

RECORD OF PROCEEDINGSMinutes of *COUNCIL MEETING*

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held *November 16, 1998*

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 16, 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

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

Acting Municipal Attorney Scott Liberman

Assistant to the City Manager Kelly Fackel

Mayor Beals announced that Councilmember J. V. Stone would not be present for this meeting. Mr. Reppert moved that Mr. Stone 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 - October 19, 1998.

Council Work Session Meetings - October 19, 1998.

- October 26, 1998.

- November 2, 1998.

- November 9, 1998.

Mr. Reppert moved that the minutes of the foregoing meetings be approved as distributed. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Beals and City Beautiful Commission Chairman Michael Battaglia presented Award Certificates to the following city beautification winners:

Jim and Rochelle Schindler

Shawnee Phillips

Terry and Amy Wagerman

Bob and Jan Pangburn

Doug and Chris Cartwright

Roger and Lois Sutherland

Tom and Sandra Budde

Key Design

Richard Dormire, D.D.S. and Michael Krumnauer, D.D.S.

Mayor Beals thanked Mr. Battaglia, all members of the City Beautiful Commission, and the participants for their participation in this program.

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Mr. Richard Schuster, Medical Director of the Sycamore Primary Care Center, was present at this meeting to outline this new concept to deliver quality patient care with professional, courteous and efficient service in a doctor's office atmosphere equipped with learning capabilities. The facility is located on the campus of the Sycamore Hospital at Gephart Church Road and State Route 725. The waiting area is a consumer oriented activity area with many amenities to provide positive distractions for patients. Health care information is available through computers located in the waiting area. Mr. Schuster invited those interested to visit the facility and received information concerning disease prevention and health promotion.

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Board of Architectural Review member Brenda Ferry. Mr. Singer moved that the resignation of Mrs. Ferry as a member of the Board of Architectural Review be accepted with regret. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Beals brought attention to a new book published by the City of Centerville named "Family Activity Book". These books are available for teachers and will be given to students, scouts, and anyone seeking information concerning the City of Centerville.

Mayor Beals outlined the following events which took place during the passed month and will take place during the next few weeks:

National Issues Forums will be held January 28, February 25 and March 25, 1999 to address the following issues:

- Should Centerville and Washington Township build a Civic Center/Performing Arts Center?
- What measures can be taken to retain the quality of life in our community?
- How can the community continue to provide high standards for the youth?

These forums will be held at the Centerville Library on West Spring Valley Road.

On November 11, 1998 a Veterans Day Ceremony was held at the War Memorial in the Leonard E. Stubbs Memorial Park.

November 22, 1998 is the Sunday selected for the Christmas Tree lighting ceremony to be held at Benham's Grove at 5:00 P.M.

On Sunday, December 6, 1998 the Christmas Walk will be held in the Architectural Preservation District between 1:00 and 5:00 P.M.

Members of Council will be attending the National League of Cities Conference in Kansas City, Missouri on December 1 - 6, 1998.

City Offices will be closed on Thursday, November 26, Thanksgiving Day and Friday, November 27, 1998.

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

The Dayton NIKE Open, a PGA Tournament, will be held at The Golf Club at Yankee Trace on June 13-20, 1998. The professional portion of this event will take place on the 17, 18, 19 and 20th. Businesses have supported this tournament financially with commitments totally \$450,000.00. Mr. Horn outlined the advantages of keeping the NIKE Tournament in the Dayton Area: it is a definite asset to the total Dayton Region, it will be a positive quality of life enhancement for the people in the Centerville Washington Township area, and approximately 15% of the proceeds will be awarded to local charities. The Dayton Toyota Group will be the presenting sponsor with many other sponsors being involved. Mr. Horn outlined the many events which will take place during this week long tournament.

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City employees will have mandatory CPR training during the month of January, 1999.

The City is currently working to convince Primestar, a satellite television organization with an expanded employment of approximately 475, to locate in the old Kmart building located on the east side of South Main Street at Spring Valley Road. An application by the City of Centerville has been made to the Montgomery County EDGE program for \$500,000.00 for the renovation of this facility.

The two seating Thanksgiving Day buffets at the Gallery at Yankee Trace have been sold out for reservations.

Reservations are being taken for the New Years Eve event in the Gallery at Yankee Trace.

The City's request for pedestrian crossing lights has been approved by the Ohio Department of Transportation for installation at State Route 725 (Alexandersville-Bellbrook Road) and State Route 48. This project will be funded by both Centerville and Washington Township.

