

RECORD OF PROCEEDINGS

Minutes of

COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held November 17, 19971997

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 17, 1997, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer, and the Pledge of Allegiance to the Flag led by Girl Scout Troop 125 with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	C. Mark Kingseed
Councilmembers	James Singer
	James Reppert
	Brooks Compton
	J. V. Stone
	Susan Lienesch
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

Members of the Girl Scout Troop introduced themselves and Leader Suzanne Valle advised that their attendance at a government meeting is a requirement of their Junior Book.

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

Council Meetings -	October 6, 1997.
	October 13, 1997.
	October 20, 1997.
Council Work Sessions -	October 6, 1997.
	October 13, 1997.
	October 20, 1997.
	October 27, 1997.
	November 3, 1997.
	November 10, 1997.

Mr. Reppert requested and moved that the last sentence in the first paragraph of the October 13, 1997, Work Session Meeting "Alternatives relative to this issue may be discussed at a later date" be changed to read "At the end of the discussion Greg Horn stated that he would draft a proposal for a Task Force to review the APD Ordinances and present it to Council for their review". Mrs. Lienesch seconded the motion. Following discussion relative to the statement, Mr. Horn agreed with the amendment. A roll call vote resulted in six ayes in favor of the motion; Mayor Beals voted no.

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Mrs. Lienesch moved that the third last sentence relative to the Public Hearing held on an Appeal filed by the Elliott family in the October 13, 1997 Council Meeting minutes be changed to read "A roll call vote resulted in six ayes in favor of the motion, with Mrs. Lienesch voting no". Mr. Kingseed seconded the motion. The motion passed unanimously.

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Historical Commission member Cecil Elliott. Mr. Singer moved that Cecil Elliott's resignation as a member of the Centerville Historical Commission be accepted, with regret. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

The following visitors to Centerville from Croatia were made Honorary Citizens by Mayor Beals:

Josip Kolacko
Mileva Milic
Vesna Radas
Dunja Kolacko
Ivanka Bojic
Marija Pletikosa
Boris Kursar
Mila Labar

Brian Forschner, Executive Director of The Franciscan at St. Leonard, pointed out that these Nursing Home Administrators, Physical Therapists, Nurses and Orthopedic Surgeons are here to learn about care for the elderly in the United States.

Mayor Beals and City Beautiful Commission Chairman Michael Battaglia presented City Beautiful Awards to the following recipients:

Robert & Susan Willsey	724 Springridge Place
Dr. & Mrs. Martin Holzinger	1107 Charter Place
William Mehaffie	207 Devay Avenue
Bruce & Sharon Marcum	6816 Penridge Road
Ruth & Paul Winterhalter	8265 Rhine Way
Ken & Louise Smith	9755 Pawnee Pass
Jeanne & Doug Campbell	712 Kings Row Avenue
Richard & Evelyn Elliott	11 Martha Avenue
Shawnee Phillips	1571 Heritage Lake Drive
Janet & Steve Black	5451 Red Coach Road
Paul & Marilyn Pazitney	171 Joy Elizabeth Drive
The Steinbicker Family	1050 Charter Place
Arthur & Alma Miller	144 Tuxworth Road
Barb & Jack Cervay	2223 Jaime Rose Way
Steve & Jo Beinlich	1614 Gatekeeper Way

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Greg & Gini Reinhard 9191 Stephanie Lane
William P. White, Jr. & Co. 47 East Franklin Street
Centerville Shell, Inc. 899 South Main Street

Mr. Battaglia outlined activities of the City Beautiful Commission and asked for volunteers to serve on the Committee. Mayor Beals invited all participants to a short reception in the Law Library.

Following the reception, the meeting reconvened with Mayor Beals making the following announcements:

November 23 - 30, 1997 was proclaimed Bible Week in the City of Centerville.

November 16 - 22, 1997 was proclaimed American Education Week in the City of Centerville.

The annual conference of the Ohio Association of Historical Societies and Museums was held in Columbus on November 8, 1997. At that time the Centerville Historical Society received awards for the First Families Reunion, the Web-site created by President Patricia Aldrich, A Sense of Community, Once Upon a Bicentennial Bus Tour, and to the Centerville-Washington Township Bicentennial Commission for the year long celebration in 1996.

