

RECORD OF PROCEEDINGS

Minutes of COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 101AB

Held April 19, 1999

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 19, 1999, 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 Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	J. V. Stone
	James Reppert
	C. Mark Kingseed
	Susan Lienesch
	Douglas Cline

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Peggy Whisman
 City Manager Gregory Horn
 Assistant City Manager Judith Gilleland
 Public Works Director Steve Weaver
 City Planner Steve Feverston
 City Engineer Norbert Hoffman
 Chief of Police Steve Walker
 Acting Municipal Attorney Scott Liberman
 Assistant to the City Manager Kelly Fackel

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

Council Meetings - March 15, 1999.
 - April 5, 1999.
 Council Work Sessions - March 15, 1999.
 - March 22, 1999.
 - April 5, 1999.
 - April 12, 1999.

Mr. Singer moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Michael J. Battaglia. Mrs. Lienesch moved that the resignation of Michael J. Battaglia as a member of the City Beautiful Commission be accepted with regret. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mayor Beals administered to Oath of Office to the following Commission members:
 Cheri Williams-Alvarado - City Planning Commission.
 Robert Cahill - Centerville Arts Commission.
 Linda Meily - City Beautiful Commission.

CITY BEAUTIFUL COMMISSION CHAIRMAN APPOINT LINDA MEILY

Mr. Reppert moved that Linda Meily be appointed as Chairman of the City Beautiful Commission. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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Mayor Beals introduced the following Centerville High School students participating in Youth in Government Day in the City of Centerville on April 27, 1999:

Sally Beals	Mayor	Nina Nandy
James Singer	Deputy-Mayor	Mike Vogel
J. V. Stone	Councilmember	Kyle Chilton
C. Mark Kingseed	Councilmember	Doug Johnston
James Reppert	Councilmember	Chris Langer
Susan Lienesch	Councilmember	Stephanie Fischer
Douglas Cline	Councilmember	Greg Mason
Marilyn McLaughlin	Clerk of Council	Nirupa Goel
Gregory Horn	City Manager	Annette Bryan
Judith Gilleland	Asst. City Manager	Eric Martens
Kelly Fackel	Asst. to City Manager	Laura Huff
William Bettcher	Director of Finance	Matt Kostak
Steve Feverston	City Planner	Abby Martin
Norbert Hoffman	City Engineer	Steve List
Steve Walker	Chief of Police	Mark Graham
Steve Weaver	Public Works Director	Donald Weaver
John Miller	Golf Superintendent	Andrew Jenkins
Patrick Bayley	Head Golf Professional	Philip Holroyd
Steve Shaw	Dir. Of Food Service/Chef	Lindsey Siudyla

Isaiah Adegbile, Community Partnership Specialist for the United States Census 2000, responsible for the western portion of the State of Ohio, was present at this meeting to outline the importance of the census being taken every ten years. The census station for Ohio is located in Detroit, Michigan. He stressed the importance of all forms being accurately completed and returned by all American people. A complete count provides important information for the future of our nation; the census means power and money. Mr. Adegbile advised that all information contained on the forms remains confidential. Mayor Beals explained how the count plays a major part in state and congressional representation.

Mayor Beals announced the following events which will occur in the next few weeks:

- Clean Sweep will occur in the City of Centerville May 10 - 14, 1999.
- Arbor Day is scheduled for April 29, 1999 at the gazebo located on the northeast corner of West Franklin Street and Normandy Lane. Fourteen trees will be planted commemorating this the fourteenth year the City of Centerville has been designated a Tree City USA. Seedlings will be distributed to third grade students.
- The Volunteer Salute will be held Thursday, April 29, 1999. Emphasis was placed on the need for volunteers on City Board and Commissions and for the NIKE Dayton Open tournament.
- On April 19, 1999 a ribbon cutting ceremony was held at the Farmers & Merchants bank located at 1033 South Main Street in the Centerville Place Shopping Center.