The City has authorize engineering for the planning and preparation of detailed drawings for the construction of improvements in 1999 to North Main Street from Bethany to the north. Improvements will include curbing and the construction of medians.

Miss Gilleland gave the community events calendar for the months of November and December.

YANKEE TRACE SECTIONS 17 A & B RECORD PLANS

Mr. Feverston reported on the Planning Commission meetings held October 27, 1998 and November 10, 1998. He reviewed the Record Plans for Yankee Trace, Sections 17A and 17B and located on a map the acreage involved:

Section 17 A: an 8.41 parcel of land zoned R-1c, Single-Family Residential, located southeast of Charter Place and east of The Golf Club at Yankee Trace number 4 fairway, to be divided into 19 lots. This section is a continuation of Yankee Trace Drive and provides a single cul-de-sac to the west.

Section 17 B: a 6.395 acre parcel of land zoned R-1c, Single-Family Residential, located southeast of Charter Place and east of The Golf Club at Yankee Trace number 4 fairway, to be divided into 20 lots. This section is also a continuation of Yankee Trace Drive and includes one cul-de-sac off Yankee Trace Drive.

Mr. Feverston located the reserve areas included in both sections to provide visual breaks to view the golf course and create breaks between homes. The Planning Commission, by unanimous vote, recommended approval of both sections to City Council subject to the following conditions:

Section 17 A:

1. A covenant shall be placed on the Record Plan that limits vehicular access for lots 296 and 304 to Bentgrass Lane only.
2. A final grading plan shall be subject to approval by the City Engineer.
3. Detailed design of the stormwater drainage system for this plan shall be approved by the City Engineer.
4. 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

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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 platted lots.

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

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 \$270,328.00 of which \$10,372.00 is for the Hiker Biker Trail.
3. Inspection Fee in the amount of \$525.00

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.

Section 17 B:

1. A covenant shall be placed on the Record Plan that limits vehicular access for lots 311 and 324 to Wedgestone Court.
2. A final grading plan shall be subject to approval by the City Engineer.
3. Detailed design of the stormwater drainage system for this plan shall be approved by the City Engineer.
4. 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 platted lots.
5. The rear yard setback for lot 324 shall be approved by the City Planner.

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

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 \$158,100.00 of which \$5,456.00 is for the Hiker Biker Trail.
3. Inspection Fee in the amount of \$490.00

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.

If special assessment financing Phase Three is established, the above condition number 2 Performance Bond may be reduced to \$15,825.00 which reflects the estimated cost for site grading, surface course of asphalt and temporary seeding/mulching of vacant lots.

Mr. Reppert expressed concern that some of the reserve areas except those which are intended to create view areas for the golf course could become a burden for the Homeowners Association.

Mr. Feverston explained that some of the reserve areas were created to provide for proper drainage. Some Planning Commission members felt it important to break the rhythm of homes by the creation of certain reserve areas. Mr. Feverston advised that groves of trees can be planted in the reserve areas to reduce maintenance required. Upon question of Mr. Singer, Mr. Feverston explained how the density was considered jointly for both sections A and B for an overall density of 2.5 units per acre. In answer to a question of Mrs. Lienesch, Mr. Feverston advised that the width of streets in both sections as well as the cul-de-sacs will be 24 feet back to back of curb. The cul-de-sacs will have standard cul-de-sac bulbs.

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Mr. Kingseed moved that the Record Plan for Yankee Trace, Section 17A be approved, subject to all conditions recommended by the Planning Commission and the City Engineer. Mr. Singer seconded the motion. A roll call vote resulted in three ayes in favor of the motion, Mrs. Lienesch and Mr. Reppert voted no, Mr. Smith abstained.

Mr. Kingseed moved that the Record Plan for Yankee Trace, Section 17B be approved, subject to all conditions recommended by the Planning Commission and the City Engineer. Mr. Singer seconded the motion. A roll call vote resulted in three ayes in favor of the motion, Mrs. Lienesch and Mr. Reppert voted no, Mr. Smith abstained.

Mrs. Lienesch announced an Aircraft Noise Task Force meeting scheduled for December 10, 1998 to begin at 7:00 P.M. in the Community Room.