On election day, November 4, 1997, approximately 37 percent of the electorate voted. Mayor Beals welcomed Councilmember elect George Smith and expressed appreciation to retiring Councilmember Brooks Compton for his fourteen years of service to the City of Centerville.

Voters in Centerville's Sister City Waterloo, Ontario Canada have elected Joan McKinnon as Mayor of Waterloo.

A trip has been planned by Centerville's Sister City Committee to Sister City Bad Zwischenahn, Germany and to the British Isles beginning July 8, 1998.

Mayor Beals announced the following events to take place during the next few weeks:

November 23: Christmas Tree Lighting - Benham's Grove, 5:00 P.M.,

December 7: Christmas Walk - Center of Town, Noon - 5:00 P.M.,

December 2-7: National League of Cities Conference in Philadelphia.

Mayor Beals wished all a Happy Thanksgiving.

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

The Multi-purpose Court at the Leonard E. Stubbs Memorial Park is near completion. A Grand Opening will be held during the week between Christmas and New Years.

The City of Bellbrook has taken action to withdraw from the Miami Valley Cable Council at the end of 1997.

An appeal has been filed in the Common Pleas Court of Montgomery County against the City of Centerville relative to the decision rendered by City Council to deny the use of vinyl siding by the Elliott family on the home at 60 South Main Street.

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A meeting of the Aircraft Noise Task Force has been scheduled for Thursday, November 20, 1997 to begin at 7:00 P.M. in the Law Library. A possible topic for discussion is a recommendation to the City and Washington Township concerning the need for preliminary noise measurements.

The Thanksgiving buffet at the Gallery at Yankee Trace is sold out. A waiting list has been established.

A New Year's Eve celebration is being planned at the Gallery at Yankee Trace to last until 1:00 A.M. with coast to coast food stations and live entertainment.

A junior program has been developed at The Golf Club at Yankee Trace for all Saturdays during the months of December, January, and February.

Due to weather conditions, leaf pick-up in Centerville is one day behind schedule.

**THE FRANCISCAN AT ST. LEONARD
MAJOR USE SPECIAL APPROVAL & MASTER PLAN AMENDMENT**

The Public Hearing was held concerning the Major Use Special Approval Application submitted by The Franciscan at St. Leonard to provide for the construction of thirty-one single family residential cottages on 13.3+ acres of land on property located behind the Joseph Bernardin Residence Center at 8100 Clyo Road. Also submitted with this application is an amended Master Plan containing a total of 168 acres of land zoned R-PD, Residential Planned Development. The amended Master Plan contains areas for the existing campus, expansion to the health care and nursing centers, the subject cottages, commercial uses complimentary to the retirement campus, and multi family. Mr. Feverston located the subject property on a map, outlined adjacent zone classifications and land uses, and explained the changes proposed to the Master Plan. He explained the fact that R-PD zoning permits the cottages as proposed. The Planning Commission, by a vote of 5-0, recommended approval of this Major Use Special Approval Application to City Council, subject to the following conditions:

1. The area labeled as Commercial on the Major Use Plan shall be limited to office or small retail uses which primarily serve or complement the needs of residents within the development.
2. The maximum height for any building constructed in the area as High Rise Apartments shall not exceed the maximum building height required for this zoning district (45 feet).
3. Any development of the areas labeled as Commercial, High Rise Multi-Family, Cottages or Health Center Expansion shall be subject to the approval by the Planning Commission.
4. The access drive to Centerville Station Road shall be aligned directly across from Rain Tree Road according to the original Master Plan approved by the City on August 4, 1986.

