

RECORD OF PROCEEDINGS

Minutes of **COUNCIL MEETING**

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10748

Held February 17, 1997 19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 17, 1997, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag and an Invocation given by Reverend Thomas Kuhn, Pastor of the Church of the Incarnation, with Mayor Sally Beals presided. Councilmembers and City Staff present were as follows:

Deputy-Mayor C. Mark Kingseed

Councilmembers Brooks Compton

J. V. Stone

James Singer

Susan Lienesch

James Reppert

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

City Planner Steve Feverston

Public Works Director Steve Weaver

Acting Municipal Attorney Robert Berner

Assistant to the City Manager Judith Gilleland

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

Council Meetings - January 20, 1997.

Council Work Sessions - January 20, 1997.

- February 3, 1997.

- February 10, 1997.

Joint City/Washington Township Meeting:

- October 14, 1996.

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

Mayor Beals presented to those members appointed by City Council to serve as members of the Centerville-Washington Township Bicentennial Commission, a plaque in appreciation for their service over a period of three years and for all the activities which took place during the Bicentennial year.

Mayor Beals presented Centerville's financial support to the Americana Festival, a check in the amount of \$11,000.00, to President Joseph Beyerle, Chairman Merrill Durig, and Executive Director Hutch O'Connor. Mr. Beyerle expressed their appreciation to the City and Washington Township for their support. Mr. O'Connor advised that the theme for the 1997 Americana Festival is "Women in Air and Space"; efforts are currently being made to have a woman astronaut as the Grand Marshall of the parade.

Mayor Beals outlined the DARE graduations held at various schools in Centerville and Washington Township. This is a program sponsored by the City of Centerville, the Centerville Police Department and Centerville City Schools, participation by fifth grade students.

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Mayor Beals advised that she participated in the ribbon cutting of Aydelott Equipment, Inc., a new company located on South Suburban Road that manufactures commercial kitchens for businesses all over the world.

Mayor Beals advised that the first National Issues Forum for 1997 will be held on February 27, 1997 at 7:00 P.M. in the Centerville Library.

Mayor Beals announced the fact that City Council met in two Retreats during the past month.

Mayor Beals advised that the Miami Valley Regional Planning Commission supports E-Check due to the fact that there is no other way to keep this region in compliance with air quality standards that have been established. She suggested that residents with strong feelings, contact their Congressmen to request that standards not become more stringent.

Mayor Beals announced the issuance of a Proclamation designating the week of January 26 through January 31, 1997 as Catholic Schools Week in the City of Centerville.

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

He complimented the Public Works Department for their fine performance in the removal of snow during the winter months.

The use of metal spikes at The Golf Club at Yankee Trace will be banned beginning with the opening of the 1997 golf season. Soft spikes will be replaced for metal spikes for golfers at Yankee Trace free of charge every Saturday during the months of February and March. After that time the replacement will be made at the golf course for a charge of \$4.00. This procedure will save damage to greens, carpet, furniture, concrete, wooden bridges, etc.

The Mayors & Managers Association of Montgomery County, Ohio, has appointed seven members of the Association to a committee to assemble and put together recommendations concerning the financing of minor league baseball coming to the Miami Valley regarding the stadium and the construction of the facility. Mr. Horn will represent Centerville on this committee.

The City's Annual Report will be contained in the February issue of the Town Crier.

Mr. Horn announced grand openings of businesses coming to the City of Centerville in March and early April, 1997: Hazco Services, Inc. and Dayton Wheel Products Inc.

On March 14, 1997, interviews will be held with architectural and engineering firms who submitted proposals to prepare a Space Needs Analysis and Feasibility Study for a new police facility for the City of Centerville.

