

RECORD OF PROCEEDINGS

Minutes of Council Meeting

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held August 21, 1995

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 21, 1995 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 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
 Assistant City Manager Michael Haverland
 Director of Finance William Bettcher
 City Engineer Norbert Hoffman
 City Planner Alan Schwab
 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. Compton seconded the motion. The motion passed unanimously.

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

Council Meetings - July 17, 1995.
 - August 16, 1995.
 Council Work Session Meetings - July 17, 1995.
 - July 24, 1995.
 - August 7, 1995.
 City Council/Washington Township Trustees Joint Meeting
 - June 12, 1995.

Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mr. Horn introduced Centerville's first Economic Development Coordinator William Stamper and listed his many experiences. Mr. Stamper outlined his plans for future economic development in Centerville.

Mayor Heintz reported the following events which took place during the past month:

Proclamation issued designating September 17 through September 23, 1995 as Constitution Week in the City of Centerville.

Beggars Night in the City of Centerville has been set for Monday, October 30, 1995 from 6:00 to 8:00 P.M.

Mystery Night Out held on August 1, 1995 received a tremendous response.

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A volunteer concert was held on August 10, 1995 in the Amphitheater at the Leonard E. Stubbs Memorial Park recognizing all volunteers in the Community. Two Volunteer of the Year Awards were presented by Mayor Heintz, to Tom Long and Missy Bolton.

Representatives from the City of Centerville visited Sister City Waterloo, Ontario Canada August 17 through August 20, 1995. Mayor Heintz outlined the many exchanges currently taking place between the two Cities.

On August 14, 1995 a joint meeting was held between City Council, the Washington Township Trustees and members of the Centerville City School Board.

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

Three retirements are taking place by employees of the City of Centerville: Lee Aring, Assistant to Director of Finance William Bettcher, Edna Mains, Secretary in the Service Department, and Service Director Richard Bishop.

City Staff is currently working with the Humane Society of Montgomery County relative to problems with stray cats.

Mr. Horn apologized for the delay currently being experienced in the City's 1995 Street Improvement Project relative to the milling of streets and the placement of overlay; resurfacing should begin Thursday, August 24.

The Centerville Police Department has again received national accreditation status, ranking as one of the top scorers in the entire nation.

The City's engineering and service departments will be reorganized into a Public Works Department. The City is currently seeking applications for a Public Works Director.

ORDINANCE NUMBER 12-95 ZONING ORDINANCE AMENDMENT
HILLS BUILDING & CONSTRUCTION SERVICES NUMBER 3 (PIPER LANDING)

The Public Hearing was held concerning Ordinance Number 12-95, an Ordinance to rezone approximately 4.00 acres from Centerville R-1c to Centerville R-PD classification, and the Public Hearing relative to the Major Use Special Approval Application for the same acreage for the construction of a multi-family residential condominium development at the northeast quadrant of Bigger Road and Interstate 675. Said rezoning and major use applications being submitted by Hills Building & Construction Services Number 3 for a development referred to as Piper Landing. Mr. Schwab located the subject property on a map and outlined adjacent zone classifications and land uses. The property in question is adjacent to that property recently rezoned by City Council for which a Major Use Special Approval Application was approved for the development of a residential condominium development upon application of Hills Building & Construction Services Number 3. Mr. Schwab presented an overview of housing and dwelling types currently in Centerville and reviewed how percentages compare with previous years and projections into the future based upon full

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development. He pointed out the fact that the zoning and land use proposed for this area is consistent with the Comprehensive Master Plan prepared for Centerville and Washington Township in 1969. Mr. Schwab reviewed a revised Site Plan for the development of the entire acreage providing for a rearrangement of buildings to the north and a larger and only one retention pond serving the entire area. Proposed is the construction of 12 to 14 units per two story building providing for a total of 214 units at a density of 6 units per acre. The Planning Commission, by unanimous vote, and the City Planner recommended approval of the Rezoning Request and Major Use Special Approval Application to City Council, subject to the following conditions:

