

RECORD OF PROCEEDINGS

 Minutes of **COUNCIL MEETING**

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1048

 Held March 17, 1997

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 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 Councilmember James Singer, with Mayor Sally Beals presiding. 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
Assistant Clerk of Council	Peggy Whisman
City Manager	Gregory Horn
City Planner	Steve Feverston
Public Works Director	Steve Weaver
Municipal Attorney	Robert Farquhar
Assistant to the City Manager	Judith Gilleland

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

- Council Meetings - February 17, 1997.
- Council Work Sessions - February 17, 1997.
- February 24, 1997.
- March 3, 1997.

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

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission Member Carley van der Kloet. Mrs. Lienesch moved that the resignation of Mrs. van der Kloet be accepted with regret. Mr. Reppert seconded the motion. The motion passed unanimously.

Mrs. McLaughlin read correspondence received from Morgan Davis, Vice-President of the J. S. Davis Company, requesting that the Public Hearing concerning the Major Use Special Approval Application submitted by Tom Harrigan, concerning the development of property along the north side of Loop Road just east of Enterprise Car Rental, be tabled. Mr. Compton moved that the Public Hearing for the Major Use Special Approval Application submitted by Tom Harrigan be tabled until April 21, 1997 as requested by Morgan Davis. Mr. Reppert seconded the motion. Mr. Singer clarified the fact that information from the City of Centerville which Mr. Harrigan had not received in a timely manner was a fault of his own employee; the City delivered the information to Mr. Harrigan on time as promised. The motion passed by unanimous vote of City Council.

Mr. Kenneth Hahn, 311 South Village Drive, spokesman for the Village South Neighborhood Association, expressed their regret that the Public Hearing was tabled, but recognized that there must be a good reason for tabling the issue at the last minute.

Mr. Davis thanked Council for the tabling action.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held March 17, 1997, continued19

The following information was shared by Mayor Beals:

Four members of Council attended the National League of Cities Conference in Washington, D.C. March 6 - 11, 1997. She outlined issues discussed during the Conference.

A new graphic arts studio, Z-Design, has located on Centerville Business Parkway in the City of Centerville.

A new Downtown Merchants Organization is being formed for the center of the City.

A resident at The Franciscan at St. Leonard celebrated his 100th birthday on March 6, 1997.

Residents can now place pressurized cans with recyclables, shiny papers with newspapers excluding magazines, and phone books, all for pick-up by the City waste collection service.

Business Breakfasts will be held on March 20 and 27, 1997 at Yankee Trace. These breakfasts will begin at 7:30 AM to better familiarized business owners with changes at City Hall and other improvements scheduled throughout the year.

The City's Volunteer Salute will be held on April 17, 1997 at which time a new Volunteer of the Year will be honored.

Mrs. Lienesch briefly reviewed the N.O.I.S.E. Board Meeting she along with Mr. Horn attended during the NLC Conference in Washington, D.C. She announced the first meeting of the Aircraft Noise Task Force scheduled for Wednesday, March 19, 1997 to begin at 7:00 P.M. at the Washington Township Government Center.

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

A meeting was held between City and school officials and management at the Chevy Chase Apartment complex to discuss maintenance concerns in and about the complex.

The City continues with code enforcement relative to the McCracken House located at 59 East Franklin Street and owned by the Centerville United Methodist Church. A court hearing relative to the issue is scheduled for April 14, 1997.

The Mayors and Managers Association of Montgomery County, Ohio, supported the construction of a stadium and the acquisition of a minor league baseball team in the Miami Valley; revenue to come from City of Dayton Montgomery County Economic Development Government Equity funds while pursuing the receipt of monies from the private sector.

Structures located at the southwest corner of Main and Franklin Street in the center of Centerville have been purchased by a local merchant. The City and Washington Township are discussing the possibility of a joint interest free loan to the new owner to effectuate the restoration of this historic property.

A new series of brick walkways will be put in place at Benham's Grove through the efforts of Friends of Benham's Grove.

Public communication service monopoles and antennas are being erected in surrounding areas outside the corporate limits of municipalities due to less government control. He pointed out the fact that monopoles seen on the east side of South Main Street are not located in the City. Efforts are being made through the Miami Valley Cable Council to pursue co-location for providers on monopoles and antennas to reduce the numbers needed for adequate service. Mr. Singer suggested that Mr. Horn obtain information relative to the possibility of Counties declaring a moratorium upon the erection of public communication service monopoles and antennas.

