

RECORD OF PROCEEDINGS

270

Minutes of

COUNCIL

Meeting

Held August 16

19 99

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 16, 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 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	J. V. Stone
	James Reppert
	C. Mark Kingseed
	Douglas Cline
	Susan Lienesch
Clerk of Council	Marilyn McLaughlin
City Manager	Gregory Horn
Assistant City Manager	Judith Gilleland
Public Works Director	Steve Weaver
City Planner	Steve Feverston
City Engineer	Norbert Hoffman
Director of Finance	William Bettcher
Acting Municipal Attorney	Robert Farquhar
Assistant to the City Manager	Kelly Fackel

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

Council Meetings - July 19, 1999.

- August 2, 1999.

Council Work Sessions - July 19, 1999.

- August 2, 1999.

- August 9 1999.

Joint City Council/Washington Township Trustees Meeting - July 26, 1999.

Mrs. Lienesch requested that the second to the last paragraph in the minutes of the August 9, 1999 Work Session be changed to read as follows: "Mrs. Lienesch presented to Council a letter outlining her position opposing the waiver requested by Airborne Express. Discussion followed concerning the pros and cons of the waiver requested by Airborne." Mr. Reppert moved that the minutes of the foregoing meetings be approved, as distributed and as amended. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mayor Beals administered the Oath of Office to Personnel Appeals Board Member James Brunner.

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

Congratulations were extended to the City of Kettering for being honored by the United States Conference of Mayors for their Home Improvement Fair to promote good property maintenance.

Congratulations were also extended to the Washington-Centerville Public Library for moving up in the rankings among public libraries in the State of Ohio.

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held August 16, 1999 continued 19

Mystery Night Out and Jake's K-9 Contest were held in the Leonard E. Stubbs Memorial Park by the Centerville Police Department on Tuesday, August 3, 1999 with over 1,000 in attendance.

The Ford auto dealership at the northwest corner of Alexandersville-Bellbrook Road and Whites Corner Road will reopen on Monday, August 23, 1999 under the name Planet Ford.

As a result of the NIKE Dayton Open golf tournament, \$55,000.00 was distributed among six charities: Hospice of Dayton, AIM for the Handicapped, Big Brothers/Big Sisters of Greater Dayton, Boys and Girls Clubs of Dayton, Ronald McDonald House COINstruction Crew and the Centerville-Washington Foundation.

The next issue of Centerville's Town Crier will contain the leaf collection schedule in the City of Centerville as well as other fall announcements.

Mayor Beals cautioned motorists to travel with care in areas where children will soon be walking to school.

Appreciation was expressed to the City Staff for the maintenance of flowers and trees in street medians and at City Hall.

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

The Centerville City Staff is currently working on the 2000 Budget and Capital Improvement Program for the City of Centerville.

Arrangements have been formalized between the Centerville City Schools and the Centerville Police Department for two officers to work with the high school and other schools in the City on a full time basis during the school year. Funds for this program will be provided by the Centerville City Schools and a grant received by the Police Department.

A comprehensive report will be given concerning the Y2K issue during the September Council Meeting.

The City of Centerville will join the City of Dublin in their efforts to nullify the passage of House Bill 283 which restricts and limits Ohio Municipalities in their efforts to control public rights-of-way within their boundaries.

The second phase of the property maintenance survey will soon take place relative to the exterior of homes in an area east of State Route 48, south of Franklin Street, north of Spring Valley Road and west of Johanna Drive, Bethel Road and Clareridge Lane.

Miss Gilleland gave the community calendar for the following month.

YANKEE TRACE SECTION 21 RECORD PLAN

Mr. Feverston reported on the Planning Commission meeting held August 10, 1999. He reviewed the Record Plan for Yankee Trace, Section 21; property located west of Yankee Street and south of Silverlake Drive. The zoning of this 7.445 acre parcel of land is R-1c, Single-Family Residential. Twenty-seven lots are proposed to be developed as a neo-traditional type development as permitted in the approved Lifestyle Community Master Plan for Yankee Trace. Mr. Feverston located the subject property on a map and identified the zoning and land uses of adjacent properties. He reviewed Planning Commission's unanimous vote to recommend approval of this Record Plan to City Council subject to the following conditions:

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 16, 1999 continued 19

1. A covenant shall be placed on the Record Plat to prohibit vehicular access of lots 380 through 400 to Wind Flower Drive subject to approval by the City Attorney.
2. A covenant shall be placed on the Record Plat for all "skin" improvements, including the picket fence in the front yards and coach lights along the rear access drive be maintained by the Homeowners Association.
3. The access drive shall be labeled as a private access easement on the Record Plan.
4. The curve in the access drive situated in the northeastern portion of the site shall be placed to a width of 20 feet at the apex of the curve subject to approval by the 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-BB shall be subject to approval by the City Planning Department. This plan shall include a solid board privacy fence, approximately 150 feet length, to be placed along the property line in the northeast portion of the site to help mitigate the impact of vehicles traversing the access drive in this area to the residents of the Silvercreek neighborhood.
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 drive 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 lots.

