

RECORD OF PROCEEDINGS

Minutes of *COUNCIL MEETING*

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held JULY 15, 1996

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 15, 1996, 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 and City Chaplain, 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
 Assistant City Manager Michael Haverland
 Assistant to the City Manager Judith Gilleland
 Public Works Director Steve Weaver
 Municipal Attorney Robert Farquhar

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

Council Meeting - June 17, 1996.

Council Work Session Meetings - June 17, 1996.

- June 24, 1996.

- July 1, 1996.

Mr. Reppert moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Singer seconded the motion. The motion passed by unanimous vote. However, Mr. Compton abstained from the minutes of the Council Work Session held June 17, 1996 and Mr. Kingseed abstained from the minutes of meetings held June 17, 1996 and July 1, 1996.

Mayor Beals presented and read a Certificate of Congratulations to members of the Odyssey of the Mind Team from the Centerville High School for placing first in World Competition. Each member of the team was given "An Achievement of Excellence" City of Centerville medal in recognition of this accomplishment.

Mayor Beals administered the Oath of Office to Centerville City School District Personnel Appeals Board member Judy A. Stang.

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Mayor Beals administered the Oath of Office to Sister City Committee member Dieter Walk.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Ann Spohn. Mr. Kingseed moved that the resignation of Ann Spohn as a member of the City Beautiful Commission be accepted with regret. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

Mrs. McLaughlin advised that an Appeal has been filed by Karen Posey, President, Cheltenham Homeowners Association, against a decision rendered by the City Planning Commission during their meeting on June 25, 1996 to deny their application for the erection of a permanent ground mounted sign on Baldwin Drive between Briggs Road and Hollowview Trail. A Public Hearing has been scheduled for August 19, 1996.

Mayor Beals outlined the many Bicentennial events which took place during the past several weeks and the many events which are scheduled to occur during up-coming weeks. She reviewed the ribbon cutting ceremony held on July 4, 1996 for the Gazebo in Benham's Grove constructed and donated to the City of Centerville by the Centerville Rotary Club.

Mayor Beals announced her issuance of a Proclamation designating August 8, 1996 as Soaring Sounds Drum Corps International Day in the City of Centerville.

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

The Montgomery County Sanitary Department is committed to undertaking the relief sewer project in the Village South area. However, delays may be caused due to easement and right-of-way acquisitions for the Holes Creek relief sewer project. The Village South relief sewer will drain into the Holes Creek sewer, therefore Holes Creek must be constructed first. The Holes Creek sewer project is scheduled for completion in 1998.

Appreciation was extended to all volunteers who were involved in Americana 4th of July Festival activities.

The month of June, 1996 was a record month at Yankee Trace in both golf and food service.

The City's Engineering and Building Departments have relocated at the City's annex building at 7970 South Suburban Road. Their previous location in the Centerville Municipal Building is being renovated for the Planning Department. The lower level of the Municipal Building will be taken over by the Centerville Police Department.

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A committee has been formed to compile a list of qualifications in order that the City can request proposals for the engineering of a new police facility. Projected are requests for proposals for engineering in October, 1996, engineering completed in 1997 with construction beginning early in 1998.

The poles for the traffic signal installation at Irongate Park Drive and North Main Street should be delivered the week of July 15, 1996.

The Miami Valley Cable Council Government Technology Committee continues to pursue the development of a plan to consolidate Municipal Income Tax Ordinances of the various jurisdictions in the area.

The City's motorcycle police patrol has proved to be more successful than anticipated.

Upon question of Mr. Singer, Mr. Weaver advised that the Clyo Road Reconstruction Project should be completed by September 15, 1996; traffic will be maintained during the period of reconstruction.

Steve Quarin, 6908 Spring Farm Court, appeared before Council concerning the state of affairs relative to the completion of the Nestle Creek II and III subdivisions. John G. Black Enterprises, Inc. will soon turn over responsibilities to the Nestle Creek Homeowners Association. Items neglected and brought attention to the City fourteen months previous have not been addressed to the satisfaction of residents in Nestle Creek:

Erosion areas in the common areas,

The removal of rock larger than 1.5 inches in the common areas,

Overseeding in the common areas,

Ponding of water in residents rear yards due to poor grading by the developer,

Repair of area surrounding the four detention ponds,

The improper planting of a tree at the end of Crossbrook,

Completion of the hiker biker path along Alexandersville-Bellbrook Road between Bigger Road and Marwyck Drive,

Mounding along Bigger Road and Alexandersville-Bellbrook Road in Nestle Creek III,

An unsightly condition exists relative to the barns located on the property owned by Oscar Badgley,

Residents have asked the City for reflecting strips to be placed at the intersection of Alexandersville-Bellbrook Road and Marwyck Drive. Mr. Quarin stated that this request has been agreed to by City Staff but has not been accomplished.

