

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1048

Held August 17, 1998

19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 17, 1998 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, Pastor of the Church of the Incarnation and 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      George Smith  
                                  Susan Lienesch  
                                  James Reppert  
                                  C. Mark Kingseed  
                                  J. V. Stone

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

Assistant City Manager Judith Gilleland

Public Works Director Steve Weaver

City Engineer Norbert Hoffman

Director of Finance William Bettcher

Chief of Police Steve Walker

Fire Chief Kenneth Parks

Municipal Attorney Robert Farquhar

Assistant Director of Finance Mark Schlagheck

Assistant City Planner Ryan Shrimplin

Assistant to the City Manager Kelly Fackel

Code Enforcement Officer Don Creech

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

Council Meeting - July 20, 1998.

Work Sessions - July 20, 1998.

July 27, 1998.

August 3, 1998.

August 10, 1998.

Mr. Reppert moved that the minutes of the foregoing meetings be approved as distributed. Mr. Singer seconded the motion. The motion passed unanimously; however, Mayor Beals and Mr. Stone abstained from the minutes of the meetings held July 20, 1998 and July 27, 1998.

Mrs. McLaughlin announced the receipt of a Notice of Intent to Appeal and an Appeal filed by Gerald P. Ferguson on behalf of Chevy Chase Apartments against a decision rendered by the Centerville Property Review Commission on July 22, 1998. Mr. Singer moved that this Notice of Intent to Appeal and the Appeal be received. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin advised that a Petition was hand delivered this date to the Clerk's Office in opposition to the extension of Virginia Avenue. Mr. Kingseed moved that said Petition be accepted. Mr. Singer seconded the motion. The motion passed unanimously.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 17, 1998, continued19

Bonnie Mathies, President of the Washington-Centerville Public Library Board of Trustees, read and presented to City Council a Resolution passed by the Board of Trustees in support of the Virginia Avenue connection to Spring Valley Road. Mrs. Lienesch moved that this Resolution be accepted. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

Mayor Beals administered the Oath of Office to City Beautiful Commission member Carol Jean Hensley.

Mayor Beals brought attention to the following events which took place during the past month and are planned for the future:

A Proclamation has been issued designating August 26, 1998 as Women's Equality Day in the City of Centerville.

Mayor Beals congratulated Mrs. Lienesch on her recent appointment on the National Organization to Insure a Sound-Controlled Environment (NOISE) Board.

On July 6, 1998, a Topping-Off ceremony was held at the new fire station on West Whipp Road.

Mayor Beals thanked the Americana Festival Committee for the spectacular 4<sup>th</sup> of July celebration and fireworks display.

Congratulations were extended to the Community National Bank for their new location in the City of Centerville just east of the Centerville Municipal Building.

Mayor Beals reviewed activities which took place during recent Sister City exchanges: Waterloo visitors in Centerville July 2 - 5, 1998, and Centerville visitors in Bad Zwischenahn July 9 - 12, 1998.

The Centerville Arts Commission has been very busy with the Summer Concert Series at the Leonard E. Stubbs Memorial Park and with the Garden Fest at Benham's Grove.

The City Beautiful Commission continues with its summer beautification awards program.

The Centerville-Washington Foundation has been formed. Informational meetings have been scheduled for August 27, September 2 and September 10, 1998 beginning at 7:30 P.M. in the Council Chambers.

Mayor Beals asked motorists to drive cautiously with the opening of school in the very near future.

Mr. Horn reviewed the following during his City Manager's report:

The City's summer resurfacing program is progressing well; completion is anticipated prior to the beginning of the school year.

Pole and receptacle problems with the ornamental lights being installed along East Franklin Street from Main Street to Cemetery Drive are being resolved.

Work continues with a private contractor to resolve problems with the liner in the pond at Benham's Grove.

Specifications have been prepared and notice to bidders advertised for a new computer system for the City of Centerville, both hardware and software.

Mr. Horn outlined the remaining summer concerts to be held at the Leonard E. Stubbs Memorial Park.

Jazz on the Green continues on the patio at Yankee Trace through the end of September, 1998.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1054B

Held August 17, 1998, continued

19

Another pig roast will be held at Yankee Trace on Sunday, September 13, 1998 with two seatings: one at 4:00 P.M. and one at 6:30 P.M.