The Gallery at Yankee Trace will open for Monday service on March 24, 1997.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held March 17, 1997, continued

19

The Golf Club at Yankee Trace is now open.

Proposals for a Centerville Police Department Needs Assessment and Facilities Study have been studied and have been narrowed to three for final consideration. A recommendation will be presented to City Council in the very near future.

City streets have been prioritized for placement in the City's summer street resurfacing program.

On March 6, 1997, an annual meeting of the Neighborhood Watch Captains was held at Yankee Trace.

Mrs. Lienesch advised that through the Water Enhancement Program of the Miami Valley Regional Planning Commission, residents are asked to sweep chemical granules off sidewalks into grass areas, thus reducing the amount of chemicals from water down stream.

RESOLUTION NUMBER 17-97 ANNEXATION 8.222 ACRES

The original transcript of the proceedings of the Board of County Commissioners of Montgomery County, Ohio, in the matter of the proposed annexation of 8.222 acres of land situated in section 29, town 3, range 5 M.R.s., Washington Township, Montgomery County, Ohio, being part of H.R. Office Park, recorded in plat book 139, page 9, and lots 2 and 3 of H.R. Office Park, Section 2, recorded in p.b. 155, page 20 of the Plat Records of Montgomery County, and part of the land conveyed to H.R. Investments by deed recorded in microfiche number 90-87A11 of the Deed Records of said County was presented to City Council by the Clerk of Council. Mr. Horn, while reviewing the history of this annexation, pointed out that it has been a source of disagreement between the City and Township for several years; however, Washington Township has now decided not to appeal this annexation to the Ohio Supreme Court. Mr. Singer sponsored Resolution Number 17-97, A Resolution Accepting The Application Of H.R. Investments, An Ohio Partnership, And Sarah M. Teague For Annexation Of Territory, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 3-97 PERSONNEL MUNICIPAL ATTORNEY

Mayor Beals read the title of a proposed Ordinance to amend the Personnel Ordinance to provide for compensation for the Municipal Attorney. Mr. Reppert sponsored Ordinance Number 3-97, An Emergency Ordinance To Amend Ordinance Number 41-95, To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, The Italicized Portions To Be Added, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 4-97 PERSONNEL MUNICIPAL ATTORNEY

Mr. Singer moved that Ordinance Number 4-97, An Ordinance To Amend Ordinance Number 41-95, To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, The Italicized Portions To Be Added, be set for Public Hearing on April 21, 1997. Mr. Kingseed seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held March 17, 1997, continued

19

RESOLUTION NUMBER 18-97 MULTI-PURPOSE COURT STUBBS PARK

Mr. Horn advised that approximately one year ago the City of Centerville received authorization from the Ohio Department of Natural Resources for a Land and Water Conservation Fund grant for the construction of an outdoor multi-purpose court for surface ice skating, basketball and in-line roller blading. It will be regulation size for ice hockey. Design Enterprise, Inc. has submitted a proposal for engineering services for this project which includes design, bidding and construction inspection for this court to be located in the Leonard E. Stubbs Memorial Park. This will be a fully equipped multi-purpose court with construction and possible completion by the end of the current summer months. The amount of the grant received is \$105,000.00; the estimated cost of the project is \$170,000.00. Upon question of Mr. Singer, Mr. Horn advised that the difference between the estimated cost by Design Enterprise of \$137,200.00 and \$170,000.00 includes services by Design Enterprise of \$20,700.00 plus monies for some contingencies which might arise. Mr. Kingseed sponsored Resolution Number 18-97, A Resolution Authorizing And Directing The City Manager To Accept A Proposal Submitted By Design Enterprise, Ltd. For A/E Services For Nature Works At The Leonard E. Stubbs Memorial Park, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with six ayes in favor of the motion; Mr. Reppert voted no.

