

RECORD OF PROCEEDINGS

Minutes of Council Meeting

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held June 5, 1995

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 5, 1995 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 with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor J. V. Stone
 Councilmembers Sally Beals
 James Singer
 C. Mark Kingseed
 Brooks Compton
 Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Peggy Whisman
 City Manager Gregory Horn
 City Engineer Norbert Hoffman
 Assistant to the City Manager Judith Gilleland

Mayor Heintz advised that Councilmember Mark Beasley would not be present for this meeting. Mr. Singer moved that Mr. Beasley be excused from this meeting. Mr. Kingseed seconded the motion. The motion passed unanimously.

ARCHON PLAZA RECORD PLAN

Mr. Schwab reviewed the Record Plan for Archon Plaza, the division of 21.449 acres of land located on the southwest corner of Wilmington Pike and Whipp Road into four lots and a reserve area. The zoning of this property is B-PD, Business Planned Development. He located the subject property on a map and identified adjacent land uses and zone classifications. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following condition:

The City Attorney approve the covenants that provide for vehicular parking and access cross easements between the lots and maintenance of the detention pond located in the proposed reserve area shown on the plat.

Mr. Schwab advised that the covenants for access cross easements have been received and approved. He recommended that a condition be added by City Council that the Record Plan be modified to eliminate lot number 1 due to the fact that ownership of said lot has been transferred to the Dayton Sports & Rec Center and that all four lots on the Record Plan along with the lot owned by the Emro Marketing Company at the corner of Wilmington Pike and Whipp Road and surrounded by this Record Plan are all party to the maintenance agreement for the reserve area. Mrs. Beals moved that the Record Plan for Archon Plaza be approved subject to the conditions recommended by the Planning Commission and the City Planner. Mr. Kingseed seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 37-95 YANKEE TRACE CLUBHOUSE

Mr. Horn reviewed a proposed Resolution ratifying his action executing an agreement between the City of Centerville and Joe Becks & Associates to effectuate the completion of the Clubhouse at The Golf Club at Yankee Trace by June 17, 1995. He outlined the following specifics in the agreement:

The City of Centerville will waive all liquidated damages accrued per the terms of the original contract, from the amended completion date of May 15, 1995 up to and including June 17, 1995, and

Joe Becks & Associates will complete all outstanding punch list items by June 23, 1995, and

The City of Centerville and Joe Becks & Associates agree that JBA will document all overtime work hours used to meet the June 17 completion date, starting May 31, 1995, and the City further agrees to pay fifty percent (50%) of said overtime hours, and

Joe Becks & Associates will be responsible for paying the overtime hours worked by Miami Valley Masonry, earlier in the project.

Mr. Stone sponsored Resolution Number 37-95, A Resolution Ratifying The Action Taken By The City Manager To Enter Into A Completion Agreement Between The City Of Centerville And Joe Becks & Associates, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 38-95 SOUTH SUBURBAN ROAD

Mr. Horn outlined communications for the past several months with the Centerville Board of Education, Centerville City Schools relative to the City's purchase of 1.091 acres of land for a total price of \$40,000.00; property which is necessary along with other parcels of land for the connection of South Suburban Road to Clyo Road. At the time all necessary parcels have been purchased, the property is replatted and right-of-way is created, access real estate will be sold, and any profits thereafter will be split between the City and the School Board.

Mr. Singer sponsored Resolution Number 38-95, A Resolution Authorizing And Directing The City Manager To Execute A Contract For The Purchase Of Real Property Owned By The Centerville Board Of Education, Centerville City Schools, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 39-95 EASEMENTS YANKEE TRACE

Mr. Horn reviewed a proposed Resolution which now includes easement language which has been approved by the Ohio Bell Telephone Company, Cable Legal Counsel, and the City's Municipal Attorney. Language which was added to easements granted by Resolution Number 32-95 previously passed by City Council did not receive approval of The Ohio Bell Telephone Company. Mr. Stone sponsored Resolution Number 39-95, A Resolution Repealing Resolution Number 32-95 And Authorizing The City Manager To

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DAYTON LEGAL BLANK CO. FORM NO. 1014B

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Execute Easements To The Ohio Bell Telephone Company In Order That Telephone And Other Communication Services Can Be Provided To The Yankee Trace Residential Development And Surrounding Areas, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Nantz
Mayor

ATTEST:

Mauro J. H. Baugh
Clerk of Council