The Centerville Police Department has met all standards required for re-accreditation, and has received said award.

**ORDINANCE NUMBER 22-98 ZONING ORDINANCE AMENDMENT  
CITY INITIATED REZONING HONAKER AND  
YANKEE TRACE DEVELOPMENT PROPERTY**

Mr. Horn briefly reviewed an Ordinance to rezone property recently annexed to the City of Centerville; land conveyed to Rendale John and Dianna Lee Honaker and Yankee Trace Development, Inc. Approval of this rezoning was recommended by the Planning Commission during their meeting on August 11, 1998. Mr. Singer moved that Ordinance Number 22-98, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 8.73 Acres, More Or Less, From Washington Township Agriculture Zone Classification To Centerville R-1c, Single-Family Residential Zone Classification, be set for Public Hearing on October 19, 1998. Mrs. Lienesch seconded the motion. The motion passed unanimously.

**VIRGINIA AVENUE EXTENSION**

Mr. Reppert, speaking as Chairman of the Streets and Highways Council Committee, gave the following report concerning the possible extension of Virginia Avenue to Spring Valley Road: on the 15<sup>th</sup> of June, 1998 the Committee met and recommends to Council that the extension of Virginia Avenue be funded in a future Capital Improvement Program. This connection presently is an unfunded item in the current five year CIP. He pointed out that this decision was reached following a report presented to the Committee prepared by City Staff and as a result of two members of the Committee observing traffic flow at different times on Virginia Avenue. The vote by the Committee on this issue resulted in Mr. Reppert and Mr. Smith voting yes, Mr. Kingseed voted no.

Kenneth Katowik, 193 Monarch Road, identified accidents and stop sign violations which have occurred at and near his residence following the extension of Monarch Road. For this reason he stated his opposition to the extension of Virginia Avenue.

Lee Althen, 325 Annette Drive, voiced his objection to the construction of Virginia Avenue to Spring Valley Road. He read nothing in the Staff report prepared by the City's Public Works Director that substantiated the need for said extension. At the June 15 meeting of the Streets and Highways Council Committee, he heard no extenuating concrete reason for the extension of Virginia Avenue. Mr. Althen advised that Mr. Weayer, during the June 15 meeting estimated the cost of extending Virginia Avenue in excess of \$300,000.00. He pointed out that this expenditure would be a cost to the City for an unwanted roadway. Residents in the Concept Plat do not want a straight shoot to the south. He suggested that if addresses on Virginia Avenue are confusing, the southern stub of Virginia Avenue should be renamed.

Robin Steele, 95 Virginia Avenue, explained her observation of stop sign violations which occur on Virginia Avenue near her residence. She expressed concern with potential increase in traffic with the extension of Virginia Avenue. Mrs. Steele asked City Council to listen to the concerns of residents of Centerville.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 17, 1998, continued19

Lora Gannon, 48 Dale Ridge Drive, expressed concern with the safety for small children walking to school, those students that must cross Virginia Avenue.

Mark Baynum, 85 Virginia Avenue, emphasized traffic problems which occur on Virginia Avenue following sport events at the stadium to the south of Magsig School and school events at the school.

Briget Livingston, 134 Bristol Drive, questioned the theory for extending Virginia Avenue in order to provide access to the new Centerville Library and through the Leonard E. Stubbs Memorial Park. Everyone knows where the Library and Stubbs Park are located and how to get there.

Shelly Haynes, 169 Loganwood Drive, stated opposition to the extension of Virginia Avenue through a beautiful park and to the extension of a roadway in front of a school.

Stephen Hoadley, 134 Virginia Avenue, pointed out that traffic on Virginia Avenue has been very heavy for many years, he believes that whether or not the roadway is extended, the neighborhood will not be impacted any more than it is already.

Emily Katowik, 193 Monarch Road, explained the danger she experiences along Virginia Avenue as she walks home from Magsig and fears the potential of increased danger with the extension of Virginia Avenue.

Christin Weir, 164 Mallard Glen, sees no need for a second access to the Centerville Library.

Mathew Turton, 200 Virginia Avenue, expressed concern with possible decrease in property values with the extension of Virginia Avenue.

Craig Maynard, 253 Virginia Avenue, advised that after reading the report from the City Staff, he found no benefit to citizens of the area; he saw no need to spend money offering no public benefit.