RESOLUTION NUMBER 19-97 QUIT CLAIM DEED WILLIAMS PROPERTY

Mr. Horn explained the fact that when the City of Centerville purchased the property at the north west corner of Spring Valley Road and Virginia Avenue, property owned by Joan Williams, another property owned by Joan Williams was included on the tax duplicate. Due to the fact that the City only purchased the property on Spring Valley Road, a Quit Claim Deed became necessary to deed the other property back to the Williams estate. A mistake was made at the County level when the transfer of property occurred. Mr. Reppert sponsored Resolution Number 19-97, A Resolution Ratifying The Action Taken By The City Manager To Grant To Donald S. Williams A Quit Claim Deed On Behalf Of The City Of Centerville, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 20-97 YANKEE TRACE SANITARY SEWER EASEMENT

Mr. Horn reviewed a proposed Resolution to ratify his action taken to grant to the Board of County Commissioners of Montgomery County, Ohio, a right of way and easement for the installation of a sanitary sewer line to a portion of the residential development at Yankee Trace. Mr. Stone sponsored Resolution Number 20-97, A Resolution Ratifying The Action Taken By The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville To The Board Of County Commissioners Of Montgomery County, Ohio, For The Installation Of A Sanitary Sewer To Serve The Yankee Trace Residential Development, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held March 17, 1997, continued19

RESOLUTION NUMBER 21-97 YANKEE TRACE WATER LINE EASEMENT

Mr. Horn reviewed a proposed Resolution to ratify action taken by him to grant to the Board of County Commissioners of Montgomery County, Ohio, a water line easement at Yankee Trace to provide water service to a restroom facility to be constructed on The Golf Club at Yankee Trace and to extend water to a portion of the residential development. Mrs. Lienesch sponsored Resolution Number 21-97, A Resolution Ratifying The Action Taken By The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville To The Board Of County Commissioners Of Montgomery County, Ohio, For The Installation Of A Water Line To Serve The Yankee Trace Residential Development, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 22-97 YANKEE TRACE BANQUET INCENTIVE

Mr. Horn reviewed a proposed incentive program for the Sales and Banquet Coordinator at Yankee Trace. This program would provide that the Sales and Banquet Coordinator receive an amount equal to one eighteenth percent of all service charges or gratuities charged for banquets which include any event sold from the banquet menu and/or customized menus or meals ordered from the dining room menu and automatically added to a customer's bill. Mr. Reppert sponsored Resolution Number 22-97, A Resolution Authorizing The City Manager To Institute An Incentive Program For The Sales And Banquet Coordinator Of Yankee Trace, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 23-97 ANNEXATION AGREEMENT

Mr. Horn reviewed a proposed Memorandum of Understanding between the City of Centerville and Washington Township relative to certain outstanding annexation petitions currently pending before the Montgomery County Board of Commissioners and/or appropriate Courts of Law. This Memorandum of Understanding, if executed, would cause the acreage contained in the annexation petition of Yankee Development Group, Inc. to be reduced from 168.96 to 89.2634 acres thus eliminating that property located east of Sheehan Road. The current members of City Council would agree to not accept an annexation petition for any portion of this property east of Sheehan Road, for a period of three years from the effective date of the Memorandum. The current Washington Township Trustees would not oppose the 89.2634 acre annexation nor the 10.957 Goenner annexation which has been approved by the County Commissioners. The current members of Council further agree to not oppose the detachment of a strip of land 77 feet wide, 400 feet in length from the City of Centerville; property which was included in the recent 29.574 acre annexation to the City of Centerville. Mayor Beals pointed out the fact that this Memorandum of Understanding has no effect on any future annexations which may be petitioned for to the City of Centerville. She further pointed out that at no time did the City of Centerville entertain any annexation petition that would cut Washington Township in half. Mr. Singer sponsored Resolution Number 23-97, A Resolution Authorizing The Execution Of A Memorandum Of Understanding Between The City Of Centerville And Washington Township Relative To Pending Annexations, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council. Mr. Horn advised that the reduction in acreage in the annexation which involved the 168.96 was a decision made by the petitioner for the annexation.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held March 17, 1997, continued

19

RESOLUTION NUMBER 24-97 DEMOLITION AT 155 WEST FRANKLIN STREET

Mr. Weaver advised that four bids were received for the demolition project at 155 West Spring Valley Road. The specifications included the removal of the house, backfilling and leveling of the site to provide for future development. He recommended that the bid be awarded to the low and best bidder: John P. Raisch, Inc., in the amount of \$12,450.00. Mrs. Lienesch sponsored Resolution Number 24-97, A Resolution Accepting The Bid Submitted By John P. Raisch, Inc., For The Demolition Project At 155 West Spring Valley Road For The City Of Centerville, Ohio, And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: *Salv D. Bialk* Mayor

ATTEST:

Maureen J. Saugel
Clerk of Council