1. Prior to the approval of this Major Use Special Approval Plan by the City Council, all parcels of land on which the proposed development is located must be rezoned to Residential Planned Development, R-PD. This land is currently zoned R-1c, Single-Family Residential, and does not permit the construction of multi-family residential dwelling units.
2. A parkland dedication of 1.5916 acres of land to the City of Kettering on the eastern end of the site adjacent to Pondview Park shall be recorded prior to the issuance of any zoning or building permits for any residential units. The City Planning Department shall approve the location and dimensions of the dedicated parkland. The parkland dedicated shall be improved by the developer with a walkway of a design approved by the City of Centerville Engineering Department connecting Piper Landing with the sidewalk on the existing Pondview Drive. The walkway shown on the plan to Brookbank Drive shall be deleted.
3. A minimum of 2 parking spaces per dwelling unit shall be provided on the site. Apron areas in front of garages shall not be counted as an additional parking space to the garage unit. The detached garages for building numbers 1 and 10 shall be adjusted in location to provide a dimension determined by staff of asphalt apron area in front of each garage space exclusive of the two-way street in front of the garage to allow better visibility for a car exiting the garage space.
4. The final grading plan shall be subject to approval by the City Engineering Department. To the extent practical a 6 foot high earthen mound shall be incorporated along I-675 to buffer this project from the interstate highway. The mound shall be tapered in areas where there are a significant number of trees.
5. A revised landscaping plan shall be submitted to and approved by the City Planning Department. This plan shall preserve existing trees to the extent practical adjacent to the single-family residential houses north of the site and add evergreen landscaping to meet the screening requirements of the City Zoning Ordinance. Screening is also required to the existing single-family residence along Bigger Road south of the

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- funeral home along Bigger Road even if this residence is rezoned to a multi-family residential zone. Trees and mounding shall also be required along I-675 and the project. The indexing of significant trees on the site shall be made a part of the landscaping plan. Mounding and screening along the north property line between the retention/detention pond and Pondview Park as shown on the plan shall create an instant screen. Additional screening and mounding shall be planted where practical from the pond west to Bigger Road, as well as along the eastern edge of the new section of Pondview Park and the eastern line of the development.
6. The City Engineer must review and approve the detailed plans for the intersection of the new private street to this development and Bigger Road. Existing driveway curb cuts along Bigger Road shall be removed and restored subject to the approval of the City Engineer.
 7. All private streets shall be constructed to City Standards, excepting width, subject to approval by the City Engineer.
 8. No motorized vehicular traffic either during construction or after construction shall be permitted to Pondview Drive or Brookbank Drive.
 9. All sidewalks shall be setback a minimum of 4 feet from the curb on the private streets.
 10. A sidewalk, 4 feet wide, shall be constructed on the south side of the main private street interconnecting with the walkway through the addition to Pondview Park. The sidewalk shall be setback a minimum of 4 feet from the curb on the private street.
 11. A stormwater drainage plan shall be approved by the City Engineering Department showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.
 12. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater detention/retention basins.
 13. An easement shall be required to the retention basin to allow emergency access by the City.
 14. All dumpsters shall be screened subject to approval by the City Planning Department.
 15. Exterior lighting shall be approved by the City Planning Department.
 16. All street names shall be approved by the City Planning Department.
 17. No signs are being approved as part of this application.
 18. The same percentage of brick shall be used on the rear elevation as is shown on the plan for the front elevation of each building and on the north side elevation of those buildings facing the single-family