Bill Kostak, 203 Monarch Road, suggested that if the City has money to spend on an unwanted roadway, that the income tax percentage be lowered instead.

Mr. Horn advised that when the extension of Virginia Avenue was discussed a few years ago, it was agreed that this issue be re-considered at a later date. With the development of a 20 year Master Plan for the Leonard E. Stubbs Memorial Park and the possible location of a joint police and fire facility at the corner of Virginia Avenue and Spring Valley Road, the timing was right to again consider the extension of Virginia Avenue south to Spring Valley Road. He explained how City Staff analyzed all aspects reaching the conclusion that there was merit in the roadway extension.

Police Chief Steve Walker reviewed the accident record in the City of Centerville over the past few years and identified high accident areas indicating very few accidents on Virginia Avenue. He outlined speed study checks on Virginia Avenue during which time speeds, in general, were under the speed limit. He stressed the importance of multiple accesses serving government and public buildings. Chief Walker highlighted significant problems the Police Department encounters when directing people out of Stubbs Park after an event and from events held at Madsig School.

Fire Chief Kenneth Parks emphasized the importance of secondary accesses in emergency and disaster situations; they are for the betterment of the community.

Public Works Director Steve Weaver pointed out the fact that traffic counts were taken on Virginia Avenue at high user times. He emphasized the importance of the major thoroughfare improvements in the area of Virginia Avenue which are currently taking place providing the

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 17, 1998, continued

19

transportation network which helps to alleviate some of the cut through traffic that residents are concerned about in neighborhoods. Virginia Avenue is no different than connector streets in other parts of the City. Mr. Weaver sees the extension of Virginia Avenue as a logical and appropriate part of a transportation plan to provide access to the park and to the south tying neighborhoods, recreation and government uses together.

Mr. Reppert moved that the recommendation of the Streets and Highways Council Committee that the connection of Virginia Avenue be funded in a future Capital Improvement program, be approved. Mr. Smith seconded the motion.

Mr. Kingseed, identified himself as the one member of the Streets and Highways Council Committee who voted against the extension of Virginia Avenue. In consideration of access to Stubbs Park, he suggested that additional parking be provided at the south end of Virginia Avenue thus alleviating some of the traffic problems in that area. He does not believe that the Centerville Library needs access from the north. If Virginia Avenue was extended, he believes that traffic would be significantly increased and would definitely impact the living conditions of residents in the Concept West Plat. Mr. Kingseed highlighted other areas of the City where the estimated \$300,000.00 for the Virginia Avenue extension could be better utilized. He advised that after weighing the pros and cons on this issue, he did not believe that the case had been made for the extension of Virginia Avenue

Mr. Smith, making reference to the words on the City Seal "Progress and Stability" pointed out that he was elected to Council to lead. He stressed the need for another north and south street to alleviate some of the traffic on Main Street and to prepare for developments to the south. He advised that Officials must look to the twenty first century in our City, not the nineteenth century when the City had a population of 3500 people. Mr. Smith stressed the importance of preparing for progress and having foresight into the future.

Mr. Stone explained the fact that when the extension of Virginia Avenue was addressed a few years ago, he supported it; however, statements that have been made by residents at this time have changed his mind. He sees no reason to continue Virginia Avenue through Stubbs Park in consideration for the safety of children utilizing the park facilities.

Mr. Singer pointed out that a full page ad in a local newspaper is not necessary to get the attention of Council concerning a particular matter.

Mrs. Lienesch, recognized good points made relative to both sides of this issue, she considered the many stub streets in other residential areas, and knows that she would use Virginia Avenue to by-pass the four corners in the center of Centerville to access the Library and the Centerville Place Shopping Center.

A roll call vote on the motion made by Mr. Reppert that the recommendation of the Streets and Highways Council Committee that the connection of Virginia Avenue be funded in a future Capital Improvement Program, be approved, resulted in five nays against the motion; Mr. Reppert and Mr. Smith voted yes.