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5. Public right-of-way shall be dedicated along Clyo Road at the southern curve to provide a 43 foot right-of-way from an adjusted centerline using a 750 foot radius through the curve, subject to approval by the City Engineer.
6. A temporary sidewalk shall be constructed along Clyo Road from the main entrance driveway to the south boundary of this Major Use Plan subject to approval by the City Engineer.
7. An earthen berm, having an average height of 3 feet, shall be constructed along Clyo Road where Cottage Number 5 through 10 abut this road. This berm shall be constructed in a sculpted and undulating manner and designed to avoid the existing stand of trees subject to approval by the City Engineer.
8. The existing stand of trees located within the Cottage Development shall be preserved in those areas that will not be disturbed by grading or the installation of utilities subject to approval by the City Planner.
9. Prior to the issuance of any building permit, the applicant shall either dedicate .132 acres of parkland or pay a fee-in-lieu of dedicating parkland in accordance with the provisions of City Ordinance 15-86, The City Parkland Dedication Ordinance, subject to approval by the City Council.
10. The guardrail or a raised curb shall be moved away from the edge of all roadways a distance of approximately 8 feet subject to approval by the City Engineer.
11. Both retention ponds shall be redesigned and/or shifted to move the shoreline away from all roadways and provide for a minimum slope of 4 to 1 from the guardrail or raised curb to the waters edge at their normal pool subject to approval by the City Engineer.
12. An easement, approved by the City Attorney, shall be recorded to specifically permit emergency maintenance and access to the retention basins by the City. The property owner shall be responsible for the maintenance of the detention basin.
13. All walkways, except for the temporary sidewalk, shall be constructed using concrete.
14. The final grading plan shall be subject to approval by the City Engineering Department.
15. A stormwater drainage plan shall be approved by the City Engineering Department showing stormwater drainage calculations, the FEMA flood zone, and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.
16. A detailed, exterior lighting plan shall be submitted and subject to the approval of the City Planner.
17. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.

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Beverly Heintz, 1549 Old Quaker Court, asked that lighting in the cottage area be of a type not to produce a glare upon adjacent residences and that the mounds located along Clyo Road be high enough to hide backs of the cottages. Mr. Feverston pointed out that mounds will be put in place only in areas where there is no vegetation already existing. The mounds will be of a height to block automobile headlights from residences.

Terry Hanauer, representing the Miller-Valentine Group, advised that the mound and/or vegetation in the northwest portion of the project will be of a height of three to six feet in order to provide good screening from Clyo Road.

Mr. Feverston advised that no lighting plan has been presented with this application. However, the City's Code requires subdued lighting of an intensity not to create a glare upon adjacent properties. Mr. Hanauer identified the lighting proposed to be low neighborhood type lighting.

Upon question of Mr. Reppert, Mr. Feverston advised that walkways included on the plan will be constructed of concrete.

Mr. Singer brought attention to the fact that property owners within 500 feet of the property which is subject of the total Master Plan were not notified of the Public Hearing. He suggested that if approval is considered for the Major Use Special Approval Application for the construction of the thirty-one cottages at this time, that it be contingent upon the Master Plan being approved after a Public Hearing has been held. Mr. Kingseed expressed his concern with the amended Master Plan with its inclusion of multi-family and commercial use. He stressed the need for further consideration of the proposed Master Plan. Mr. Feverston clarified the fact that the original Master Plan did not include the cottages, multi-family and commercial use. Upon question of Mr. Compton, Mr. Feverston explained that if the Master Plan is approved with multi-family and commercial uses included, the development of these sections would have to conform to the requirements of the Centerville Zoning Ordinance and would require Planning Commission approval. Mr. Compton pointed out that the commercial and multi-family designations could be deleted from the Master Plan for consideration at a later date and approval be given to the Master Plan thus approving the cottages with no contingency. Discussion continued relative to the multi-family and commercial areas designated on the Master Plan and their impact upon adjacent residences. Mr. Reppert suggested that condition number six recommended by the Planning Commission: that a temporary sidewalk be constructed along Clyo Road from the main entrance driveway to the south boundary of the Major Use Plan subject to approval by the City Engineer, be deferred until such time as Clyo Road is widened. Mr. Horn recommended that the sidewalk be required if and when Clyo Road is widened and that it be installed by the developer at the time deemed necessary by the City of Centerville. Upon question of Mr. Compton, Mr. Feverston advised that the Planning Commission, during their deliberations, saw the logic to the commercial designated on the Master Plan to serve St. Leonard residents and to the multi-family in consideration of height restrictions contained in the Centerville Zoning Ordinance. As a result of much discussion concerning this entire issue, Mr. Singer moved that the Major Use Special Approval Application be approved to construct 31 residential cottages on 13.3+ acres of land located on property owned by The

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Franciscan at St. Leonard, south of the Joseph Bernardin Residence Center at 8100 Clyo Road, as recommended by the Planning Commission, including all conditions with an exception to condition number 6 (a temporary sidewalk be constructed along Clyo Road from the main entrance driveway to the south boundary of the Master Plan subject to approval by the City Engineer) that the installation of a sidewalk along Clyo Road from the main entrance driveway to the south boundary of the proposed amended Master Plan be deferred until Clyo Road is widened or when the City of Centerville deems it appropriate that the sidewalk be put in place, said sidewalk to be installed by The Franciscan at St. Leonard; and that the approval of the construction of 31 residential cottages which are the subject of the Major Use Special Approval Application be contingent upon the revised Master Plan being approved by City Council after a Public Hearing on the Master Plan has been held. Mr. Reppert seconded the motion. The motion passed by a vote of six to one, with Mr. Compton voting no.