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- residential, side elevations of other buildings to be at the developer's discretion, subject to approval by the Planning Department.
19. The vehicular pavement turnaround located between building numbers 9 and 10 shall be increased to 95 feet in diameter with a minimum of 20 feet of pavement width around the turnaround.
 20. The City Engineer shall approve the detailed location and design of the internal intersections of the building driveways and the main road within the project.
 21. Mounding and screening on the eastern side of Piper Landing be curved to the south to provide a buffer to the single family residences abutting to the north and the new parkland to the east.
 22. The developer shall design mounding along I-675 to buffer the noise impact of I-675 with the Piper Landing Development and the new parkland consistent with the design standards used for other earth mound noise barriers in the City against I-675, said mounding to be approved by the City Engineer and the Planning Department.
 23. As part of the development of the parkland, a split rail fence be installed on the new parkland to better define the property line between the new parkland and the multi-family development, the fence to be installed on the park property by the developer and maintained in the future by the City of Kettering.
 24. Mounding be provided along the south side of the parkland to provide a buffer between the park and I-675 subject to the approval of the City Engineer.
 25. A four foot asphalt walkway be installed to provide a connector between the Pondview Drive sidewalk and Piper Landing.
 26. Development be in accordance with the revised Site Plan dated July, 1995.

Mr. Glenn Brehm, Director of Land Development for Hills Developers, pointed out the fact that the plan includes 8 attached garages for each building plus the opportunity to increase parking to 1 garage per dwelling unit. Field photographs have indicated the best location for a detention pond is the area as included on the revised Site Plan. Shifting of the buildings according to the revised Plan provides additional open space within the development.

Upon question of Mr. Singer, Mr. Brehm clarified the fact that included in the rezoning is 4.00 acres of land; only 3+ acres have been calculated for development purposes in the Major Use Special Approval Application.

As questioned by Mrs. Beals, Mr. Brehm advised that rezoning has been requested for property owned by Hills and the Christ Community Church. The Church property has not been included in development calculations for Piper Landing. Water at a depth of 4 to 5 feet will be maintained in the retention pond.

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Mr. Schwab outlined how a density of 6 units per acre has been calculated based upon total acreage including a portion of Bigger Road right-of-way.

Mr. Compton pointed out the fact that the Major Use Special Approval Application being considered at this time is a development plan for the total acreage of two rezonings, it replaces the Major Use Special Approval Application previously approved by City Council.

Mr. Singer and Mrs. Beals expressed displeasure with property zoned single-family residential being rezoned to a multi-family zone classification.

Mr. Compton sponsored Ordinance Number 12-95, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 4.00 Acres More Or Less, From Centerville R-1c Classification To Centerville R-PD Classification, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mrs. Beals and Mr. Singer voted no.

HILLS BUILDING & CONSTRUCTION SERVICES, NO. 3
MAJOR USE SPECIAL APPROVAL APPLICATION PIPER LANDING

Mr. Compton moved that the Major Use Special Approval Application submitted by Hills Building & Construction Services No. 3, be approved as presented, subject to all conditions recommended by the Planning Commission and City Staff as previously outlined. Mr. Kingseed seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mrs. Beals voted no.

ORDINANCE NUMBER 15-95 ADOPT UNIFIED FIRE CODE

The Public Hearing was held concerning Ordinance Number 15-95. Mr. Horn reviewed this proposed Ordinance to adopt the 1994 Unified Fire Code as prepared by the Southwest Ohio Fire Safety Council. This Code has been reviewed by the Washington Township Fire Department and recommended for approval to City Council. The Home Builders Association of Dayton and the Miami Valley have met with representatives from the Washington Township Fire Department for review of the Code and found no objections. Fire Captain Lee Hieronymus advised that this is an updated version of the 1990 Unified Fire Code and is a companion to the Ohio Basic Building Code. Mr. Hieronymus outlined some of the minor changes made in this new version.

Washington Township Fire Inspector Roy Baver presented to Council statistics relative to deaths caused by fires.

Mrs. Beals sponsored Ordinance Number 15-95, An Ordinance Repealing Chapter 1610, Centerville Municipal Code, And Adopting The Unified Fire Code By Reference, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mr. Singer encouraged the Washington Township Fire Department to supply to the City of Centerville statistics as they have done in the past.