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

- Volunteers are needed for the NIKE Dayton Open golf tournament to be held at The Golf Club at Yankee Trace on June 13 - 20, 1999. Appreciation was expressed to General Chairman Jack Kindler and to Tournament Director Kelly Fackel for their extensive work with the golf tournament.
- Employees of the City of Centerville have been encouraged to participate in the John Kalamian Blood Drive on Tuesday, April 27, 1999.
- Through a joint effort by the City of Centerville, Washington Township and the Centerville City School Board, a community promotional brochure and video have been developed, entitled Centerville Washington Township A Wonderful Place to Call Home.
- Operation Clean Sweep May 10 - 14, 1999 is a great opportunity to get rid of unwanted items in and around the home.
- An application has been filed by the City of Centerville with the Montgomery County EDGE program for a \$300,000.00 grant to be utilized toward the redevelopment of the old Kmart shopping center area at the northeast corner of South Main Street and Spring Valley Road.
- The 1999 Street Resurfacing program for the City of Centerville is currently before Council for consideration. The intent is that the majority of the work be completed prior to school opening in the fall.
- The City of Centerville and Washington Township has been working on an Emergency Operations plan for the entire community.
- The new golf professional Patrick Bayley has been hired and is working at The Golf Club at Yankee Trace.

Miss Gilleland gave a community calendar for the next four weeks.

Mr. Kingseed, speaking as Chairman of the Architectural Preservation District Task Force, advised that a formal report will be given at the May 17, 1999 Council Meeting. Developed by the Task Force thus far are three recommendations to be considered: 1) That the administration of requirements in the Architectural Preservation District be structured so that an applicant need only to appear before one board for approval, 2) Changes be made to the Design Review Criteria, and 3) The parking lot concept introduced approximately five years ago for the northwest corner of Main and Franklin Streets be resurrected.

FOREST WALK SECTION ONE RECORD PLAN

Mr. Feverston reviewed the Record Plan for Forest Walk, Section One, for the development of 10.563 acres of land zoned R-1c, Single-Family Residential, into 21 lots. The property is situated along the east side of Clys Road, north of Black Oak Drive and south of Deer Run Road. The 21 lots will be platted to the north and east of the Weller Farm homestead. To satisfy the parkland dedication requirement for the total Forest Walk development, 0.651 acres will be added to the existing Forest Walk Park. Mr. Feverston located the subject property on a map and outlined adjacent zoning classifications and land uses. A large reserve area is located in the southeastern portion of the property to provide for storm water detention; plus two additional reserve areas with retention ponds are included on the overall Master Plan. The plan includes the

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dedication of two roadways: Forest Walk Drive and Deer Run Road, and includes roadway improvements to Clio Road. The Planning Commission, by unanimous vote, recommended approval of this Record Plan subject to the following conditions:

1. The final design of the left turn lane shall be subject to approval by the City Engineer.
2. Side and rear yard building setbacks shall be according to the Residential Cluster Development Plan approved by the Planning Commission.
3. A final grading and stormwater drainage plan shall be subject to approval by the City Engineer.
4. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basin.
5. The treatment of the edge along the retention pond shall be subject to approval by the Planning Commission.
6. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
7. Prior to any construction, grading or adding fill material on this property, a silt fence or other construction barrier shall be installed by the developer at the drip line of the tree canopy and maintained in a workmanlike condition at all times and remain in place until all construction is complete, the slopes are established, seeded and mulched.
8. In lieu of completion of the required improvements prior to the recording of this 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.
9. A Performance Bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the Zoning Ordinance subject to approval by the City Engineer. This Bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.

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

1. Acceptable Subdivider's Agreement.
2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc.) in the amount of \$278,435 of which \$15,540 is for public sidewalks.
3. Inspection fee in the amount of \$710.00.
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. Singer brought attention to the fact that during a previous Council Work Session, the developer concurred that construction traffic would not travel through the residential neighborhood to the north.

Upon question of Mrs. Lienesch, Mr. Feverston advised that the dry basin in the southeastern portion of the development will be prepared prior to construction.

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Mr. Stone moved that the Record Plan for Forest Walk, Section One, be approved subject to all conditions recommended by the Planning Commission and the City Engineer, and that Deer Run Road into this development from the north be blocked to prevent construction traffic from entering through the residential neighborhood to the north. Mr. Reppert seconded the motion. Mr. Weaver clarified the fact that sediment control devices will be put in place, but the detention basin will not be prepared prior to construction due to the fact that dirt from this detention basin will be used in the construction phase. The motion passed unanimously.