Adrian Rose, 104 Cushwa Drive, questioned when the hole in front of his residence on Alexandersville-Bellbrook Road will be fixed. Mr. Horn advised that this has been included in the City's 1998 street resurfacing program. Upon another question of Mr. Rose, Mr. Weaver explained the stormwater drainage network being installed at the site of the new RETS Tech Center at the corner of Loop Road and Alexandersville-Bellbrook Road.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10748

Held August 17, 1998, continued19

## CHEVY CHASE APARTMENTS APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Gerald P. Ferguson, Vorys, Sater, Seymour and Pease LLP, on behalf of Chevy Chase Apartments against a decision rendered by the Centerville Property Review Commission during their meeting on Wednesday, July 22, 1998.

Ms. Fackel outlined for Council a brief history of the City's relationship with the Chevy Chase Apartments, from August 1996 to the present time, and the City's attempts in good faith to work with the management and owners of Chevy Chase to bring the property into compliance with the City's property maintenance code. On April 15, 1998 an appeal hearing was held before the Centerville Property Review Commission concerning a schedule for repairs at the apartment complex. The Commission at that time decided to hold their decision in abeyance on the condition that Chevy Chase diligently comply with the schedule of repairs. On July 22, 1998 following a report from City Staff that repairs were not being completed in a timely and diligent manner, the Property Review Commission denied the appeal filed by Chevy Chase Apartments against the notice issued by the City of Centerville finding Chevy Chase Apartments in violation of the City's property maintenance ordinance. Mr. Weaver showed slides of the maintenance problems observed by City Staff at the complex.

Bobbie Pilkerton, 74 Chase Drive, explained that maintenance at Chevy Chase is completed in phases. She outlined problems the management is having hiring a contractor to make the repairs included on the punch list provided by the City of Centerville.

Christa Conner, 11 Loganwood Drive, advised that during her eighteen years of residency at Chevy Chase, repairs have always been made when needed. She identified Chevy Chase as a nice place to live.

Gerald Ferguson, Attorney representing Chevy Chase apartments, advised that all of the violations included on the punch list presented by Ms. Fackel approximately six weeks after the February 15, 1998 notice of violations, have been abated. He asked City Council to grant the appeal and vacate the action of the Property Review Commission. He identified violations as cosmetic issues, they do not relate to habitability of the premises. Mr. Ferguson advised that HUD conducted an inspection three weeks ago and found nothing that requires attention. The residents are not complaining. He stated that all violations indicated by photos with the notice have been fixed. Mr. Ferguson advised that at the April 15 meeting he informed the Property Review Commission that they would prepare a schedule for repairs and they would meet said schedule. He explained problems with contractors to make repairs; the firing of one and the hiring of another. Mr. Ferguson presented to Council a copy of a letter received from the concrete contractor outlining problems he has had with equipment necessary to repair and raise stoops. The time frame for this work to be completed is August 31, 1998. He believes they have complied with the appeal because they have performed the work demonstrated by the photographs. Mr. Ferguson further stated that it is not now possible for the City to incorporate into its February 15, 1998 violation notice the punch list that was first submitted to Chevy Chase on April 1, 1998. Perhaps this is an issue that the courts will have to resolve.

Pamela Grant, 273 Chevy Lane, objected to not being treated fairly by the City. She stated they were told by the City all yards had to be uniform, she had to remove beautiful flowers.

Athena Baker, 64 Chase Drive, sees requirements of the City as being not for safety but for cosmetic reasons. She emphasized the fact that Chevy Chase is not an eyesore. Mrs. Baker stated that the City has made Chevy Chase look bad by stories in the newspapers.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1048

Held August 17, 1998, continued

19

Paula Allen, 181 Loganwood Drive, advised that the maintenance men at Chevy Chase are constantly working around the grounds, picking up trash and making repairs.

Diane Sifer, 67 Loganwood Drive, a resident for twenty-three years, explained how residents in Chevy Chase have done repairs and made improvements when maintenance contractors were not available.

Shelly Haines, 169 Loganwood Drive, advised that the Chevy Chase apartments are not an eyesore to the public, they are hardly visible from State Route 48.

Upon question of Mr. Kingseed, Mr. Farquhar advised that items listed on the notice of violations sent on February 25, 1998 were listed in the plural form, photos were furnished as examples. A punch list specifying and magnifying that which was mentioned in the February 25, 1998 notice of violation was characterized as a bill of particulars. During the hearing before the Property Review Commission on April 15, 1998, the appellant agreed to proceed and take care of all items on the punch list. Mr. Farquhar advised that the issue whether or not they have complied is a mute issue. The issue is that Chevy Chase has failed to comply with the schedule which was presented pursuant to the April 15, 1998 hearing. Chevy Chase has not completed all repairs.