ORDINANCE NUMBER 28-98 MUNICIPAL CODE RECODIFICATION

The Public Hearing was held concerning Ordinance Number 28-98. Mr. Horn reviewed this proposed Ordinance prepared by the Justinian Publishing Company to update the Centerville Municipal Code incorporating Ordinances and Resolutions passed since the last recodification and to incorporate recent changes in the Ohio Revised Code. This is an annual housekeeping measure. Mrs. Lienesch sponsored Ordinance Number 28-98, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 29-98 YANKEE TRACE SALE OF BONDS SAF III

Mr. Horn reviewed a proposed Ordinance to provide for the payment of public infrastructure improvements in the Yankee Trace Residential Golf Community through Special Assessment Financing. The petition for this assessment has been signed by 100 percent of the property owners involved. Included in the Special Assessment are roadway improvements, the construction of storm and sanitary sewers, sidewalks, water mains, and gas lights at certain locations. Upon question of Mr. Singer, Mr. Horn advised that this legislation has been prepared as an Emergency in order to lock in interest rates. At the expiration of this Ordinance, all actions will have been consummated. Mr. Singer sponsored Ordinance Number 29-98, An Ordinance Providing For The Issuance And Sale Of Bonds In The Maximum Principal Amount Of \$1,250,000 For The Purpose Of Paying The Property Owners' Portion, In Anticipation Of The Collection Of Special Assessments Heretofore Levied, Of The Cost Of Improving Social Row Road, Yankee Street Pike, Yankee Trace Drive, Wedgestone Court, Gatekeeper Way And Other Public Roadways, Between Certain Termini By Grading, Draining, Curbing, And Paving, Constructing Storm And Sanitary Sewers, Sidewalks, And Water Mains, And Providing All Related Work And Necessary Appurtenances With Respect To Those Improvements, And Also Yankee Trace Drive, Bentgrass Lane And Wedgescreek Place, And Gas Street Lights At Certain Locations As Provided Herein To The Extent Of Available Funds, And Declaring An Emergency, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

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ORDINANCE NUMBER 30-98 YANKEE TRACE SAF III

Mr. Horn reviewed a proposed Ordinance to levy the special assessments as outlined previously in the Ordinance to provide for the sale of bonds to pay the property owners portion of public infrastructure improvements in the Yankee Trace Residential Golf Community through Special Assessment Financing. Mr. Reppert sponsored Ordinance Number 30-98, An Ordinance Levying Special Assessments For The Improvement Of Social Row Road, Yankee Street Pike, Yankee Trace Drive, Wedgestone Court, Gatekeeper Way And Other Public Roadways, Between Certain Termini By Grading, Draining, Curbing, And Paving, Constructing Storm And Sanitary Sewers, Sidewalks, And Water Mains, And Providing All Related Work And Necessary Appurtenances With Respect To Those Improvements, And Also Yankee Trace Drive, Bentgrass Lane And Wedgecreek Place, And Gas Street Lights At Certain Locations As Provided Herein To The Extent Of Available Funds, And Declaring An Emergency, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 43-98 PUBLIC DEPOSITORY PROVIDENT BANK

Mr. Horn advised that Provident Bank is one of the major sponsors for the NIKE Tournament to be held at The Golf Club at Yankee Trace in 1999. In consideration of this, it would be appropriate to establish an account for the NIKE with Provident Bank. He recommended that they become a depository for public funds. Upon question of Mrs. Lienesch, Mr. Bettcher explained the fact that all depository agreements commence and expire on the same date for convenience. Discussion followed relative to the commencing date in the first paragraph of the proposed Resolution being August 23, 1997 in consideration of the fact that this agreement is being executed on November 16, 1998. Mr. Smith moved that the commencing date in the first paragraph of the Resolution designating Provident Bank as a public depository be changed from August 23, 1997 to November 16, 1998. Mr. Singer seconded the motion. The motion passed unanimously. Mr. Smith sponsored Resolution Number 43-98, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed as amended. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council

ORDINANCE NUMBER 31-98 GOLF COURSE FEES

Mr. Horn outlined fee increases proposed for the 1999 season at The Golf Club at Yankee Trace. He explained the fact that this legislation has been prepared as an emergency so that gift certificates issued during the holiday season will reflect the 1999 rates. Upon question of Mr. Kingseed, Mr. Horn advised that these increases are competitive with other golf courses of the same quality in the region. Mr. Singer sponsored Ordinance Number 31-98, An Emergency Ordinance To Amend Ordinance Number 20-97, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 32-98 GOLF COURSE FEES