Mr. Feverston recommended that condition number 6 be changed to read as follows and that condition number 8 be added:

6. The final landscaping plan for Reserve R-BB shall be subject to approval by the City Planning Department. This plan may also include a solid board privacy fence, approximately 150 feet length, to be placed along the property line in the northeast portion of the site to help mitigate the impact of vehicles traversing the access drive in this area to the residents of the Silvercreek neighborhood. In lieu of a fence, the applicant shall work with the property owner of Lot #2, Silvercreek Estates, Section 1, to obtain a landscape easement to accomplish the same purpose.
8. A covenant shall be placed on the Record Plan that grants the City of Centerville the right of access through Reserve Area BD for the purpose of maintaining the main irrigation lake subject to approval by the City Attorney.

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

1. Acceptable Subdivider's agreements.
2. Performance Bond to assure the completion of the public improvements and private access drive (grading, drainage, curbs, pavement, etc.) in the amount of \$311,000.00 of which \$19,720.00 is for sidewalks and the Hiker Biker Trail.
3. Inspection fee in the amount of \$1,166.40.

The estimated cost to complete public improvements (grading, drainage, curbs, pavement, final course asphalt, etc.) that are not included with the current SAF-4 funded improvements out for bid is \$96,000.00. If and when the SAF-4 funded improvements are under contract the Performance Bond may be reduced to \$96,000.00.

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held August 16, 1999 continued 19

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.

Mayor Beals pointed out that Haley Drive has been changed to Wind Flower Way on the Record Plan. Mr. Horn advised that this name will also be changed. Upon question of Mr. Singer, Mr. Horn advised that the City will pursue a landscape easement from the property owner of lot number two in Silvercreek Estates, Section One, to provide for a natural landscape buffer rather than the installation of a fence. However, if the easement does not occur, a fence will be required. Mr. Kingseed moved that the Record Plan for Yankee Trace, Section Twenty-One be approved including all conditions recommended by the Planning Commission, City Staff and the City Engineer. Mr. Reppert seconded the motion. The motion passed unanimously.

Ashwan Raghavan, 9130 Indian Springs Court, Vice President of the student body at the Centerville High School, was present at this meeting asking the community for monetary and physical support of a project called Spirit Chain, a fund raising project each year for charity. This year the charity selected is Habitat for Humanity to raise funds to build a house.

RESOLUTION NUMBERS 30-99, 31-99, 32-99, 33-99, 34-99, 35-99
DESIGNATE PUBLIC DEPOSITORIES

Mr. Bettcher advised that every two years according to State Law, the City of Centerville is required to advertise for public depositories for public funds. Applications have been received from: Fifth Third Bank, Western Ohio; Community National Bank; National City Bank; Key Bank, NA of Montgomery County, Ohio; Bank OneBank, NA Dayton, Ohio; and Firststar Bank, NA Dayton, Ohio. The period for depository is from August 23, 1999 through August 22, 2001. Mr. Reppert sponsored the following Resolutions:

- 30-99 A Resolution Designating A Public Depository And Awarding Public Monies.
- 31-99 A Resolution Designating A Public Depository And Awarding Public Monies.
- 32-99 A Resolution Designating A Public Depository And Awarding Public Monies.
- 33-99 A Resolution Designating A Public Depository And Awarding Public Monies.
- 34-99 A Resolution Designating A Public Depository And Awarding Public Monies.
- 35-99 A Resolution Designating A Public Depository And Awarding Public Monies.

and moved that they be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 36-99 PUBLIC WORKS CENTER PARKING LOT

Mr. Weaver reviewed the following bids received for the third and final phase of the improvements to the parking lot at the Public Works Center on South Suburban Road:

Flora Excavating	\$60,037.00
L. J. DeWeese Company	62,340.00
Matrix Highway Construction	62,865.66
TdM Construction Company	73,967.80