Mr. Ferguson, in response to comments made by Mr. Farquhar, pointed out that the letter Chevy Chase received from the City stated "enclosed for your reference are photographs of the property and the various violations cited in the notice". He outlined replacements which have been taken place in excess of those included on the punch list.

Mr. Horn advised that improvements have been made at Chevy Chase; however during the past year timetables were not met, for this reason a punch list was developed. He emphasized the fact that the City has pursued improvements for the safety of residents and children, the intent was in no way to attack residents. There are problems at the apartment complex which must be addressed by the owner, it is his responsibility to maintain this complex as other areas in the community are maintained.

Mr. Reppert pointed out that residents are being let down by the landlord, not by the City of Centerville. Attempts for repairs and improvements at Chevy Chase began two years ago, not just on April 1, 1998.

Mr. Kingseed advised that the owner of Chevy Chase is not fulfilling his responsibility of maintaining the property, a responsibility for which he is being paid. The approach the property owner has taken in this case, is wrong.

Mayor Beals outlined information she has received from HUD endorsing the fact that the property owner is being paid to keep Chevy Chase in good repair; there is no reason why the property is not being maintained. The City of Centerville is trying to provide residents in Chevy Chase quality life in the community.

Mr. Reppert moved that the appeal filed by Gerald Ferguson on behalf of Chevy Chase Apartments against the decision rendered by the Centerville Property Review Commission relative to the notice issued by the City of Centerville finding Chevy Chase Apartments in violation of the City's property maintenance ordinance, be denied. Mr. Smith seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### THE FRANCISCAN AT ST. LEONARD MINOR AMENDMENT GARDEN HOMES

Mr. Shrimplin reviewed a request submitted by Miller-Valentine Group for a minor amendment to the previously approved Record Plan for the construction of garden homes at The Franciscan at St. Leonard, 8100 Clys Road. Requested is a slight variation in the setback for lots numbered 11 and 12, thus reducing the space between lots 11 and 15 to 48.30 feet and between

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10748

Held August 17, 1998, continued19

lots 12 and 14 to 47.73, both of which the space between is currently 50 feet. Mr. Singer moved that the minor amendment to the Record Plan for the construction of garden homes at The Franciscan at St. Leonard to vary the setbacks for lots 11 and 12, be approved. Mr. Reppert seconded the motion. Upon question of Mrs. Lienesch, Terry Hanauer, representing Miller-Valentine Group, submitted a letter from the President of St. Leonard's Elected Officers Resident Council stating that the patio enclosures for the homes on lots 11 and 12 which infringe on boundary lines do not pose a problem. He advised that members of the Resident Council have been on top of this project, in fact, some are moving into these garden homes. Mr. Hanauer pointed out that the lot lines were placed on the Record Plan merely for reference. Mayor Beals expressed concern with the proposed changes in setbacks; this is a request which may be made by other residents as they continue to move into the development, thus eliminating green space as originally planned. Mayor Beals called for the question. A roll call vote resulted in six ayes in favor of the motion, Mayor Beals voted no.

#### ORDINANCE NUMBER 23-98 NAME CHANGE FOR HISTORICAL COMMISSION

Mr. Reppert moved that Ordinance Number 23-98, An Ordinance Amending Sections 270.01 and 270.02 Of The Centerville Municipal Code By Expanding The Purpose And Membership Of The Centerville Historical Commission And Changing Its Name, be set for Public Hearing on September 21, 1998. Mr. Singer seconded the motion. The motion passed unanimously.

#### RESOLUTION NUMBER 23-98 YANKEE TRACE DRIVE CHANGE ORDERS

Mr. Horn reviewed proposed change orders to the existing contract for the Yankee Trace Spine Road North Project to provide for the extension of the spine road south for 317 feet, providing for the construction of additional roadway and utilities in Special Assessment Financing II. The cost of the change orders are \$24,004.75 for changes made in storm sewer, sanitary, water, utility crossings and undercutting of poor subgrade; and \$173,070.55 for costs related to the extension of the roadway 317 feet to the south. Mr. Singer sponsored Resolution Number 23-98, A Resolution Authorizing The City Manager To Execute Payment For Change Orders Necessary For The Construction Of The Yankee Trace Drive Extension, For The City Of Centerville, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