YANKEE TRACE SECTION NINE RECORD PLAN

Mr. Feverston reviewed the Record Plan for Yankee Trace, Section Nine, consisting of 2.879 acres of land, zoned R-1c, Single Family Residential. Proposed is the division of said acreage into 6 lots. The property is located north of Yankee Trace Drive and east of Yankee Street, being the extension of the Greystone Villas. Mr. Feverston located the subject property on a map and brought attention to the fact that the building setbacks proposed for this section taper from the required 40 feet to 20 feet on the northernmost lots. The decreased setback on lots 188

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and 189 are not of concern as these lots have a stand of trees in the rear yard to buffer the buildings from the golf course. Mr. Feverston reviewed Planning Commission's and the City Engineer's recommendation for approval to City Council subject to the following conditions:

Planning Commission:

1. A reserve area shall be created at the northern portion of this plat that is adjacent to Yankee Street. The reserve area shall be taken from Lot 189 and shall be of a dimension to contain the landscape mound and the hiker/biker path subject to approval by the City Planner.
2. A five (5) foot wide utility easement, situated in the rear yard of Lots 187, 188 and 189, shall be added to the Record Plan for the maintenance of the golf course irrigation line subject to approval by the City Engineer.
3. A forty (40) foot setback shall be maintained for Lot 186. Lot 187 shall have a rear yard setback placed 80 feet from the front yard setback to allow for the proposed 80 foot building pad.
4. A final grading plan shall be subject to approval by the City Engineer.
5. The final design of the intersection of the proposed street to the existing Greenside Court shall be subject to approval by the City Engineer.
6. 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.

City Engineer:

1. Acceptable Subdivider's Agreements, including the inclusion of Section Nine in the Yankee Trace Home Owner's Association.
2. Performance Bond to assure the completion of the private access improvements (grading, drainage, curbs, pavement and sidewalk or hiker/biker path, etc.) in the amount of \$52,000.00.
3. Inspection fee in the amount of \$264.00.

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

Mr. Compton moved that the Record Plan for Yankee Trace, Section Nine, be approved in accordance with the recommendations of the Planning Commission and City Engineer. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 1-97 INCOME TAX

The Public Hearing was held concerning Ordinance Number 1-97. Mr. Horn reviewed this proposed Ordinance to provide that a penalty of an additional one and one-half percent per month or fraction thereof be imposed for failure to pay taxes beyond six months, and that taxpayers who are required to file a declaration shall file on a ninety percent basis. These changes bring Centerville's Income Tax collection in line with other area Municipalities. Mr. Reppert sponsored Ordinance Number 1-97, An Ordinance Amending Chapter 880, Centerville Municipal Code Relating To The Earned Income Tax and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 2-97 ADOPT 1997 UPDATE OF OBBC AND OBMC

The Public Hearing was held concerning Ordinance Number 2-97. Mr. Weaver reviewed this proposed Ordinance which incorporates updates adopted by the State of Ohio to the Ohio Basic Building Code and to the Ohio Basic Mechanical Code into Centerville's Codes. Mr. Stone sponsored Ordinance Number 2-97, An Ordinance To Amend Ordinance Number 18-95 And Part Fourteen: Building And Housing Code; Chapter 1420 Of The Centerville Municipal Code By Adopting The 1997 Update Of The Ohio Basic Building Code And The Ohio Basic Mechanical Code, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mr. David Lee, 9073 Academy View Court, speaking as facilitator for "Citizens for Quieter Airspace" asked that the Aircraft Noise Task Force share the same objectives as the Citizens for Quieter Airspace have expressed. He offered the support of the Citizens for Quieter Airspace to members of the Aircraft Noise Task Force and asked the City and Washington Township to provide the resources necessary to get the problem solved.

Mr. Horn explained that the 8.222 acre annexation was removed from this Council Meeting Agenda due to the fact that a motion for Stay by the appellant was granted by the Court of Appeals for Montgomery County, Ohio, to prevent the City of Centerville from taking further action at this time. He reviewed the history of this case: the affirmative decisions rendered by the Board of County Commissioners, Montgomery County, the Court of Common Pleas, and the Court of Appeals. He emphasized the amount of money and time which have already been spent on this particular case and additional money and time which will be spent if the case is taken to the Ohio Supreme Court. Mr. Compton expressed his displeasure with actions taken by the Washington Township Trustees in annexation cases. Mayor Beals pointed out the fact that annexations are petitioned by property owners to become part of the City of Centerville; the property continues to remain in Washington Township.

