

RECORD OF PROCEEDINGS

Minutes of Council Meeting

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held September 15, 1997 19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 15, 1997, 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 led by Cub Scout Pack 299, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	C. Mark Kingseed
Councilmembers	James Singer
	Susan Lienesch
	James Reppert
	J. V. Stone
Clerk of Council	Marilyn McLaughlin
Assistant Clerk of Council	Peggy Whisman
Assistant City Manager	Judith Gilleland
Public Works Director	Steve Weaver
City Planner	Steve Feverston
Director of Finance	William Bettcher
City Engineer	Norbert Hoffman
Chief of Police	Steve Walker
Municipal Attorney	Robert Farquhar
Assistant to the City Manager	Kelly Fackel

Mayor Beals advised that Councilmember Brooks Compton would not be present for this meeting. Mr. Reppert moved that Councilmember Brooks Compton be excused from this meeting. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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

Council Meeting - August 18, 1997.

Council Work Session Meetings:

- August 18, 1997.

- August 25, 1997.

- September 8, 1997.

Mr. Kingseed moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Stone seconded the motion. The motion passed unanimously, with Mrs. Lienesch abstaining from the minutes of the Work Session held on August 18, 1997.

Americana Festival, Inc., Executive Director Hutch O'Connor, was present at this time to present to the City a mounted photo of Cady Coleman's spaceship. He outlined Cady Coleman's involvement in the 1997 Americana 4th of July Festival as the Grand Marshall.

Mayor Beals recognized members of the Centerville Women's Civic Club in attendance at this meeting and presented to them a Proclamation in recognition of their 40th birthday.

Mayor Beals thanked City Staff for pursuing the completion of the East Franklin Street improvement project on schedule.

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Mayor Beals announced events which took place during the month and events which will take place within the coming weeks:

Flu vaccine will be given by the Combined Health District, Montgomery County, in the Council Chambers at the Centerville Municipal Building on Tuesday, October 21, 1997 between the hours of 2:00 and 3:45 P.M.

A Proclamation was issued designating the week of September 17, 1997 as Constitution Week in the City of Centerville.

A Proclamation was issued designating the month of October, 1997 as Crime Prevention Month in the City of Centerville.

Meetings of Council have been scheduled as follows:

- October 6, 1997 - Public Hearing on Appeal filed by Tim and Cindy O'Brien against Planning Commission's approval for the construction a day care facility in the rear of 232 North Main Street.
- October 13, 1997 - Public Hearing on Appeal filed by Richard, Evelyn, Nevin and Celia Elliott against Planning Commission's denial of a Variance Application to permit the use of vinyl siding on the home located at 60 South Main Street.
- October 20, 1997 - Public Hearing on Rezoning Request filed by the H.R. Investments Company for property located along the west side of State Route 48 south of Sheehan Road.

Beggars Night in Centerville will be held on Thursday, October 30, 1997 between the hours of 6:00 and 8:00 P.M. Mayor Beals asked people to enjoy Halloween decorations, not vandalize them.

A groundbreaking was held at Spring Valley Academy on August 24, 1997 for a new addition to the school.

The Franciscan at St. Leonard will dedicate the new Joseph Bernardin Residence on Wednesday, September 24, 1997.

The Centerville Sister City Committee is planning a trip for ambassadors from Centerville to visit Sister City Bad Zwischenahn, Germany in July, 1998.

The Centerville Historical Society has scheduled an Autumn Ball for October 17, 1997 to begin at 8:00 P.M. at Yankee Trace.

YANKEE TRACE SECTION THIRTEEN RECORD PLAN

Mr. Feverston reviewed a Record Plan for the development of a 6.14 acre parcel of land in Yankee Trace into 18 single family residential lots and one reserve area. He located the subject property on a map, being situated north of Social Row Road, east of Yankee Street and south of Yankee Trace Drive. Constructed on this R-1c, Single Family Residential zoned property will be villa style homes. The Planning Commission by unanimous vote recommended approval of this Record Plan to City Council, subject to the following conditions:

1. The minimum building setback shall be in accordance to the Residential Cluster Development Plan approved by the Planning Commission.
2. Detailed design of the stormwater drainage system for this plat including grading shall be approved by the City Engineer.

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3. An earthen mound(s) shall be constructed within Reserve Area AF with the final design subject to approval 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.
5. In an agreement to be approved by the City Attorney, there will be no vehicular access for lots 243, 246, 247 and 248 to Yankee Trace Drive.
6. Lots 243, 264, 247 and 248 shall have mounding along the frontage to Yankee Trace Drive.

Mr. Reppert moved that the Record Plan for Yankee Trace, Section Thirteen, be approved as recommended by the Planning Commission including the following recommendations 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 \$148,440.00 of which no sidewalks were required in this section.
3. Inspection fee in the amount of \$473.20.

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.

Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 16-97 ADOPT BUILDING CODE

The Public Hearing was held concerning Ordinance Number 16-97. Mr. Weaver reviewed this proposed Ordinance which adopts the OBOA (Ohio Building Officials Association) one, two and three family dwelling code. The OBOA makes modifications to the CABO code which are a result of technical changes that have occurred during the past three years. The use of this code is consistent with other local jurisdictions. The Ordinance provides for the effective date to be January 1, 1998. Mr. Stone sponsored Ordinance Number 16-97, An Ordinance Amending The Centerville Municipal Code, Chapter 1422 To Adopt The 1996 OBOA (Ohio Building Officials Association) One, Two And Three Family Dwelling Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 17-97 COMPETITIVE BIDDING

Mrs. Lienesch moved that Ordinance Number 17-97, An Ordinance To Amend Chapter 210, Contracts And Purchasing, Of The Centerville Municipal Code To Provide That Competitive Bids Be Taken For The Purchase Of Supplies And Materials When The Cost Exceeds \$20,000.00, be set for Public Hearing on October 20, 1997. Mr. Reppert seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 18-97 POLICE PERSONNEL

Chief of Police Steve Walker reviewed for Council a proposed Ordinance which provides for the promotion of a civilian member of the Police Department staff to supervise police records and communications, and creates a new position to provide for a service coordinator to the staff. He outlined duties related to these positions which were previously performed by a Police Sergeant. The creation of these positions will place the Sergeant's position back on the street. Mr. Reppert sponsored Ordinance Number 18-97, An Emergency Ordinance To Amend Ordinance Number 20-96, To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And The Regulations For Employees Of The City Of Centerville, Ohio, The Italicized Portions To Be Added, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 19-97 POLICE PERSONNEL

Mr. Kingseed moved that Ordinance Number 19-97, An Ordinance To Amend Ordinance Number 20-96, To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And The Regulations For Employees Of The City Of Centerville, Ohio, The Italicized Portions To Be Added, be set for Public Hearing on October 20, 1997. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

COUNCIL RULES AMENDED

Mr. Kingseed moved that the Council Rules as revised, be adopted. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 58-97 CERTIFY TAX RATES

Mr. Bettcher reviewed a proposed Resolution certifying property tax rates to the Montgomery County Auditor. Each year the City is required by State Law to certify tax rates to the County Auditor as determined by the Budget Commission. Mr. Bettcher explained the fact that for the past five years the tax rate was 2.64; this rate will be reduced to 2.51 for 1998. This is the lowest rate in the City since the approval of a Bond Issue in 1977. Mayor Beals outlined how property tax dollars are divided among different entities. Mr. Kingseed sponsored Resolution Number 58-97, Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 59-97 STREET LIGHTS DP&L

Miss Gilleland reviewed a proposed Resolution to authorize the City Manager to enter into a contract for street lights in the City of Centerville. Gov Tech of the Miami Valley Cable Council reviewed program options from the Dayton Power and Light Company for street lighting, each of which offered a number of new features. The City's current contract expires

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December 31, 1997. It was recommended by Gov Tech to execute a three year street lighting agreement addendum in order that this changing industry can be reassessed in three years. Other member Cities of the Miami Valley Cable Council are adopting this same agreement addendum. Mr. Stone sponsored Resolution Number 59-97, A Resolution Authorizing The City Manager To Enter Into A Contract For Street Lighting Services For Use On Public Grounds And Streets In The City Of Centerville, State Of Ohio, For A Period Of Thirty Six (36) Months Commencing January 1, 1998 And Expiring On December 31, 2000, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 60-97 STUBBS PARK SCULPTURE

Miss Gilleland reviewed a proposed Resolution to authorize the execution of a contract with Jack Mann to perform all services and furnish all supplies and materials necessary for the design, fabrication and installation of a sculpture in the Leonard E. Stubbs Memorial Park. Missy Bolton, member of the Centerville Arts Commission, expressed appreciation to members of City Council for their support to the Arts Commission. She identified locations of other designs sculptured by Mr. Mann. Mrs. Bolton outlined activities planned to provide community participation in the creation of this sculpture. The total cost of \$18,500.00 for the design, fabrication and installation of this sculpture is funded through grants from the Ohio Arts Council and the Montgomery County Arts and Cultural District, and the City of Centerville. Mr. Kingseed sponsored Resolution Number 60-97, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Jack Mann, Artist To Perform All Services And Furnish All Supplies And Materials As Necessary For The Design, Fabrication And Installation Of A Sculpture For Leonard E. Stubbs Memorial Park For A Total Cost Not To Exceed \$18,500.00, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously. Mrs. Bolton outlined the Winter Concert Series being planned for Yankee Trace and one at Benham's Grove.