Mr. Quarin cited correspondence and meetings held between residents in Nestle Creek, City Staff, and Ray Black relative to the above issues, with, as he perceived, little or no action being received. He believes that the many letters received clearly indicates non conformance by Black and a lack of enforcement by the City of Centerville.

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Mr. Quarin requested the following:

City Staff, Mayor and City Council walk the grounds in Nestle Creek II and III with him,

A member of City Council be a liaison for Nestle Creek II and III to assure that incomplete issues are resolved,

The application of the second coat of asphalt be delayed until the majority of homes in that subdivision have been constructed,

The release of Performance Bonds for sections of Nestle Creek II and III be held by the City until a formal meeting has taken place between John G. Black Enterprises, Inc. and the City of Centerville.

Mr. Horn pointed out the fact that not all items on a punch list have taken place to the satisfaction of the residents and the City; however, follow up by the City has taken place, the City continues to pursue completion of items outlined by Mr. Quarin. The mounding in Nestle Creek III as identified by Mr. Quarin has not taken place due to the fact that basements have not been dug for homes as rapidly as anticipated. It is the intent of Mr. Black to create these mounds with the dirt removed for the construction of basements. Mr. Horn pointed out the fact that Performance Bonds are posted for specific purposes, the City has no leverage on some of the issues outlined by Mr. Quarin.

Mayor Beals explained the fact that without legislation requiring bonding on landscaping, the City has no leverage relative to many of Mr. Quarin's concerns.

Upon question of Mr. Reppert, Mr. Horn outlined the review the City Planning Commission is making relative to the drafting of a landscaping/tree preservation Ordinance; considering this as a very important document, the Commission is reviewing Ordinances in other Municipalities and the workability of same. Mayor Beals suggested that perhaps the Planning Commission attend a Work Session of City Council to understand the urgency of this type of legislation. Mr. Horn identified some of the issues the City Planning Commission is considering; information received locally and regionally.

Mr. Quarin expressed dissatisfaction with what he described as the inability to complete eight weeks of golf in the Tuesday night mens' league at The Golf Club at Yankee Trace due to the scheduling of a golf outing; the league for which he was required to pay for in advance. Mr. Horn explained the fact that make up dates were established for the continuation of leagues beyond cut off dates necessitated by a very wet spring; thus causing the leagues to extend into dates for which golf outings had previously been scheduled. Had the weather not interfered, there would have been plenty of time for the completion of leagues as scheduled. It was not possible to change golf outings which had been scheduled and paid for many months in advance. Personnel at The Golf Club at Yankee Trace have done all things possible to be fair to both golf leagues and outings.

Vernon Oakley, 6980 Crossbrook, identified the lack of good landscaping in the common area around the detention pond to the rear of his property. He expressed

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concern with how this area might be improved in the future by the developer.

Gary Tong, 1819 Weathered Wood Trail, expressed concern with the lack of landscaping and a storm water drainage problem which exists in the common area to the rear of his property in Nestle Creek II. This is not just ponding in a swale area, but is a definite storm water drainage problem which needs attention. Mr. Horn stated the City's intention is to continue to work with Mr. Black to get all issues resolved as quickly as possible.

Frank Wones, 1883 Ravine View Court, pointed out the fact that when residents looked at lots for sale in Nestle Creek on a plot plan, swales and retention ponds were not visible. He stressed the importance of a Homeowners Association having the ability to regulate.

David Zobczak, 1801 Weathered Wood Trail, advised that the City was made aware of the drainage problem behind lots located on the north side Weathered Wood Trail by letter to City Engineer Norbert Hoffman several months ago.

