

RECORD OF PROCEEDINGS

364

Minutes of

COUNCIL

Meeting

Held August 21,

1/19 2000

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 21, 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 Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer

Councilmembers Douglas Cline
 Susan Lienesch
 Paul Gresham
 Roger Krass

Clerk of Council Marilyn McLaughlin

Assistant to the Clerk of Council Debra James

City Manager Gregory Horn

Assistant City Manager Judith Gilleland

Public Works Director Steve Weaver

Chief of Police Steve Walker

City Planner Steve Feverston

Municipal Attorney Robert Farquhar

City Engineer Norbert Hoffman

Mayor Beals advised that Councilmember C. Mark Kingseed was called out of town on business. Mr. Singer moved that Mark Kingseed be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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

Council Meeting - July 17, 2000.

Work Session Meetings - July 17, 2000.

- July 24, 2000.

- August 7, 2000.

- August 14, 2000.

Mr. Cline moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Krass seconded the motion. The motion passed by unanimous vote. Mr. Singer abstained from the minutes of the August 14, 2000 Work Session Meeting.

Mayor Beals reported the following points of interest covering the past month and coming weeks:

Condolences were expressed to the family of the late Arthur Foland. Mr. Foland has served the City as a member of the Sister City Committee and the Planning Commission.

Congratulations were extended to David Cunningham upon his retirement after 36 years on the Washington Township Fire Department.

Mystery Night Out and Dog Show held August 1, 2000, organized by the Centerville Police Department, was a great success. Appreciation was expressed to all that participated and to merchants for their support and donations.

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Several new businesses have opened their doors in the City of Centerville: Stitching Post in the Cross Pointe Shopping Center, Maggie Moos in Cross Pointe and Morris Furniture soon to open on Wilmington Pike.

Mayor Beals reminded motorists that school begins soon, traffic patterns will change. Beggar's Night is scheduled for Tuesday, October 31, 2000 in the City of Centerville. \$105,000.00 will be awarded charities as a result of the BUY.COM Dayton Open. Constitution Week in Centerville is September 17 through September 23, 2000.

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

The Dayton Area Chamber of Commerce will host a "Business After Hours" at Benham's Grove on Wednesday, September 6, 2000. He complimented Administrator Anita Besco for putting this event together.

The Planning Commission meeting scheduled for Tuesday, August 22, 2000 has been canceled upon request of Great Traditions Land and Development Company. To be addressed at this meeting was the expansion of the Lifestyle Community Master Plan for Yankee Trace.

Two hearings were held before the Montgomery County Board of Commissioners on August 22, 2000. Both annexations involved very small acreage to merely square off road right-of-ways. Washington Township has hired legal counsel from Columbus, Ohio, to oppose these annexations and they have advised that they will fight all annexations that have been and will be filed. Mr. Horn expressed his dissatisfaction with the City having to spend taxpayers dollars for outside legal counsel to fight these minute annexations.

The concrete sidewalk installation project on Jeanette Drive and Bethel Road has been completed.

Work on the drainage project along the south side of Centerville Station Road in front of The Franciscan at St. Leonard will begin within the next couple weeks.

The phase four decorative lighting project in the Architectural Preservation District is near complete.

The City is currently accepting bids for the installation of brick sidewalks in the APD.

Mr. Horn brought attention to the John P. Kalamon Memorial Golf Tournament scheduled for Monday, September 18, 2000 at The Golf Club at Yankee Trace.

Mayor Beals pointed out that annexations which have been filed with Montgomery County are for the safety and beautification along Yankee Street. Washington Township fought the annexation of land now occupied by The Golf Club at Yankee Trace to the City of Centerville, the City won the annexation and has provided one of the greatest assets to the entire community. Mayor Beals emphasized the fact that Centerville is a part of the Township and yet the Township fights the City in all endeavors to better the lives of our residents and to provide facilities of this quality. Mr. Singer also stated his dissatisfaction with actions of the Washington Township Trustees: to fight two minute annexations at a great legal expense. Dr. Gresham pointed out that residents of Centerville will be paying attorney fees on both sides, for and against these annexations. Mr. Horn explained that all annexations filed with Montgomery County have been 100 percent owner annexations. Mr. Feverston showed slides locating the two minor annexations on a map defining their importance to the Yankee Trace Community and to road right-of-way improvements. Mr. Krass echoed the same sentiments as other members of Council relative to the action taken by Washington Township Trustees, and pointed out that none

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of these annexations are taking away economic impact from Washington Township, this action will impact future endeavors relative to the two entities coming together on other issues.