Mr. Singer moved that the proposed amendment to the Master Plan for The Franciscan at St. Leonard be set for Public Hearing on Monday, December 15, 1997. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

CHARDONNAY DEVELOPMENT CORPORATION MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning the Major Use Special Approval Application submitted by the Chardonnay Development Corporation to provide for the development of a forty-one acre tract of land located north of Alexandersville-Bellbrook Road, south of I-675, and east of Versailles Drive. Mr. Feverston reviewed this development to be known as Woodbrooke Lakes. Proposed is the division of forty-one acres, zoned R-PD, (Residential Planned Development) into a single family planned development consisting of 130 units at a density of 3.5 dwelling units per acre. He located the subject property on a map and identified adjacent zone classifications and land uses. The existing private streets constructed when Chardonnay Valley was developed will be reconstructed to conform to Centerville Street Standards and will then become public streets along with other streets in the Woodbrooke Lakes development. The plan includes a stormwater retention basis to provide stormwater and flood control within the development. Mr. Feverston showed elevation concepts of units to be constructed. Streets in this development will be of the same width as those constructed in Yankee Trace. The Planning Commission, by unanimous vote, recommended approval of this Major Use Special Approval Application to City Council, subject to the following conditions:

1. Special consideration be given to the existing 10 houses that were constructed as part of the Chardonnay Valley Condominium development with regard to building setback and lot width. All building setbacks shown on the development plan must accommodate all portions of the existing houses including their decks as prescribed by the Zoning Ordinance.

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2. All undeveloped lots shall incorporate the following minimum requirements:
 - a. A minimum lot width of 60 feet;
 - b. A minimum front yard of 8 feet for all lots fronting Linden Terrace or Elm Leaf Terrace;
 - c. A minimum front yard of 12 feet for the four (4) infill lots on Chardonnay Drive;
 - d. A minimum front yard of 22 feet for all other lots;
 - e. A minimum rear yard of 20 feet;
 - f. All building setbacks shall be established outside of any access, utility, drainage or any other easement subject to approval by the Planning Department.
3. All undeveloped lots shall provide a minimum of five (5) off-street parking spaces including two (2) garage spaces where on-street parking or additional parking is not provided subject to approval by the Planning Department.
4. All undeveloped lots shall provide a minimum driveway length of 22 feet from the back of the curb, excluding any sidewalk, subject to approval by the Planning Department.
5. In 1988, temporary improvements to Alex-Bell Road were made and right-of-way was dedicated as a part of the Chardonnay Valley development. An escrow was also established in-lieu-of requiring the developer to make an improvement to Alex-Bell Road across the entire frontage of their property that included an additional lane of pavement, a sidewalk, curb and stormwater drainage. The amount escrowed shall be re-evaluated to determine its adequacy in 1997 dollars.
6. All streets proposed for this development shall be public streets. Chardonnay Drive and Versailles Drive are currently private streets. The design of all proposed streets and the redesign of the existing private streets, specifically the roadway width, must be approved by the Planning Commission and City Council. The stormwater drainage system must be redesigned to eliminate the reverse crown on the existing streets.
7. All landscape islands proposed for this development and the landscape island that exists on Chardonnay Drive at Alex-Bell Road shall be established as reserve areas that are owned and maintained by the homeowners association and are situated outside of any public right-of-way.
8. The parking spaces located along Elm Leaf Terrace shall be maintained by the homeowners association.
9. The tangency of each leg to the four-way intersection shall be increased subject to approval by the City Engineer.