#### RESOLUTION NUMBER 24-98 ESCROW AGREEMENT GREAT TRADITIONS

Mr. Horn reviewed a proposed Resolution to authorize the execution of an escrow agreement between the City of Centerville and Yankee Trace Development, Inc. to provide that funds in SAF II be used for Yankee Trace Drive improvements and funds which will be a part of SAF III be used for water line improvements. Currently funds for water line improvements are included in SAF II. Yankee Trace Development, Inc. has agreed to place in escrow an amount equal to \$120,000.00 for the City to draw upon in the event Montgomery County requires the City to install the water line improvements prior to the issuance of SAF III funding. Mr. Singer sponsored Resolution Number 24-98, A Resolution Authorizing And Directing The City Manager To Execute An Escrow Agreement On Behalf Of The City Of Centerville With Yankee Trace Development, Inc., And Amending The Agreement Between The City Of Centerville And Great

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Held August 17, 1998, continued

19

Traditions Development Group, Inc., Dated June 27, 1994 To Provide For The Execution Of This Escrow Agreement, and moved that it be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

### RESOLUTION NUMBER 25-98 ALEXANDERSVILLE-BELLBROOK ROAD

Mr. Horn reviewed a proposed Resolution authorizing and directing the submission of an application for State Issue 2 Funds or Local Transportation Improvement Funds for the widening and reconstruction of Alexandersville-Bellbrook Road. He advised that the City has requested proposals for engineering services for this project; additional funds for the construction of the project may be available through State and Federal funding. Mr. Smith sponsored Resolution Number 25-98, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LTIP) For The Construction And Widening Of Alexandersville-Bellbrook Road In The City Of Centerville, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

### RESOLUTION NUMBER 26-98 EASEMENT DAYTON POWER & LIGHT COMPANY

Mr. Horn reviewed a request from the Dayton Power & Light Company for a ten foot wide utility easement between golf green number 5 and the number 6 tee at The Golf Club at Yankee Trace, to provide for the looping of electric and gas facilities to serve the Yankee Trace community. This easement parallels an existing easement for Montgomery County water and sanitary sewer. Mr. Reppert sponsored Resolution Number 26-98, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City of Centerville, To The Dayton Power & Light Company To Install Underground Utility Lines For The Yankee Trace Residential Development, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of a motion.

### RESOLUTION NUMBER 27-98 EASEMENT MONTGOMERY COUNTY

Mr. Horn reviewed a proposed Resolution to grant a utility easement to the Board of County Commissioners, Montgomery County, for the installation of sanitary sewer and water lines outside the boundaries of Yankee Trace, Section Sixteen. These easements will be included in the next phase of the residential development at Yankee Trace, but Montgomery County requires that all facilities be covered by easements prior to the issuance of any installation permits. Mr. Kingseed sponsored Resolution Number 27-98, A Resolution Authorizing The City Manager To Grant An Easement, On Behalf Of The City Of Centerville, To The Board Of County Commissioners Of Montgomery County, Ohio, For The Installation Of Sanitary Sewer And Water Lines In Yankee Trace, Section 16, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

### RESOLUTION NUMBER 28-98 GENERAL LIABILITY INSURANCE

Mr. Schlagheck advised that the City advertised for bids for general liability, public officials liability, police professional liability, automobile, umbrella liability and property insurance for the City of Centerville. He pointed out that, through this process, the City will receive a great

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held August 17, 1998, continued

19

deal more coverage for a significant premium savings. Bids were received from the following seven providers:

- Arthur J. Gallagher & Company - Coregis Insurance Company
- Centerville Insurance Agency/The Brower Insurance Agency - Cincinnati Insurance Company/St. Paul Insurance Company
- Swartzel Affiliated Insurance Service - Ohio Government Risk Management Plan
- Pottinger & Company - Public Entities Pool of Ohio
- Miami Valley Risk Management Association
- Centerville Insurance Agency - Ohio Municipal League Joint Self Insurance Pool
- Nichols, Rogers, & Knipper - Monroe Guaranty Insurance Company

Mr. Schlagheck reviewed five options recommended by Consultant Harry Brooks for Council's consideration:

- Accept the original combined bid proposal from Centerville Insurance and Brower Insurance with a premium of \$96,052.00,
- Accept the original bid proposal from Arthur J. Gallagher with a premium of \$92,262.00,
- Accept the Public Entities Pool bid by Pottinger Insurance Agency with an annual premium of \$66,662.00. In the opinion of Mr. Brooks, this pool bid was not the best option for the City of Centerville.