Miss Gilleland gave the community calendar for the coming month.

YANKEE TRACE, SECTION TWENTY-FOUR RECORD PLAN

Mr. Feverston reviewed the Planning Commission meetings held on July 11 and August 8, 2000. He reviewed the Record Plan for Yankee Trace, Section Twenty-Four, a 14.123 acre tract of land proposed to be developed into 32 single-family residential lots. The zoning of this property is R-1c, Single-Family Residential. Mr. Feverston located the subject property on a map being the extension of Olde Haley Drive west of Yankee Street. The north side of Olde Haley Drive will develop with the neo-traditional style homes and the south side will develop with conventional single-family homes backing up to Holes Creek. The Centerville-Washington Park District has indicated their intent to purchase Lots 491, 492 and reserve area R-BK from the developer to combine this acreage with existing Fence Row Park. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. The final design of all "skin improvements" (decorative walls, mounding, street lights, and picket fencing) shall be subject to approval by the Planning Department.
2. The curve in the access drive situated in the southwestern portion of the site shall be flared to a width of 20 feet at the apex of the curve subject to approval by the City Engineering Department. This is the drive access at the end of Olde Haley Drive.
3. All side yard building setback shall be in accordance with the approved Residential Cluster Development Plan.
4. Should Lots 491, 492 and R-BK be transferred to the Centerville-Washington Park District, the Record Plan shall be modified to show a park lot and the final configuration shall be subject to approval by the City Planner or the drive access for Lots 491, 492 and R-BK shall be approved by the City Engineering Department.
5. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
6. The final landscaping plan for Reserve R-BM shall be subject to approval by the City Planning Department.
7. In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer. The private drives within this plat shall be required to be part of the Performance Bond and Subdivider's Agreement because of the frontage and direct access it provides to individual platted lots.

Mr. Feverston reviewed the following conditions recommended by the City Engineer:

1. Acceptable Subdivider's Agreement.

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2. Performance Bond to assure the completion of the public improvements and private access drive (grading, drainage, curbs, pavement, etc.) in the amount of \$160,000.00 of which \$20,960.00 is for sidewalks.
3. Inspection fee in the amount of \$965.00.

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

Mr. Krass moved that the Record Plan for Yankee Trace, Section Twenty-Four, be approved as recommended by the Planning Commission and City Engineer including all conditions. Mr. Cline seconded the motion. The motion passed unanimously.

YANKEE TRACE, SECTION TWENTY-THREE RECORD PLAN

Mr. Feverston reviewed the Record Plan for Yankee Trace, Section Twenty-Three, and located the subject property on a map being situated east of the Clubhouse and south of number four golf hole. This section consists of the development of 30.676 acres of land into 66 single-family lots. The zoning of the property in question is R-1c, Single-Family Residential. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
2. In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer.

Mr. Feverston reviewed the City Engineer's recommendation for approval subject to the following conditions:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to assure the completion of the public improvements (grading, drainage, curbs, pavement, etc.) in the amount of \$63,000.00 which represents the balance of the subdivision construction after the SAF 5 construction contract is completed.
3. Inspection fee in the amount of \$1,741.00.

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

Upon question of Mrs. Lienesch, Mr. Feverston advised that the hiker-biker path issue was resolved while the Record Plan was before the Planning Commission. He located the hiker-biker paths on the Record Plan.

Mrs. Lienesch moved that the Record Plan for Yankee Trace, Section Twenty-Three, be approved as recommended by the Planning Commission and City Engineer including all conditions. Dr. Gresham seconded the motion. The motion passed by unanimous vote of City Council.