Mr. Singer moved that Ordinance Number 32-98, An Ordinance To Amend Ordinance Number 20-97, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, be set for Public Hearing on December 21, 1998. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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Mr. Horn reviewed a proposed Ordinance to grant to the Dayton Power & Light Company a franchise to supply electricity to the City of Centerville and its inhabitants for a period of ten years, automatically renewing for additional periods of five years. This Ordinance includes changes requested by City Council from the original draft. Mr. Singer moved that Ordinance Number 33-98, An Ordinance Granting To The Dayton Power And Light Company, Its Successors And Assigns, An Electric Franchise In The City Of Centerville, State Of Ohio, For A Period Of Ten (10) Years, Automatically Renewing For Additional Periods Of Five (5) Years Unless Notice Is Given, Commencing On The Effective Date Of This Ordinance, be set for Public Hearing on December 21, 1998. Mr. Reppert seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 44-98 EASEMENT DAYTON POWER & LIGHT COMPANY

Mr. Horn reviewed a request submitted by the Dayton Power & Light Company for an easement for the installation of gas and electric utilities to serve the Yankee Trace residential development. He identified the location of this easement being adjacent to Yankee Trace Drive and in close proximity to the northern side of hole number 5 of The Golf Club at Yankee Trace. Mr. Singer sponsored Resolution Number 44-98, 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 And Light Company To Install Gas And Electric Utilities To Service The Yankee Trace Residential Development, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

**RESOLUTION NUMBER 45-98 ACCEPT EASEMENT
IN FRONT OF CENTERVILLE HIGH SCHOOL**

Mr. Horn reviewed a Resolution accepting a permanent easement from the Centerville City School District. The City of Centerville received a grant from the Miami Valley Regional Transit Authority to construct a gazebo in the vicinity of the Centerville High School. Mr. Horn identified the location proposed for this gazebo being just west of the exit. In order to construct this structure, a permanent easement is necessary across property owned by the Centerville City School District. Mr. Weaver brought attention to a change which must be made to the legal description attached to this Resolution as an exhibit. Upon question of Mrs. Lienesch, Mr. Weaver advised that the gazebo will be constructed back far enough to provide visual clearance. Discussion followed relative to the location of the gazebo, the south side versus the north side of East Franklin Street, and the potential use of the gazebo. Mr. Kingseed sponsored Resolution Number 45-98, A Resolution Accepting A Permanent Easement For Public Sidewalk Purposes From The Centerville City School District, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

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**RESOLUTION NUMBER 46-98 STATE ROUTE 48 IMPROVEMENT
AWARD BID TO MAINLINE ROAD & BRIDGE CONSTRUCTION, INC.**

Mr. Horn advised that bids were opened on Wednesday, November 11, 1998 for roadway improvements to State Route 48 at its intersection with Sheehan Road. The cost of these improvements were originally estimated to cost the City of Centerville \$85,000.00 and \$35,000.00 paid by the property owner along the west side of South Main Street south of Sheehan Road for a total cost of \$120,000.00. Due to the fact that this is a state highway, engineering plans became much more refined to address issues required by the State of Ohio which then increased the engineer's estimate to \$180,000.00. Mr. Horn identified the improvements to be made to South Main Street which will make the intersection at Sheehan Road a much safer situation. Nine bids were received for this project with Mainline Road & Bridge Construction, Inc. being the low bidder. Mr. Horn recommended the acceptance of this low bid. Upon question of Mr. Singer, Mr. Weaver explained how the plans for this improvement have been coordinated with the plans for the improvements to State Route 48 projected by Washington Township. Mr. Reppert questioned why the City should be responsible for the increased cost of this construction, perhaps the property owner's share should also be increased. Mr. Horn explained that this is the process used by the City for future roadway widening adjacent to a new development, monies are placed in escrow. Mr. Reppert suggested that a different process be used in the future. Mr. Kingseed sponsored Resolution Number 46-98, A Resolution Accepting The Bid Submitted By Mainline Road & Bridge Construction, Inc., For The State Route 48 Road Widening 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. Mr. Singer seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION APPOINT ERICA CHENOWETH

Mrs. Lienesch moved that Erica Chenoweth be appointed as a member of the Centerville Arts Commission. Mr. Smith seconded the motion. The motion passed unanimously.

**CENTERVILLE WASHINGTON TOWNSHIP HISTORICAL COMMISSION
APPOINT BETTY ANN PERKINS, ROBERT MOORE, ROGER NELSON,
JANET THOBABEN**

Mr. Singer moved that the following appointments be made to the Centerville Washington Township Historical Commission:

Robert Moore	One year term
Roger Nelson	Two year term
Betty Ann Perkins	Three year term
Janet Thobaben	Four year term

Mr. Kingseed seconded the motion. The motion passed with five ayes in favor of the motion; Mrs. Lienesch voted no.

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There being no further business, the meeting was adjourned.

Approved: Sally O. Brels
Mayor

ATTEST:

Marilyn J. Laughlin
Clerk of Council