ORDINANCE NUMBER 5-99 ADOPT 1999 ELECTRIC CODE

The Public Hearing was held concerning Ordinance Number 5-99. Mr. Weaver identified this proposed Ordinance as a housekeeping issue. Updating of the National Electric Code, published by the National Fire Protection Association, is required every three years. Passage of this Ordinance provides for the City's Municipal Code to be current. Mr. Singer sponsored Ordinance Number 5-99, An Ordinance Amending The Centerville Municipal Code, Part 14 Building And Housing Code, Chapter 1424 National Electrical Code, And Adopting The 1999 Electric Code-NFPA 70-1999 By Reference, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

Chris Langer, 307 Southbridge Lane, defined a traffic problem at the entrance into the Centerville High School off East Franklin Street. There are two east bound lanes entering the area of the High School. Many times the cars in the outer lane turn into the school thus creating a double turn into the school entrance. Mr. Hoffman advised that he is aware of the problem, he asked for suggestions for a solution.

Bert Gates, 7058 Fallen Oak Trace, identified a problem he has with the City's policy relative to real estate signs. He lives in Whispering Oaks and has his home on the market for-sale. Due to the City's policy the only way he can advertise is in the newspaper or signage at one entrance into Whispering Oaks provided no other owner has erected a for-sale sign. Mr. Weaver explained that only one for-sale sign is permitted due to the fact that Whispering Oak is considered one property.

ORDINANCE NUMBER 7-99 LANDMARK DESIGNATION PETER SUNDERLAND HOUSE

Mr. Feverston reviewed proposed Ordinance Number 7-99, an Ordinance to designate the Peter Sunderland house at 595 East Alexandersville-Bellbrook Road as a landmark. The Board of Architectural Review has reviewed this application and has recommended landmark designation for said house to City Council. Mr. Reppert moved that Ordinance Number 7-99, An Ordinance To Designate The House Addressed As 595 East Alexandersville-Bellbrook Road And Known By Local Historians As The Peter Sunderland House, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance No. 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, be set for Public Hearing on June 21, 1999. Mr. Kingseed seconded the motion. The motion passed with six ayes in favor of the motion, Mrs. Lienesch voted no.

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ORDINANCE NUMBER 8-99 STATE ROUTE 48 BRIDGE REPLACEMENT

Mr. Horn reviewed a proposed Ordinance to request the Director of Transportation's cooperation for the replacement of the bridge over the Holes Creek tributary in the area of the Woodbourne Library on State Route 48. This bridge replacement is the responsibility of the Ohio Department of Transportation; however, the City agrees to assume and bear 100 percent of the total cost of features requested by the City which are not necessary for the improvement. Mr. Stone moved that Ordinance Number 8-99, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, be set for Public Hearing on May 17, 1999. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 12-99 STREET CUT REPAIRS

Mr. Horn reviewed a proposed Resolution to provide for an Agreement with Montgomery County for the City to make permanent repairs to roadways necessitated by water and sewer repairs. The Agreement provides that either the County or the City will make the repairs, whichever is the quickest way. Mrs. Lienesch sponsored Resolution Number 12-99, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And The Board Of County Commissioners Of Montgomery County For Permanent Repair Of Roadways Necessitated By Water And Sewer Repairs, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 13-99 1999 STREET RESURFACING PROGRAM

Mr. Horn reviewed the following bids received for the 1999 Road Improvement Project, Concrete Repair and Asphalt Resurfacing

L. P. Cavett Company	\$670,335.01
John R. Jurgensen Company	\$705,767.28
Barrett Paving Materials, Inc.	\$728,185.50
S. E. Johnson Companies, Inc.	\$782,607.75

Based upon the fact that Council authorized up to \$750,000.00 for this project, Mr. Horn recommended that Council accept the low bid submitted by L. P. Cavett Company in the amount of \$670,335.01 and that the expenditure up to \$750,000.00 be authorized to cover cost overruns, additions, and to provide funds for the City to cooperate with Montgomery County in a street resurfacing program on Normandy Lane. Mr. Cline sponsored Resolution Number 13-99, A Resolution Accepting The Bid Submitted By The L. P. Cavett Company For The 1999 Concrete Repair And Asphalt Resurfacing Road Improvement Project For The City of Centerville And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 14-99 STATE ROUTE 48 CURBING AND ISLAND PROJECT

Mr. Horn reviewed the following bids received for the North Main Street Curb and Median Project:

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R. A. Miller Construction	\$119,666.00
L. J. DeWeese Co., Inc.	\$124,231.00
TdM Construction Company, Inc.	\$139,705.00
Silver Hawke Construction	\$142,883.00

This project involves the construction of concrete curb and raised medians on North Main Street from Whipp Road to near Loop Road. Mr. Horn recommended acceptance of the low bid submitted by R. A. Miller Construction in the amount of \$119,666.00. Mr. Stone sponsored Resolution Number 14-99, A Resolution Accepting The Bid Submitted By R. A. Miller Construction For The State Route 48 Curbing And Island Project For The City Of Centerville And To Authorize The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously..