DATTON LEGAL BLANK CO. FORM NO. 10148

Held August 16, 1999 continued 19

Mr. Weaver recommended acceptance of the low and best bid submitted by Flora Excavating in the amount of \$60,037.00 plus an additional amount of 5% of the bid for contingencies in the event of overruns due to field conditions. Mr. Stone sponsored Resolution Number 36-99, A Resolution Accepting The Bid Submitted By Flora Excavating For The Public Works Center Parking Lot 1999 Improvement 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 37-99 STUBBS PARK PLAY AREA

Mr. Horn reviewed the one bid received for playground equipment installation in the Leonard E. Stubbs Memorial Park. This program was included in the 1999 Capital Improvement Program for the City of Centerville and was included on the Master Plan for the park developed two years ago. Mr. Weaver recommended acceptance of the bid submitted by Double Jay Construction in the amount of \$62,774.20 plus an additional amount of 5% of the bid for contingencies in the event they are determined necessary. Upon question of Mr. Singer, Mr. Weaver explained that this program was bid in two divisions: Division I includes the excavation and removal of top soil and the installation of the perimeter boarding for the playground area, Division II provides for the purchase and actual installation of playground equipment. Mr. Reppert sponsored Resolution Number 37-99, A Resolution Accepting The Bid Submitted By Double Jay Construction For The Play Area Improvement Project In The Leonard E. Stubbs Memorial Park 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 unanimously.

RESOLUTION NUMBER 38-99 STUBBS PARK POND DEVELOPMENT

Mr. Weaver reviewed the following bids received for pond development in the Leonard E. Stubbs Memorial Park:

Thompson Excavating	\$53,175.00
	2,500.00 Alternate
Charles Jergens	56,603.00
	3,100.00 Alternate
William B. Davidson	59,399.95
	1,998.00 Alternate
Earth & Pipe Contracting	62,137.50
	1,500.00 Alternate

Mr. Weaver advised that this project includes the reconstruction of the two ponds behind the war memorial into one large pond; while the alternate provides for the regrading of the pond on the City of Centerville property line at Washington Township and the removal of the pond located at the southwest corner of the property. He recommended acceptance of the bid and alternate bid submitted by Thompson Excavating in the total amount of \$55,675.00 plus an additional amount of 5% of the bid for contingencies in the event they are determined necessary. Mr. Horn suggested that, if funds are available, the two unsightly ponds to the east be eliminated. Mr. Reppert sponsored Resolution Number 38-99, A Resolution Accepting The Bid Submitted By

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held August 16, 1999 continued 19

Thompson Excavating, Inc. For The Pond Development Project In The Leonard E. Stubbs Memorial Park 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. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 39-99 YANKEE TRACE SECTION 21 IMPROVEMENTS

Mr. Weaver reviewed the following bids received for improvements in Yankee Trace, Section 21:

Pyper Construction Company	\$409,480.05
Dyno Construction	476,125.40
Dinnen Excavating	518,732.80

The costs for these improvements will be paid for through Special Assessment Financing. Mr. Weaver recommended acceptance of the bid submitted by the Pyper Construction Company in the amount of \$409,480,05 plus an additional amount of 5% of the bid or \$20,000.00 for extra work if it becomes necessary. Mrs. Lienesch sponsored Resolution Number 39-99, A Resolution Accepting The Bid Submitted By Pyper Construction Company For Yankee Trace Improvements - Yankee Trace Section 21, 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 of City Council.

CITY BEAUTIFUL COMMISSION APPOINT PAUL GRESHAM

Mrs. Lienesch moved that Paul Gresham be appointed as a member of the City Beautiful Commission for the City of Centerville. Mr. Stone seconded the motion. The motion passed unanimously.

SISTER CITY COMMITTEE APPOINT SUZANNE WALK

Mr. Kingseed moved that Suzanne Walk be appointed as a member of the Sister City Committee for the City of Centerville. Mr. Singer seconded the motion. The motion passed by unanimous vote.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT JACK GRAMANN

Mrs. Lienesch moved that Jack Gramann be reappointed to an additional term as a member of the Board of Architectural Review for the City of Centerville. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

SISTER CITY COMMITTEE
REAPPOINT ALLEN HAVEMAN AND RAYMOND JOHNSON

Mr. Stone moved that Allen Haveman and Raymond Johnson be reappointed to serve additional terms as members of the Sister City Committee. Mr. Singer seconded the motion. The motion passed unanimously.

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 16, 1999 continued 19

CENTERVILLE ARTS COMMISSION REAPPOINT JOHN MALAS

Mr. Singer moved that John Malas be reappointed to an additional term as a member of the Arts Commission for the City of Centerville. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beak
Mayor

Attest: Marjorie W. Saughel
Clerk of Council