**ORDINANCE NUMBER 6-96 BENHAM'S GROVE GAZEBO
RESERVATION POLICIES**

Mr. Compton moved that Ordinance Number 6-96, An Ordinance To Establish Reservation Policies For The Use Of The Open Air Gazebo At Benham's Grove, be set for Public Hearing on August 19, 1996. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 40-96 EAST FRANKLIN STREET

Mr. Weaver advised that the City of Centerville solicited proposals from consultants for the design of the widening and reconstruction of East Franklin Street from approximately Centerville High School to Clyo Road. Five proposals were received with the proposal received from Jones-Warner Consultants, Inc. being the low and best bid. Proposed is the completion of engineering in 1996 with construction in 1997 during the period of time school will not be in session. Mr. Weaver recommended that the bid submitted by Jones-Warner Consultants, Inc. in the amount of \$26,520.00 be accepted. Mr. Compton sponsored Resolution Number 40-96, A Resolution Authorizing And Directing The City Manager To Execute A Contract Between The City Of Centerville And Jones-Warner Consultants, Inc. For The Preparation Of Design Drawings For The Widening Of East Franklin Street From Approximately Centerville High School To The Clyo Road Intersection. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 41-96 YANKEE STREET UNDERPASS

Mr. Horn explained the fact that the one bid received for the construction of the Yankee Street Underpass in the amount of \$639,821.78 submitted by Brumbaugh Construction, Inc. has been reduced to \$560,000.00 by utilizing waste material from the Clio Road improvement site for fill along Yankee Street, thus providing a credit of \$57,000.00 to the original bid. Mr. Weaver outlined how the original bid will be reduced further by including the final overlay of asphalt in the City's 1997 street resurfacing program. Mr. Stone sponsored Resolution Number 41-96, A Resolution Accepting The Bid Submitted By Brumbaugh Construction, Inc., For The Yankee Street Underpass Improvement 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. Reppert seconded the motion. Upon question of Mr. Singer, Mr. Farquhar advised that the eighth Whereas included in the Resolution should be changed to read as follows "the Council of the City of Centerville hereby finds and determines that it would be in the best interests of the citizens of Centerville to accept said modified bid."; this change made necessary due to financial adjustments to the bid after the Resolution was prepared. Mr. Singer moved that the main motion be amended to include the revision to Resolution Number 41-96 as stated by Mr. Farquhar. Mr. Reppert seconded the motion. The motion passed unanimously. The motion on the main motion as amended passed by unanimous vote of City Council. Mr. Horn pointed out the fact that Montgomery County has increased their share in this project to \$140,000.00.

CENTERVILLE ARTS COMMISSION APPOINT BARBARA K. MONNIG

Mr. Compton moved that Barbara K. Monnig be appointed as a member of the Centerville Arts Commission. Mrs. Lienesch seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT JACK GRAMANN

Mr. Reppert moved that Jack Gramann be reappointed as a member of the Board of Architectural Review for the City of Centerville. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

SISTER CITY COMMITTEE REAPPOINT ALLEN HAVEMAN

Mr. Stone moved that Allan Haveman be reappointed as a member of the Sister City Committee. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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CENTERVILLE ARTS COMMISSION REAPPOINT MARY ANN GASIOR

Mr. Singer moved that Mary Ann Gasior be reappointed as a member of the Centerville Arts Commission. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION REAPPOINT ANITA LOOPER CHAIRMAN

Mr. Stone moved that Anita Looper be reappointed as Chairman of the Centerville Arts Commission for an additional year. Mr. Singer seconded the motion. The motion passed unanimously.

CENTERVILLE HISTORICAL COMMISSION REAPPOINT BETTY ANN PERKINS
CHAIRMAN

Mr. Singer moved that Betty Ann Perkins be reappointed as Chairman of the Centerville Historical Commission for an additional year. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

CITY PLANNING COMMISSION REAPPOINT SCOT STONE CHAIRMAN

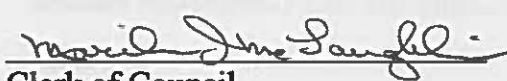
Mr. Kingseed moved that Scot Stone be reappointed as Chairman of the City Planning Commission for an additional year. Mr. Singer seconded the motion. The motion passed unanimously, with Mr. Stone abstaining.

There being no further business, the meeting was adjourned.

Approved: 

Mayor

ATTEST:



Clerk of Council