- Accept a combined bid from Arthur J. Gallagher/Coregis Insurance Company and Brower Insurance Agency/St. Paul Insurance Company with a combined premium of \$81,024.00,
- Accept the bid from Arthur J. Gallagher that did not include coverage for back wages in the amount of \$85,048.00. Mr. Horn clarified the fact that coverage for back wages was not included in the bid specifications.

Mr. Schlagheck advised that a Resolution had been prepared accepting the bids submitted by the Centerville Insurance Agency and the Brower Insurance Company for general insurance for the City of Centerville and authorizing the City Manager to enter into an agreement in connection therewith. Mrs. Lienesch moved that said Resolution be passed. Mr. Reppert seconded the motion. Mr. Kingseed pointed out that the bid submitted by the Centerville Insurance Company and the Brower Insurance Company in the amount of \$96,052.00 is \$15,000.00 more than a combined bid of Arthur J. Gallagher/Coregis Insurance Company and Brower Insurance Agency/St. Paul Insurance Company in the amount of \$81,024.00. He did not believe the City should spend public money to accept the higher bid.

Mrs. Lienesch identified this as a professional service, a service for which there should be other considerations besides cost. If cost is the deciding factor, she insisted that all professional services from now on be let for bid. She identified advantages with a local agency and emphasized differences between companies and bond ratings. Mrs. Lienesch explained the importance of commitment: the local agency would give a sixty day extension while others would only grant a thirty day extension. She advised that her desire to accept the bid from the Centerville Insurance Agency and the Brower Insurance Company was to seek the best coverage for the City and the residents of Centerville.

Mr. Stone advised that after further consideration of the bids received, in consideration of the monetary difference between bids and the fact that the amount of bids must be multiplied three times, he could not accept the bid submitted by Centerville Insurance and Brower Insurance.

The question being called by Mr. Reppert, a roll call vote resulted in four nays against the motion; Mrs. Lienesch, Mr. Reppert and Mr. Smith voted yes.

Mr. Kingseed sponsored Resolution Number 28-98, A Resolution Accepting The Bids Submitted By Arthur J. Gallagher & Company And The Brower Insurance Agency For General

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held August 17, 1998, continued \_\_\_\_\_ 19\_\_\_\_

Insurance For The City Of Centerville, And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, in the amount of \$81,024.00 and moved that it be passed. Mr. Singer seconded the motion.

Mrs. Lienesch expressed concern with the different quotes for automobile and property insurance, comparing those of the local agencies and others submitted. She questioned if something had been overlooked by the other agencies.

Upon question of Mr. Singer, Mr. Schlagheck advised that following the award of the bid, an Order Letter will be prepared which specifies exactly what the City will receive in deductibles, coverages, etc., and an Agent of Record Performance Standard: a document which is reviewed annually by the City and the Agency.

Douglas Kinsey, Brower Insurance Agency, the provider of public officials and police professional insurance for the City of Centerville for the past four years, felt that a team effort would provide the service the City of Centerville has received in the past. He identified this as a good approach by two local agencies to work together to provide good quality service. Mr. Kinsey pointed out that cost should not be confused with service. He was most comfortable with option number 1.

Joseph Beyerle, Centerville Insurance Agency, advised that the Cincinnati Insurance Company is considered fourth in the country for claim satisfaction. He outlined service he has provided the City of Centerville over the past nine years and the many things he has done in the Centerville community.

Upon call of the question by Mayor Beals, a roll call vote resulted in four ayes in favor of the motion; Mrs. Lienesch, Mr. Reppert and Mr. Smith voted no.