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Upon question of Mr. Singer, Mr. Hieronymus reviewed the meeting he recently had with Montgomery County Supervisor of Water Distribution Herb Negal relative to an inoperable fire hydrant at the corner of Ambridge Road and Clys Road. Based upon information from Mr. Negal, this hydrant was scheduled for replacement this date. This is the only hydrant that the Fire Department is aware of that is not currently in operation.

ORDINANCE NUMBER 14-95 WEED CONTROL

The Public Hearing was held concerning Ordinance Number 14-95. Mr. Horn reviewed this proposed Ordinance which amends the provision for service of notice upon the owner of land on which offensive weeds, vines or grass are growing as contained in the Centerville Municipal Code. Proposed is that written notice be given by certified mail, return receipt requested or by posting upon the premises. In the event a certified mailing is returned without delivery, service of written notice may thereafter be made by regular mail to the last known address of the owner of the said lot or parcel. This procedure will shorten the process requiring the cutting of offensive weeds, vines and grass. Mr. Compton sponsored Ordinance Number 14-95, An Ordinance Amending Section 660.14(b)(1) Of The Centerville Municipal Code By Providing For Service Of Notice Upon The Owner Of Any Lot Or Parcel Of Land On Which Offensive Weeds, Vines Or Grass Are Growing, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 17-95 YANKEE TRACE SPECIAL ASSESSMENT FINANCING

The Public Hearing was held concerning Ordinance Number 17-95. Mr. Horn reviewed this proposed Ordinance which is a provision in the Development Agreement between the City of Centerville and Great Traditions Development Group, Inc. providing for the financing of a portion of the improvements associated with the residential development at Yankee Trace through Special Assessment Financing. The City of Centerville in this case serves as a pass through with no costs incurred. Mr. Stone sponsored Ordinance Number 17-95, An Ordinance Authorizing The City Manager To Execute A Special Assessment Petition And Affidavit With Respect To Certain Improvements To Be Made Through Special Assessment Financing As Provided For In The Development Agreement Between Great Traditions Development, Inc. And The City, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 18-95 ADOPT OHIO BASIC BUILDING CODE

Mr. Compton moved that Ordinance Number 18-95, An Ordinance Amending Ordinance Number 13-92 And Part Fourteen: Building And Housing Code; Chapter 1420, Ohio Basic Building Code; Subsection 1420.01, 1979 Edition Adopted; Of The Centerville Municipal Code, be set for Public Hearing on September 18, 1995. Mr. Stone seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 56-95 PUBLIC DEPOSITORY FIFTH THIRD BANK

Mr. Bettcher reviewed a proposed Resolution requested by one of the City's public depositories, Fifth Third Bank, to increase active deposits to \$5,000,000.00. Mr. Kingseed sponsored Resolution Number 56-95, A Resolution Repealing Resolution Number 50-95 In Its Entirety And Designating Fifth Third Bank As A Public Depository And Awarding Public Monies, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 57-95 PUBLIC DEPOSITORY BANK ONE

Mr. Bettcher reviewed a proposed Resolution providing for Interim Deposits in the amount of \$15,000,000.00 with Bank One, a City public depository. Mrs. Beals sponsored Resolution Number 57-95, A Resolution Repealing Resolution Number 51-95 In Its Entirety And Designating Bank One As A Public Depository And Awarding Public Monies, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 58-95 YANKEE TRACE DP&L EASEMENT

Mr. Horn reviewed a proposed Resolution to grant the Dayton Power and Light Company an easement in order to provide gas service to the Yankee Trace Development along the south side of Silverlake Drive and west of Yankee Street, and along the east side of Yankee Street. Upon question of Mr. Singer, Mr. Horn advised that the language contained in the easement, designated in Exhibit A which is a part of the Resolution, has been agreed to by Attorney for Cable John Bentine and the Dayton Power and Light Company. Mr. Stone pointed out the fact that language contained in this Resolution is clearly for the installation of gas and/or electric service and is granted solely to the Dayton Power and Light Company. Mr. Stone sponsored Resolution Number 58-95, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power And Light Company For Pipeline Installation In Order That Gas And Electric Service May Be Provided To The Yankee Trace Residential Development, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 59-95 YANKEE TRACE DP&L EASEMENT