RESOLUTION NUMBER 15-99 YANKEE TRACE GAS LIGHTS

Mr. Horn reviewed the one bid received from the Cincinnati Gaslight Company for the installation of natural gas ornamental lights in Yankee Trace. The entire cost of these lights is paid for through the Special Assessment Financing process. Lights previously installed have been supplied by Cincinnati Gaslight. Upon question of Mr. Reppert, Mr. Horn advised that he continues to make contact with the developer relative to the availability of shut off devices for these lights. Mr. Reppert requested a written update on the status of the availability of these shut off devices. Mr. Singer sponsored Resolution Number 15-99, A Resolution Accepting The Bid Submitted By Cincinnati Gaslite Company, Inc., For The 1999 Yankee Trace Gas Lighting Project For The City Of Centerville, And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed; he also stressed the importance of finding a way to preserve the use of gas during daylight hours. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 16-99 POLICE FACILITY

Mr. Horn outlined the need for additional space for the operations of the Centerville Police Department. A project was initiated a few months ago relative to the construction of a joint police and fire facility between the City of Centerville and Washington Township. After the preparation of a Needs Assessment and Feasibility Study by Horne and King Architects, it was determined by both entities that this would not be a joint project. It is now time for engineering services to provide for the orderly progress for the construction of a facility for the Centerville Police Department. Chief Walker reviewed for Council events which have taken place during previous months and emphasized the excellent relationship the City has had with Horne and King. He recommended that an agreement be executed between the City of Centerville and Horne and King Architects for the engineering and architectural services necessary for the construction of this police facility. Mr. Reppert sponsored Resolution Number 16-99, A Resolution Authorizing The City Manager To Execute An Agreement Between The City Of Centerville And Horne And King Architects To Provide Professional Guidance For The Orderly Progress Of The Construction Of A New Facility For The Centerville Police Department, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

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CENTERVILLE PROPERTY REVIEW COMMISSION APPOINT FREDERICK DIETRICH

Mr. Kingseed moved that Frederick Dietrich be appointed as a member of the Centerville Property Review Commission. Mr. Cline seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE REAPPOINTMENTS NANCY BOWLUS, PIERRE CREASE
CENTERVILLE CITY SCHOOLS PERSONNEL APPEALS BOARD
REAPPOINT WILLIAM HARRIS

Mr. Cline moved that Nancy Bowlus and Pierre Crease be reappointed as members of the Sister City Committee, and William Harris be reappointed as a member of the Centerville City Schools Personnel Appeals Board. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 17-99 LUNG FAT, INC. DBA GRAND CHINA BUFFET
LIQUOR PERMIT

Mr. Horn explained the fact that when a notice is received from the Ohio Division of Liquor Control of an application for a liquor permit for an establishment in Centerville, the Police Department conducts an investigation to determine whether the City should object and request a hearing. In the case of Lung Fat, Inc. DBA Grand China Buffet, it was found that a deportation order against the owner had been issued. Due to the fact that this is not a legal reason for objection, Municipal Attorney Robert Farquhar recommended that this finding be reported to the Ohio Division of Liquor Control. Mr. Cline sponsored Resolution Number 17-99, A Resolution Authorizing And Directing The City Manager To Notify The State of Ohio Division Of Liquor Control Of The Concerns Of The Council Of the City Of Centerville With Respect To The Proposed Issuance Of a D-1 Liquor Permit To Lung Fat, Inc., DBA Grand China Buffet, and moved that it passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Horn clarified the fact that Horne of Horne and King Architects is of no relation to him.

Mr. Reppert asked that Council receive copies of all citations issued by the intern working in the Public Works Department relative to the removal of signs and other citations issued during the previous weekend. Mr. Weaver clarified the fact that citations were not issued, illegally placed signs were removed and delivered to the Public Works Department for the owners retrieval. Mr. Reppert requested a listing of all property maintenance issues found by the intern during the weekend of April 16, 1999.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beck

Mayor

ATTEST: Marie J. Saughel

Clerk of Council.