of the recently past helmet law in the City of Centerville. To this date warnings have been issued and a total of 500 helmets have been given to children without helmets, at time of warnings issued and during the Hometown Survival Trail. Chief Walker also outlined the success and activities associated with the school resource officer program. Dr. Gresham brought attention to the excellent Hometown Survival Trail conducted by the Centerville Police Department and stated his desire for this to become an annual event.

Miss Gilleland gave the community calendar for June and July, 2000.

ORDINANCE NUMBER 7-00 ZONING ORDINANCE AMENDMENT TEXT SIGNS

Mr. Shrimplin reviewed the Planning Commission meetings held May 30 and June 13, 2000. The Planning Commission, by a vote of 6-0, recommended approval of an Ordinance to amend the sign section of the Centerville Zoning Ordinance to City Council. Mr. Cline moved that Ordinance Number 7-00, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Section 23, The Sign Section Of The Zoning Ordinance In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, be set for Public Hearing on August 21, 2000. Mr. Kingseed seconded the motion. The motion passed unanimously.

Held June 19, 2000 continued

19

**MAGSIG MIDDLE SCHOOL APPEAL FILED BY MARGARET BARCLAY
SIGN VARIANCE**

The Public Hearing was held concerning an Appeal filed by Margaret Barclay, Principal, Magsig Middle School against a decision rendered by the Planning Commission on April 25, 2000 denying a Variance Request for an internal illuminated sign at 192 West Franklin Street. Mr. Shrimplin reviewed this Appeal and showed a picture of the existing legal non-conforming sign located on the subject property. Submitted by the Centerville City Schools was a Variance Application which included four variances. The Planning Commission, in consideration of these variances, approved a 32 square foot sign with a plastic and changeable sign face. Denied was the fourth variance which was a request for the sign to be internally illuminated. Mr. Shrimplin pointed out that in this particular case, the sign section of the Centerville Zoning Ordinance contains a provision that requires any non-residential use which is located in a residential zoned district to follow the sign regulations for the APD. Magsig Middle School falls in that category.

Ginger McDonald, 1141 Walnut Valley Lane, PTO Chairman of the Building and Grounds Committee at Magsig Middle School, stated that the internal illumination is desired so that the sign will be visible at night and that the sign ordered comes equipped with internal light. The sign proposed is the same as currently erected at other school locations in the community. Ms. Ginger explained the fact that the proposed amendment to the sign section of the Centerville Zoning Ordinance will permit this type of sign at 192 West Franklin Street. It is their desire to have this sign erected prior to school opening this fall and prior to the potential effective date of the proposed Zoning Ordinance amendment.

Jenny Rohr, 9350 Patriot Woods Court, outgoing PTO President, offered her support for the sign in question. She pointed out that the size and location proposed for the new sign will not cause any hazardous condition for passers-by

Upon question of Mr. Kingseed, Mr. Shrimplin advised that this particular variance is merely a timing issue. The proposed amendment to the sign section of the Centerville Zoning Ordinance has already been approved by the Planning Commission and passed onto to City Council for adoption.

In answer to a question of Mr. Krass, Ms. Ginger advised that the proposed sign will be four feet shorter in height than the existing sign.

Dr. Gresham moved that the decision rendered by the Planning Commission to deny a variance for an internal illuminated sign at 192 West Franklin Street be reversed and that the Appeal be granted permitting the internally illuminated sign as requested. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 5-00 NATURAL GAS FRANCHISE DP&L

The Public Hearing was held concerning Ordinance Number 5-00. Mr. Horn reviewed this proposed Ordinance which provides for a non-exclusive franchise with the Dayton Power and Light Company to provide natural gas service to the City of Centerville and to its inhabitants for a period of five years, automatically renewing for additional five year periods unless a two year notice is given by either party. The Ordinance also provides for a review of the franchise at the end of three years. Mrs. Lienesch sponsored Ordinance Number 5-00, An Ordinance Granting To The Dayton

Held June 19, 2000 continued

19

Power And Light Company, Its Successors And Assigns, A Gas Franchise In The City Of Centerville, State Of Ohio, For A Period Of Five (5) Years, Automatically Renewing For Additional Periods Of Five (5) Years Unless Notice Is Given, Commencing On The Effective Date Of This Ordinance, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

TAX BUDGET 2001

The Public Hearing was held concerning the Tax Budget for the City of Centerville for the year 2001. Mr. Horn pointed out that this budget, a rough estimate for the year 2001, is required by the Ohio Revised Code to be submitted to the County Auditor by July 15, 2000 for consideration by the Montgomery County Budget Commission. This budget includes an estimated ending balance January 1, 2001 of \$8,343,400.00, total receipts for the year \$23,454,000.00 for total available resources of \$31,797,400.00. Mr. Krass moved that the Tax Budget for the City of Centerville be approved for submission to the Auditor of Montgomery County. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 20-00 0.028 ANNEXATION SUPPORT AND SERVICES