Washington Township Trustee Roger Krass explained that this Stay has been requested to provide adequate time to discuss this issue with all three Trustees being present. It has not been decided to take this case to the Ohio Supreme Court.

RESOLUTION NUMBER 8-97 ADVANCE OF TAXES

Mr. Horn reviewed a proposed Resolution to request an advance of real estates taxes collected on behalf of the City of Centerville by the Auditor of Montgomery County. This procedure is used each year to place tax monies, paid in advance, in the hands of the City of Centerville rather than the County prior to the general distribution of real estate taxes. Mr. Singer sponsored Resolution Number 8-97, A Resolution Requesting An Advance Of Four Hundred Thousand Dollars (\$400,000.00) Out Of The Current Collection Of Real Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 9-97 ELECTRIC AND GAS EASEMENT TO DAYTON POWER AND LIGHT COMPANY

Mr. Horn reviewed a proposed Resolution to grant unto the Dayton Power and Light Company a 10 foot wide right of way and easement to provide electricity and gas to the southern section of the Yankee Trace Development off Social Row Road. This is in keeping with other easements granted to the Dayton Power and Light Company to service other areas of the development. Mr. Kingseed sponsored Resolution Number 9-97, 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 Extend Electric And Gas Facilities To Service An Area Of The Yankee Trace Development, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 10-97 ELECTRIC AND GAS EASEMENT TO DAYTON POWER AND LIGHT COMPANY

Mr. Horn reviewed a proposed Resolution to grant unto the Dayton Power and Light Company a 10 foot wide utility right of way and easement just west of the Falls Creek Lane entrance off Social Row Road into Waterbury Woods to provide electric and gas service to a new area of the Yankee Trace Development. Mr. Singer sponsored Resolution Number 10-97, 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 Extend Electric And Gas Facilities To Service A New Area Of The Yankee Trace Development In The City Of Centerville, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 11-97 AIRCRAFT NOISE TASK FORCE

Mr. Horn reviewed a proposed Resolution to establish an Aircraft Noise Task Force in cooperation with Washington Township. Appointed to this Task Force will be representatives from the City of Centerville and the Township. Discussion followed relative to the language contained in the Resolution and the fact that the Resolution has been prepared in such a manner to give the Task Force a great deal of flexibility. Mr. Lee, earlier in this meeting requested that the Task Force not only analyze the problem of aircraft noise but that they also find a solution to the concerns expressed by residents. Mrs. Lienesch moved that Section 1 in the proposed Resolution be changed to read as follows: That an Aircraft Noise Task Force be established to analyze and make recommendations to the community with respect to aircraft noise concerns expressed by residents of the City of Centerville and Washington Township. Mr. Reppert seconded the motion. Discussion followed among members of Council relative to the fact that recommendations from the Task Force should be made to the Federal Government and to other units involved in aircraft noise; recommendations to the community will not be a solution to the problem. Mrs. Lienesch and Mr. Reppert rescinded their previous motion. Mr. Compton moved that Section 1 be changed to read as follows: That an Aircraft Noise Task Force be established to analyze and make recommendations with respect to aircraft noise concerns expressed by residents of the City of Centerville and Washington Township. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council. Mr. Compton sponsored Resolution 11-97 as amended, A Resolution Establishing An Aircraft Noise Task Force In Cooperation With Washington Township To Analyze The Noise Problem Caused By Flights From Airborne Express Over The

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Centerville/Washington Township Area, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 12-97 MINOR LEAGUE BASEBALL