## RESOLUTION NUMBER 29-98 MAPLE STREET SIDEWALK

Mr. Horn reviewed the bids received for the installation of a concrete sidewalk along the west side of Maple Avenue from the Fire Station north to Poinciana Drive. This sidewalk is being put in place to provide safety for children walking to school. The following bids were received:

L. J. DeWeese, Inc	\$38,334.00
TdM Construction	42,109.00

Mr. Horn recommended acceptance of the low bid submitted by J. L. DeWeese, Inc. in the amount of \$38,334.00. Mr. Weaver advised that, if money is available, the sidewalk will be extended from Poinciana Drive to the sidewalk stub on Bradstreet Road. Upon question of Mrs. Lienesch, Mr. Weaver explained that sidewalk construction will be behind the curb and should not interfere with children walking to school, they currently walk in the street. Mr. Kingseed sponsored Resolution Number 29-98, A Resolution Accepting The Bid Submitted By L. J. DeWeese, Inc., For The Construction Of A Concrete Sidewalk On Maple Avenue In The City Of Centerville, And Authorize 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 unanimously.

## RESOLUTION NUMBER 30-98 EAST FRANKLIN STREET BRICK SIDEWALK

Mr. Weaver reviewed the three bids received for the installation of brick sidewalk along East Franklin Street, Phase I:

Neal Excavating Company, Inc.	\$34,627.40
L. J. DeWeese, Inc.	35,724.00

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held August 17, 1998, continued

19

DSTI Development, Inc. 41,500.00

He recommended acceptance of the bid submitted by Neal Excavating Company, Inc. in the amount of \$34,627.00. This project includes removal of the existing concrete sidewalk and the construction of a new brick on sand and gravel sidewalk along the south side of East Franklin Street from Main Street to East Drive. Mr. Singer sponsored Resolution Number 30-98, A Resolution Accepting The Bid Submitted By Neal Excavating, Inc. For The APD Brick Sidewalk Construction - East Franklin Street Part 1 For The City Of Centerville, And Authorize The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Stone seconded the motion. The motion passed with six ayes in favor of the motion; Mrs. Lienesch voted no.

## CENTERVILLE ARTS COMMISSION APPOINT JOHN MALAS

Mayor Beals advised that John Malas has submitted an application for membership on the Centerville Arts Commission. Mrs. Lienesch moved that John Malas be appointed as a member of the Centerville Arts Commission. Mr. Reppert seconded the motion. The motion passed unanimously.

## BOARD OF ARCHITECTURAL REVIEW REAPPOINT MARTHA SHELEY

Mayor Beals advised that the term of Martha Sheley as a member of the Board of Architectural Review will soon expire. Mr. Stone moved that Martha Sheley be reappointed as a member of the Board of Architectural Review. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

Mrs. Lienesch asked for the status on the buffering and landscaping at the newly constructed Day Care Center in the rear of 232 North Main Street on behalf of concerned residents. Mr. Shrimplin outlined the following conditions of approval placed on this development by the Planning Commission at their August 26, 1997 meeting:

1. A ten foot parking and paving setback shall be maintained along the entire north and south property lines.
6. The overall landscaping, screening and fencing plans shall be subject to the approval of the City Planner. Further, the City Planner shall determine where the stockade fence shall terminate on the southern boundary. The density of the growth of Benham's Grove shall determine what is required in the amount of screening not to be simply placed against the fence. The fence along the southern property line shall terminate in a place that maintains screening to the residential properties on Maple Avenue. The existing farm fence, if in fact is located on this property, shall be removed.
8. The evergreen trees required shall not be white pines, but be Norway Spruce or something comparable such as arborvitae.
12. The parking landscape island shall be truncated on the east end to accommodate the maneuvering of large trucks on this site subject to approval by the City Engineer.
14. The landscape islands located at the entrance to 264 North Main Street shall be expanded to a minimum width of 6 feet to provide minimum corner vision

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 17, 1998, continued 1998

clearance and enhance internal vehicular circulation with the final design subject to approval by the City Engineer.

15. The final grading plan shall be subject to approval by the City Engineering Department.

16. A stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.

17. The fencing shall be turned with the finished or flat side facing the residential view.

In answer to a concern expressed by Mrs. Lienesch relative to the proper authority approving conditions, Mr. Horn advised that a check list is being prepared in order that the City Planner and City Engineer can approve matters appropriately. The City Planner and City Engineer work very closely together. Mr. Shrimplin advised that the City Planner has approved all conditions of approval placed on the Day Care Center by the Planning Commission.

There being no further business, the meeting was adjourned.

Approved: Sally D. Bueh  
Mayor

ATTEST:

Marilyn J. McLaughlin  
Clerk of Council