Mr. Horn reviewed a proposed Resolution indicating services and supporting the annexation of 0.028 acres of land in Washington Township to the City of Centerville. He located the subject property on a map and explained the reason for this annexation being to assure that the City and the developer can cause access to Washington Church Road from the Homestead section of Yankee Trace. It appears that this access point to Washington Church Road has always been planned by the owners of the property. The property is currently owned by Great Traditions Land and Development Company. Without this annexation the possibility exists that the County Engineer may not provide this access to Washington Church Road. Mr. Kingseed sponsored Resolution Number 20-00, A Resolution In Support Of The Proposed Annexation Of Property Containing 0.028 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Revised Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 21-00 68.678 ANNEXATION SUPPORT AND SERVICES

Mr. Horn reviewed a proposed Resolution indicating services and supporting the annexation of 68.678 acres of land in Washington Township to the City of Centerville. This is a 100 % owner petition by Yankee Development Group for annexation. Mr. Horn located the subject property on a map being situated at the southeastern corner of Social Row Road and Sheehan Road. Mr. Krass sponsored Resolution Number 21-00, A Resolution In Support Of The Proposed Annexation Of Property Containing 68.678 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Revised Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

Held June 19, 2000 continued 19

RESOLUTION NUMBER 22-00 0.276 ANNEXATION SUPPORT AND SERVICES

Mr. Horn reviewed a proposed Resolution indicating services and supporting the annexation of 0.276 acres of land in Washington Township to the City of Centerville. Mr. Horn located the subject property on a map being a small portion of right-of-way owned by the City of Centerville but not heretofore included on any other annexation. Annexation of this property would provide uniform traffic control on Yankee Street by the City of Centerville. Dr. Gresham sponsored Resolution Number 22-00, A Resolution In Support Of The Proposed Annexation Of Property Containing 0.276 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Revised Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 23-00 CENTERVILLE STATION ROAD STORM SEWER

Mr. Weaver reviewed the following bids received for the Centerville Station Road Storm Sewer Improvement Project 2000:

Flora Excavating		\$163,398.46
	Alternate	25,197.65
	Total	188,596.11
Pyper Construction Company		\$177,220.24
	Alternate	25,319.43
	Total	202,539.67
Excel Contracting, Inc.		\$201,272.00
	Alternate	43,088.00
	Total	244,360.00
TdM Construction Company		\$221,485.75
	Alternate	43,847.00
	Total	265,332.75
R. B. Jergens Contractors		\$228,402.40
	Alternate	38,934.40
	Total	267,336.80
L. J. DeWeese Company		\$238,136.50
	Alternate	36,535.00
	Total	274,671.50

Mr. Weaver outlined the work to be done which includes the installation of a storm sewer which parallels Centerville Station Road from Clyo Road to approximately 200 feet east of Bigger Road, fronting on The Franciscan at St. Leonard property. The project also includes a storm sewer crossing Centerville Station Road. Mr. Weaver recommended acceptance of the bid submitted by Flora Excavating for the bid price of \$188,596.11. Upon question of Mrs. Lienesch, Mr. Weaver advised that the differences in bid prices are the result of different ways the contractors propose to dispose of the spoils from the project. Mrs. Lienesch sponsored Resolution Number 23-00, A Resolution Accepting The Bid Submitted By The Flora Excavating For The Centerville Station Road Storm Sewer Installation Project 2000 For The City Of Centerville And To Authorize The City Manager

DAYTON LEGAL BLANK CO. FORM NO. 10488

Held June 19, 2000 continued 19

To Enter Into A Contract In Connection Therewith, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 24-00 YANKEE TRACE SECTION 24 IMPROVEMENTS

Mr. Horn reviewed the following bids received for Yankee Trace Improvements, Yankee Trace, Section 24:

S.K. Construction	\$841,938.90
Silverhawk Construction	\$922,323.05
Pyper Construction Company	\$939,208.01
Brumbaugh Construction, Inc.	\$978,520.82

Improvements being made are included in Special Assessment Financing, Phase 5. Mr. Horn recommended that the bid submitted by S.K. Construction Company in the amount of \$841,938.90 be accepted and that City Staff be authorized to expend up to approximately 5% or \$40,000.00 additional if extra work becomes necessary. He advised that a contract for this project will not be executed until a Letter of Credit in the amount of \$80,000.00 is received from Great Traditions Land and Development Company to bridge any financing gap between the amount of SAF money left in the account and the amount of this construction project. Great Traditions has agreed to submit this Letter of Credit. Mr. Cline sponsored Resolution Number 24-00, A Resolution Accepting The Bid Submitted By S.K. Construction For The Yankee Trace Section 24 Improvements 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. Kingseed seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE REAPPOINT SANDRA BAVER AND MARY PIZZA

Mr. Cline moved that Sandra Baver and Mary Pizza be reappointed as members of the Sister City Committee. Mrs. Lienesch seconded the motion. The motion passed unanimously.

PLANNING COMMISSION REAPPOINT JAMES DURHAM CHAIRMAN

Mr. Kingseed moved that James Durham be reappointed as Chairman of the Planning Commission for an additional year. Dr. Gresham seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Horn announced a farewell reception planned for Ms. Fackel on Friday, June 23, 2000 between the hours of 2:30 - 4:30 P.M. in the Council Chambers.

Mr. Krass asked that improvements be completed in front of the Centerville Municipal Building prior to the 4th of July.

There being no further business, the meeting was adjourned.

Held June 19, 2000 continued

19

Approved: Sally D. Biels
Mayor

ATTEST:

Maureen D. Laughlin
Clerk of Council