Mr. Horn explained a proposal developed by a Task Force appointed by the Downtown Dayton Partnership to bring minor league baseball to the Miami Valley. The Task Force has asked for support from entities in the Miami Valley. He advised that a Resolution has been prepared for Council's consideration in support of this endeavor on a regional basis with the use of all monies, public and private, being explored. Mr. Kingseed stressed the importance of all areas of revenue being explored. Mr. Singer and Mr. Compton expressed the value of regional participation. Mrs. Lienesch sponsored Resolution Number 12-97, A Resolution In Support Of The General Concepts Which Promote A Regional Baseball Initiative, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 13-97 DECLARE SURPLUS PROPERTY ITEMS AT 155 WEST SPRING VALLEY ROAD

Mr. Weaver reviewed a proposed Resolution to declare usable items at 155 West Spring Valley Road as surplus property. When the subject property was purchased by the City of Centerville, the City agreed to offer to bidders the opportunity to salvage usable items before the buildings were demolished. Mr. Kingseed sponsored Resolution Number 13-97, A Resolution Declaring Usable Items From 155 West Spring Valley Road As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 14-97 SALVAGE OPERATIONS 155 WEST SPRING VALLEY ROAD

Mr. Horn reviewed bids received for the salvage of usable items at 155 West Spring Valley Road. He suggested that the bid submitted by Alan Williams be accepted in the amount of \$150.00. Mr. Reppert sponsored Resolution Number 14-97, A Resolution Accepting The Bid Submitted By Alan Williams for Salvage Operations at 155 West Spring Valley Road 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 15-97 BENHAM'S GROVE LANDSCAPE MANAGEMENT

Mr. Horn briefly reviewed a recommendation from Public Works Director Steve Weaver that the bid submitted by Ever-Green Turf & Landscape be accepted for landscape management at Benham's Grove in the amount of \$11,838.00 for the 1997 season, and \$11,963.00 for the 1998 season, for a total amount of \$23,801.00. Upon question of Mrs. Lienesch, Mr. Weaver advised that the City went to bid for two years in an effort to maximize on the potential of keeping the price down and to make the project more cost effective to perhaps entice additional bidders. Mr. Weaver clarified the fact that this bid includes mowing, equipment to do the mowing, and some

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mulch. Mrs. Lienesch sponsored Resolution Number 15-97, A Resolution Accepting The Bid Submitted By Ever-Green Turf And Landscape For Benham's Grove Landscape Management And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 16-97 STREET SWEEPER

Mr. Horn briefly reviewed bids received for the purchase of a street sweeper for the City of Centerville. The bids received have been analyzed by several members of the City Staff. The City has had an opportunity to review the operation of some of the equipment bid. The bid specifications were prepared broad based in an attempt to reach out and interest as many vendors as possible. The equipment bid by the low bidder Vasso Equipment Company meets all requirements as specified in the bid specifications. Mr. Weaver recommended acceptance of the bid submitted by Vasso Equipment Company in the total amount of \$89,969.99 less the allowance of \$2,000.00 trade-in for the Vac All sweeper and \$1,000.00 for the Mad Vac sweeper unit, if trade-in is decided upon at the time of delivery. Mr. Reppert sponsored Resolution Number 16-97, A Resolution Accepting The Bid Submitted By Vasso Equipment Company For The Purchase Of One Street Sweeper 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. Stone seconded the motion. The motion passed unanimously. Hugh Long representing Vasco Equipment Company and David Krews from Schwarze Industries, were present at this meeting to thank City Council for the bid award.

Mr. Reppert thanked Washington Township Trustee Roger Krass for attending this Council Meeting and clarifying the status of the Stay issued by the Court of Appeals of Montgomery County relative to the 8.222 annexation petition. Mr. Compton pointed out the fact that City Council had received no explanation as to why a Stay had been issued against the City of Centerville prior to receiving such information from Mr. Krass at this meeting.

SISTER CITY COMMITTEE REAPPOINT RONALD HELMS

Mr. Singer moved that Ronald Helms be reappointed as a member of the Sister City Committee. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Approved: Sally D. Beals

Mayor

ATTEST:

Wanda J. Langford
Clerk of Council