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Mayor Beals announced that a plaque in appreciation will be presented to Catherine Smith for her assistance to the Centerville Police Department in solving a crime. She encouraged residents to report suspicious incidents to the Police Department.

ORDINANCE NUMBER 8-00 ZONING ORDINANCE AMENDMENT
CITY INITIATED REZONING POELKING, HAYNES, BIRCH PROPERTIES

The Public Hearing was held concerning the City initiated rezoning for properties owned by Theodore J. Poelking, 9871 Paragon Road, Jerry Jaynes, 9831 Paragon Road, and David L. and Gayla J. Birch, 9901 Paragon Road. Mr. Feverston located said properties on a map which total 10.481 acres of land. The proposed zone change is from Washington Township Agricultural to Centerville R-1c, Single-Family Residential. The application first submitted to the Planning Commission for a change in zoning was to R-1a, Single-Family Residential. The Planning Commission recommended that the change be to R-1c so that these property owners would not be held to a higher standard than the adjoining land owners, and R-1c would provide a better transition to the small lots in Yankee Trace. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Application to R-1c, Single-Family Residential. Upon question of Mr. Singer, Mr. Feverston advised that these three lots are not part of the Yankee Trace Golf Course Community expansion. Mr. Cline sponsored Ordinance Number 8-00, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 10.481 Acres, More Or Less, From Washington Township Agricultural Zone Classification To Centerville R-1c, Single-Family Residential Zone Classification, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 9-00 ZONING ORDINANCE AMENDMENT
CITY INITIATED REZONING YANKEE TRACE DEVELOPMENT, INC., BOLLINGER,
WILCOX, BURKHARDT PROPERTIES

The Public Hearing was held concerning a City initiated rezoning for properties along the east and west sides of Paragon Road owned by Yankee Trace Development, Inc., John and Evelyn Bollinger, Edith Wilcox and Charles Burkhardt. Mr. Feverston located these properties on a map consisting of 43.043 acres and identified them as part of the proposed Yankee Trace Golf Course Community expansion. The proposed change is from Washington Township Agricultural to Centerville R-1c, Single-Family Residential. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Request to City Council. Mr. Singer sponsored Ordinance Number 9-00, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 43.043 Acres, More Or Less, From Washington Township Agricultural Zone Classification To Centerville R-1c, Single-Family Residential Zone Classification, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 7-00 ZONING ORDINANCE AMENDMENT TEXT SIGNS

The Public Hearing was held concerning Ordinance Number 7-00, an Ordinance to make changes to the Sign Section of the Centerville Zoning Ordinance. Mr. Feverston outlined the following changes made to Section 23, Signs:

Temporary signs for single-family and two-family residential uses, and for non-residential, multi-family and undeveloped land uses.

Establishes requirements for identification signs for neighborhoods.

Establishes standards for signs for schools, churches and similar uses in residential zoned areas.

Modifies standards to allow for wall signs where space is not available for a ground sign for business, industrial or other non-residential uses.

Permits additional sign materials in the Architectural Preservation District.

Mr. Feverston explained that these changes are the result of review of the current sign regulations by City Council, the Planning Commission, and the Board of Architectural Review. Mr. Krass commended the BAR, the Planning Commission and City Staff for these long needed and awaited changes. Mr. Krass sponsored Ordinance Number 7-00, An Ordinance Amending Ordinance Number 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, and moved that it be passed. Dr. Gresham seconded the motion. Upon question of Mr. Singer, Mr. Feverston advised that political sign regulations have not been modified by this Ordinance. Mr. Singer pointed out that improved administrative practices will be put in place in the future relative to political signs. The motion passed unanimously.