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10. Additional information regarding stormwater drainage shall be provided with the Master Plan that more precisely delineates the 100 year storm. In this specific case, given the topography of the site, the flow rate of the existing tributary through the site, the proximity of the existing homes to the retention basin and the proximity of proposed houses to the existing and proposed retention basins, the 100 year storm boundary must be precisely located.
11. The bridge on Versailles Drive and the street itself must be designed to be completely above the 100 year storm elevation.
12. Additional public right-of-way shall be dedicated at the western edge of this development from Versailles Drive to extend south and attach to the B-PD zoned land.
13. All street names shall be subject to approval by the Planning Department.
14. The treatment of the edge along the retention pond shall be subject to approval by the City Engineer.
15. The Centerville/Washington Park District has requested a fee-in-lieu of parkland dedication be required for this development in the manner approved for Chardonay Valley. Credit would be given for the eight houses where this fee-in-lieu has been paid and for the private open space (recreation area) shown on the plan.
16. The design of the recreation center buildings shall be submitted to the Planning Commission for approval.

John Chambers, Attorney for the applicant, outlined the work and time which have gone into the design of this development to make it work. Drainage areas have been designed to not only provide drainage retention for Woodbrooke Lakes but also the area known as Chardonay Valley. Mr. Chambers identified this as a solid and strong project, they are ready to move forward with the reconstruction and redesign of streets from private to public, and ready to meet the recommendations of the Planning Commission.

Upon question of Mr. Stone, Mr. Chambers advised that a Homeowners Association will be established and will have the responsibility of maintaining the water basins located in the development.

Mrs. Lienesch questioned whether service vehicles can maneuver on the street at the westernmost edge of the development. Mr. Feverston advised that the profile of this street is the same as those streets in the greystone villa area at Yankee Trace. Service vehicles will not be able to turnaround in the street, however, the street will be joined at each end by another street. Mr. Feverston explained how Woodbrooke Lakes will be divided into sections and brought before City Council for Record Plan approval. Mr. Kingseed moved that the Major Use Special Approval Application submitted by the Chardonay Development Corporation for the development of a single family planned development north of Alexandersville-Bellbrook Road, south of I-675, and east of Versailles Drive, be approved including all recommendations of the Planning Commission. Mr. Stone seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 20-97 1998 GOLF FEES

Mr. Horn reviewed a proposed Ordinance to make changes in fees at The Golf Club at Yankee Trace for the year 1998. He stressed the importance of the publicity of these fees in order to be prepared for gifts for the Holiday Season. Mr. Horn outlined the fee changes included in this proposed Ordinance. Upon question of Mrs. Lienesch, Mr. Horn advised that this Ordinance has been prepared as an emergency to be ready for the Holiday Season and to have fees established for the Golf Show in Cincinnati during the coming weekend. It was necessary to wait until the 1998 budget was discussed in order to determine changes to be made. Mr. Reppert sponsored Ordinance Number 20-97, An Emergency Ordinance To Amend Ordinance Number 24-96, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 21-97 1998 GOLF FEES

Mr. Singer moved that Ordinance Number 21-97, An Ordinance To Amend Ordinance Number 24-96, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, be set for Public Hearing on December 15, 1997. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 22-97 FEES FOR FENCE

Mr. Horn reviewed a proposed Ordinance to establish a permit fee of \$20.00 for the installation of a fence. Mrs. Lienesch moved that Ordinance Number 22-97, An Ordinance To Amend Chapter 1442, Permit Fees, Of The Centerville Municipal Code To Provide That A Permit Fee Be Required By The City Of Centerville For The Installation Of A Fence, be set for Public Hearing on December 15, 1997. Mr. Reppert seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 23-97 MUNICIPAL CODE UPDATE

Mr. Horn reviewed a proposed Ordinance to adopt amendments to the Centerville Municipal Code as prepared by the Justinian Publishing Company. This is the codification of certain Ordinances and Resolutions into the Municipal Code which have been passed by City Council since the last update. Mr. Stone moved that Ordinance Number 23-97, 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, be set for Public Hearing on December 15, 1997. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

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RESOLUTION NUMBER 74-97 INTERFUND ACCOUNTS