RESOLUTION NUMBER 61-97 EASEMENT TO MONTGOMERY COUNTY

Mr. Hoffman reviewed a request from the Board of County Commissioners, Montgomery County, for an easement across The Golf Club at Yankee Trace for the installation of a sanitary sewer line to provide service to an adjacent property. He explained that this has been a dry line installed at the time the golf course was constructed, therefore causing no interruption to the golf course itself. Mr. Singer sponsored Resolution Number 61-97, A Resolution Authorizing 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 Adjacent Property, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 62-97 STUBBS PARK MASTER PLAN

Mr. Weaver advised that six proposals were received for the preparation of a Master Plan for the Leonard E. Stubbs Memorial Park. City Staff met with three of the consulting firms to

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determine the low and best proposal. Mr. Weaver recommended acceptance of the proposal submitted by Edsall & Associates for a contract price of \$11,600.00 plus \$900.00 for direct services for a total not to exceed \$12,500.00. The estimated time frame for the completion of this project is 90-120 days in order to allow for community participation. Mr. Kingseed sponsored Resolution Number 62-97, A Resolution Authorizing The City Manager To Execute An Agreement With Edsall & Associates To Prepare A Development Master Plan For The Leonard E. Stubbs Memorial Park For The City of Centerville, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

NESTLE CREEK II SECTIONS 1, 2, 3, 4, 5 BOND RELEASES

Mr. Hoffman advised that the developer of Nestle Creek II has requested release of Performance Bonds and Maintenance Bonds held by the City in the form of cash bonds on Sections 1, 2, 3, 4, and 5. There remains some outstanding work to be completed in the common areas. He brought attention to a letter received from the Nestle Creek II & III Homeowners Association, Inc. agreeing to accept \$1,500.00 of the cash bond for corrections needed relative to seeding and grass issues in the common areas. Developer Ray Black has also agreed to this transaction. Mr. Hoffman recommended that the outstanding Performance Bonds and Maintenance Bonds be released as previously stated. Mr. Reppert moved that the Performance Bonds and Maintenance Bonds held by the City of Centerville in the form of cash bonds be released on Nestle Creek II, Sections 1, 2, 3, 4, and 5 as recommended by the City Engineer and agreed to by developer Ray Black and the Nestle Creek II & III Homeowners Association, Inc. Mrs. Lienesch seconded the motion. The motion passed unanimously.

LACHAPELLE PERFORMANCE BOND RELEASE

Mr. Hoffman advised that all public improvements except sidewalks are in place in LaChapelle. He recommended release of the Performance Bond posted on the streets, including storm sewer, curbs, catch basins and pavement. Mrs. Lienesch moved that the Performance Bond posted on streets in LaChapelle be released, as recommended by Mr. Hoffman. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 63-97 STUBBS PARK MULTI-PURPOSE COURT

Mr. Weaver reviewed the two bids received for construction of a multi-purpose court in the Leonard E. Stubbs Memorial Park. Proposed is the construction of a concrete slab to be used for in-line skating and basketball. He recommended acceptance of the low and best bid submitted by Double Jay Construction, Inc. in the amount of \$155,580.24 plus the add alternate of providing and installing a fence to surround the dasher board system in the amount of \$15,000.00. He further recommended that the City Manager be authorized to expend up to an additional \$8,719.76 to provide for contingencies as they may be deemed necessary. The installation of the concrete slab should be completed within 120 days. Mr. Weaver explained the fact that this project is partially funded by the Ohio Department of Natural Resources in the amount of \$105,000.00. Mayor Beals pointed out the fact that if these state funds are not used during the current year, they will not be received by the City. Mr. Reppert stated his non-

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concurrence with this project due to the lack of a demonstrated need for such a facility. Mrs. Lienesch expressed concern with possible cost overruns and projections. Mr. Kingseed stressed the need for the City to utilize these state funds for this useful and great recreational facility. Mr. Kingseed sponsored Resolution Number 63-97, A Resolution Accepting The Bid Submitted By Double Jay Construction, Inc. For The Construction Of The Stubbs Park Multi-Purpose Court For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Reppert and Mrs. Lienesch voted no.

CENTERVILLE ARTS COMMISSION APPOINT CHET BAUCH

Mrs. Lienesch moved that Chet Bauch be appointed as a member of the Centerville Arts Commission. Mr. Reppert seconded the motion. The motion passed unanimously.

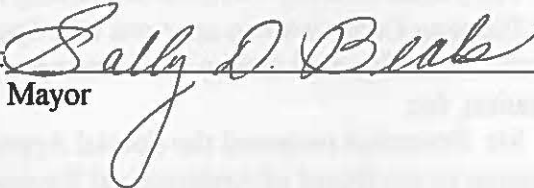
SISTER CITY COMMITTEE REAPPOINT CYNTHIA MONTER, FERNE REILICH, SHIRLEY OGLESBEE

Mr. Singer moved that Cynthia Monter, Ferne Reilich and Shirley Oglesbee be reappointed as members of the Sister City Committee. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the meeting was adjourned.

Approved: _____

Mayor



ATTEST: _____

Clerk of Council