ORDINANCE NUMBER 10-00 GAS FRANCHISE DP&L AMENDMENT

The Public Hearing was held concerning Ordinance Number 10-00. Mr. Horn reviewed this proposed Ordinance which amends Ordinance Number 5-00 previously passed by City Council granting a gas franchise in the City of Centerville to the Dayton Power & Light Company. Section 1 of Ordinance Number 10-00 included the following sentence "The City hereby reserves the right to amend or abolish this right to enter upon and in, use and occupy the streets, alleys, avenues, public places and way of the City at any time by the passing of a subsequent Ordinance. Mr. Horn advised that both the City and DP & L have agreed to strike this sentence due to the short duration of the franchise and the fact that it can be changed every five years. Dr. Gresham sponsored Ordinance Number 10-00, An Ordinance To Amend Ordinance Number 5-00, An Ordinance Granting To The Dayton 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. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

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ORDINANCE NUMBER 12-00 ALEX-BELL ROAD RIGHT-OF-WAY ACQUISITION

The Public Hearing was held concerning Ordinance Number 12-00. Mr. Horn reviewed this proposed Ordinance to provide that the City of Centerville assume and bear one hundred percent of the total cost of right-of-way acquisition and utility relocation expense involved in the Alex-Bell (State Route 725) widening project from approximately Loop Road to Bigger Road. The Ohio Department of Transportation has agreed to move this project forward in a quicker manner if the City of Centerville agrees to assume these costs. This project should be under construction in the year 2001. Mr. Singer sponsored Ordinance Number 12-00, An Ordinance Amending Ordinance 7-93 To Allow the City To Assume 100% Of The Right of Way And Utility Relocation Expense, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote. Upon question of Mr. Singer, Mr. Weaver advised that this widening project will be bid and the bid awarded by the State of Ohio in June or July of 2001, the construction to be administered and managed by the State of Ohio, and construction to begin shortly thereafter with completion in mid 2002.

Carol Ratermann, 375 W. Spring Valley Road, was present at this Council Meeting to ask that something be done relative to the noise her family experiences when there is a performance in the Amphitheater in the Leonard E. Stubbs Memorial Park. She suggested that consideration be given to the construction of a barrier or an earthen mound to block the noise from her residence. Miss Gilleland outlined how the City has required time changes, speakers have been changed, and schedules have been changed. Mr. Horn advised that he is not aware of anything else that can be done to better the situation. Mrs. Lienesch suggested that when enhancements are made in the park, this issue be taken into consideration. Mayor Beals asked that City Staff continue to seek information relative to possible ways to deal with Mrs. Ratermann's problem.

ORDINANCE NUMBER 13-00 SPECIAL ASSESSMENT FINANCING, YANKEE TRACE PHASE V

Mr. Horn reviewed a proposed Ordinance to levy special assessments to pay for \$1,100,000 worth of improvements in certain areas of Yankee Trace. This Ordinance has been prepared as an emergency in order to lock in interest rates. Mr. Singer sponsored Ordinance Number 13-00, An Ordinance Levying Special Assessments For The Improvement Of Yankee Trace Drive And Club View Drive, Between Certain Termini, By Clearing, Grading, Draining, Curbing And Paving, And Constructing Sanitary Sewers, Storm Sewers, Water Mains And Sidewalks, Together With All Necessary Appurtenances Thereto, And Also Yankee Trace Drive, Wedgestone Place, Bentgrass Lane, Villa Vista Place, Wedgestone Court, Haley Drive And Heritage Lake Drive, As Provided Herein To The Extent Of Available Funds, And Declaring An Emergency, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 14-00 0.265 ACRE ANNEXATION

Mr. Horn reviewed a proposed Emergency Ordinance to authorize the Municipal Attorney to prosecute the proceedings necessary to effect the annexation of 0.065 acres of land located in Washington Township to the City of Centerville. At the hearing before the Montgomery County Board of Commissioners relative to this annexation, it was deemed by the Montgomery County Engineer that the exact acreage was in error. Due to the opposition Washington Township has exhibited relative to this annexation, it has become necessary for the City to refile the annexation. Mr. Farquhar explained that the acreage involved on the petition for annexation was determined to be correct by the consultant but determined to be incorrect by the County Engineer. Attached to this Ordinance is the actual legal description from the deed. Mr. Singer sponsored Ordinance Number 14-00, An Emergency Ordinance Authorizing The Annexation Of Contiguous Territory And Directing The Municipal Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 15-00 0.265 ACRE ANNEXATION

Mrs. Lienesch moved that Ordinance Number 15-00, An Ordinance Authorizing The Annexation Of Contiguous Territory And Directing The Municipal Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation, be set for Public Hearing on September 18, 2000. Mr. Krass seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 16-00 AMEND FIRE CODE