Mr. Horn reviewed a proposed Resolution to authorize the prepayment of interfund receivables and payables as a result of the construction and financing of The Golf Club at Yankee Trace. This action has been recommended by the State Auditor and the City's Financial Consultant. It provides changes after the fact in the way certain accounts have been processed. There are no changes in the City's expenditure levels or revenue levels. Mr. Horn pointed out that it provides for the allocation of monies into the proper funds. Mr. Compton sponsored Resolution Number 74-97, A Resolution Authorizing And Directing The Prepayment Of Interfund Receivables And Payables As A Result Of Constructing And Financing The Yankee Trace Golf Course, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 75-97 TELEPHONE SYSTEM

Mr. Horn advised that the City of Centerville received three proposals out of eight requests for a new telephone system. He recommended acceptance of the proposal submitted by Ameritech for a centrex system which will network the Centerville Municipal Building, Benham's Grove, Yankee Trace and the Public Works Center. The cost of the new system is as follows:

- \$35,463.00 for initial investment for phones, voice mail system and training,
- 4,107.00 for installation,
- 54,986.21 estimated variable cost annually for a fixed five year period.

Mr. Reppert sponsored Resolution Number 75-97, A Resolution Authorizing And Directing The City Manager To Accept A Proposal Submitted By Ameritech For A Centrex Telephone Service For The City Of Centerville, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 76-97 YANKEE TRACE BRIDGE REPLACEMENT

Mr. Horn advised that the construction of the Yankee Street Bridge Replacement Project has been completed at a cost of \$578,693.77 which represents an increase in the project cost of \$19,711.99. Mr. Stone sponsored Resolution Number 76-97, A Resolution Authorizing The City Manager To Execute Payment For Change Orders Necessary For The Construction Of The Yankee Street Bridge Replacement Project, For The City Of Centerville, Ohio, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 77-97 SPRING VALLEY ROAD IMPROVEMENT

Mr. Horn advised that the Spring Valley Road Improvement Project, a joint venture between the City of Centerville and Washington Township, the cost divided between the two entities, with a portion paid for by Issue 2 funds, has been completed with a net add for the City of Centerville in the amount of \$25,358.23. Mr. Singer

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sponsored Resolution Number 77-97, A Resolution Authorizing The City Manager To Execute Payment For Change Orders Necessary For The Spring Valley Road Project For The City Of Centerville, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 78-97 PUBLIC DEFENDER

Mr. Horn reviewed a proposed Contract between the City of Centerville and the Montgomery County Public Defender Commission to provide for legal counsel to indigent persons charged with violations of the Centerville Municipal Code. The estimated cost for this service for 1997 is \$3,000.00. \$3,300.00 has been appropriated for the year 1998. Mrs. Lienesch sponsored Resolution Number 78-97, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons; Providing For The Payment For Said Services And Providing For a Term Commencing January 1, 1998 And Terminating On December 31, 1998, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 79-97 QUIT CLAIM DEED EAST FRANKLIN STREET

Mr. Horn reviewed a proposed Resolution for the City to accept a Quit Claim Deed from the Thomas family, property needed for road right-of-way in conjunction with the East Franklin Street Improvement Project. Mr. Singer sponsored Resolution Number 79-97, A Resolution Accepting A Quit Claim Deed From Edward R. Thomas, Pamela G. Thomas, Everett Thomas And Jane C. Thomas For Road Right-Of-Way Purposes, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW
REAPPOINT JAMES TREFFINGER

Mr. Kingseed moved that James Treffinger be reappointed as a member of the Board of Architectural Review. Mr. Stone seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 80-97 GRANT EASEMENT FOR SANITARY SEWER
232 NORTH MAIN STREET

Mr. Horn reviewed a proposed Resolution to grant an easement to the Board of County Commissioners of Montgomery County for the installation of a sanitary sewer line. Richard Pavlak, developer of a Day Care Center in the rear of 232 North Main Street has requested that this easement be granted. The easement requested is adjacent to

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and overlaps the north boundary of the Benham's Grove property line. This could be an advantage to the City if and when any development would take place on the northern portion of the Benham's Grove property. Mr. Horn pointed out that Mr. Pavlak has another way to get a sewer line to serve his property which would be less direct and more expensive. Mr. Stone sponsored Resolution Number 80-97, 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 A Sanitary Sewer Line To Serve 232 North Main Street, and moved that it be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in six ayes in favor of the motion with Mr. Reppert voting no.

There being no further business, the meeting was adjourned.

Approved: Sally L. Beals
Mayor

ATTEST:

Maria J. McLaughlin
Clerk of Council