Mr. Horn reviewed a proposed Ordinance to repeal and adopt revisions to the Unified Fire Code to keep the City and Washington Township's fire code compliant. The Washington Township Trustees will be adopting these revisions at approximately the same time as the City of Centerville. Dr. Gresham moved that Ordinance Number 16-00, An Ordinance Repealing Chapter 1611, Centerville Municipal Code, And Adopting New Chapter 1611, The Unified Fire Code By Reference, be set for Public Hearing on September 18, 2000. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 27-00 REJECT POLICE FACILITY BIDS

Mr. Horn reviewed a proposed Resolution to reject all bids received for the construction of the new Centerville police headquarters facility. The three bids received were well over the architect's cost estimate. The project estimate was \$5,850,000; bids ranged from \$5,904,000 to \$6,715,000, the low bid being 21 percent over the architect's estimate. Options are to attempt to negotiate with the bidders or to rebid. Mr. Horn recommended that the City reject all bids and rebid the project. Mr. Krass sponsored Resolution Number 27-00, A Resolution Rejecting All Bids For The New Police Headquarters Facility And Authorizing And Directing The City Manager To Cause The Project To Be Rebid, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

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RESOLUTION NUMBER 28-00 SERVICES TO 7.132 ACRES ANNEXATION

Mr. Horn reviewed a proposed Resolution outlining the services the City will provide to property which is the subject of the annexation containing 7.132 acres from Washington Township to the City of Centerville. This land is under option to purchase by Great Traditions Land and Development Company, at the request of the City of Centerville, to provide a golf hole in the expansion of The Golf Club at Yankee Trace. Mr. Horn pointed out that the Township has indicated they will also fight this annexation. Mr. Cline brought attention to the fact that the expansion of the golf course will enhance the value of adjacent properties in Washington Township as well as the City of Centerville. Mr. Cline sponsored Resolution Number 28-00, A Resolution In Support Of The Proposed Annexation Of Property Containing 7.132 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. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 29-00 DARE OFFICER

Mr. Horn reviewed a proposed Resolution authorizing the submission of an application to the Ohio Attorney General's Office for a grant to help defray some of the expenses for a DARE Officer in the City of Centerville. Mrs. Lienesch sponsored Resolution Number 29-00, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Make Application To The Ohio Attorney General's Office For Salary Funding Of A DARE Officer, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 30-00 RIGHT-OF-WAY ACQUISITION FOR ALEX-BELL ROAD

Mr. Horn reviewed a proposed Resolution to authorize the expenditure of money for the cost of services for right-of-way appraisal and preparation of documents, review appraisal, and actual negotiation and acquisition of property for the Alex-Bell Road improvement project in the City of Centerville. Part of the City's responsibility in this project is to fund these services at an estimated cost between \$34,000 and \$45,000. Mr. Singer sponsored Resolution Number 30-00, A Resolution Authorizing The City Manager To Execute Payment For The Cost Of Services For Right-Of-Way Appraisal And Preparation Of Documents, Review Appraisal, And Actual Negotiation And Acquisition Of Property For The Alex-Bell Road Improvement Project, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 31-00 DECLARE SURPLUS PROPERTY

Mr. Horn reviewed a proposed Resolution to declare specific equipment no longer utilized by the City of Centerville in the various departments as surplus property. This property will be sold at a public auction coordinated by the Centerville-Washington Park District. Upon question of Dr. Gresham, Mr. Weaver advised that the auction will be held on September 30,

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2000 at the Oak Creek South Park and will be advertised by the auctioneer and in local papers. Dr. Gresham sponsored Resolution Number 31-00, A Resolution Declaring Specific Equipment No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

SISTER CITY COMMITTEE APPOINT JOHN MORAITES, CAROLYN BASFORD

Mr. Cline moved that John Moraites and Carolyn Basford be appointed each to a three year term as members of the Sister City Committee for the City of Centerville. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: Sally O Beale
Mayor

ATTEST:

Marie J. McLaughlin
Clerk of Council