Mr. Horn reviewed proposed Resolution Number 59-95, a Resolution granting an easement to the Dayton Power and Light Company to provide electric service to the Clubhouse at Yankee Trace. Mr. Singer sponsored Resolution Number 59-95, A Resolution Authorizing The City Manager To Grant A Right of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power And Light Company For The Installation Of Underground Electric Lines In Order That Electric Service May Be Provided To The Yankee Trace Development, and moved that it be

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

RESOLUTION NUMBER 60-95 YANKEE TRACE DP&L EASEMENT

Mr. Horn reviewed a proposed Resolution to grant to the Dayton Power and Light Company a utility easement in order that gas and electric service can be provided to the Yankee Trace residential development. This provides for the installation of gas and electric lines from the main entryway east along Yankee Trace Drive and along Waters Edge Drive to the residential developments. Mr. Stone sponsored Resolution Number 60-95, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power And Light Company For The Installation Of Gas, Electric And/Or Utility Lines In Order That Gas And Electric Service May Be Provided To The Yankee Trace Residential Development, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 61-95 YANKEE TRACE DP&L EASEMENT

Mr. Horn reviewed a proposed Resolution to grant to the Dayton Power and Light Company a pipeline right of way to provide for the extension of a gas main from the east side of Yankee Street to the west side of Yankee Street to serve the residential development known as Yankee Trace III. Mrs. Beals sponsored Resolution Number 61-95, A Resolution Authorizing The City Manager To Execute An Option For Pipeline Right Of Way With The Dayton Power And Light Company In Order That Gas Service May Be Provided To Yankee Trace Section III Residential Development, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 62-95 BETHANY LUTHERAN VILLAGE DP&L EASEMENT

Mr. Horn reviewed proposed Resolution Number 62-95, a Resolution to provide for the installation of underground electric lines to serve Bethany Lutheran Village. Mr. Compton sponsored Resolution Number 62-95, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power And Light Company For The Installation Of Underground Electric Lines In Order That Electric Service May Be Provided To Bethany Lutheran Village, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 63-95 FACSIMILE SIGNATURE FIFTH THIRD BANK

Mr. Horn reviewed a proposed Resolution to establish a new operating account with Fifth Third Bank. Mr. Bettcher explained the fact that this is a separate account specifically for operations at Yankee Trace, both the Golf Club and Clubhouse. The same signatures will be required relative to this account as

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other accounts for the City of Centerville. Mr. Singer sponsored Resolution Number 63-95, A Resolution Authorizing the Fifth Third Bank To Honor All Checks, Drafts, Or Other Orders For The Payment And/Or The Withdrawal Of Money On Behalf Of The City Of Centerville When Bearing Or Purporting To Bear Facsimile Signatures, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

TCSU REORGANIZATION

Mr. Horn outlined the need for the reorganization of TCSU, Tactical Crime Suppression Unit, a very active part of the Miami Valley Cable Council for several years. TCSU is an organization formed by Police Departments from the nine Miami Valley Cable Council member Cities which work together to provide joint training and crime suppression. An organization working within the TCSU has been the Organized Crime Task Force in which City of Centerville personnel have played a major part. Due to the success of these two organizations, the reorganization of TCSU has been reviewed and approved by the Gov-Tech Committee (Committee composed of City Managers from Cable Council member Cities) and the Miami Valley Cable Council. Funding associated with the proposed reorganization on an annual basis is projected at \$95,172.85, costs to be paid for by member Cities beginning with 1996. The cost to the City of Centerville will be \$9,000 - \$10,000 per year into the immediate future. Mrs. Beals moved that the City of Centerville support the reorganization and expansion of TCSU as recommended by the TCSU Board of Directors and approved by Gov-Tech and the Miami Valley Cable Council. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council. Mr. Singer pointed out the fact that the Miami Valley Cable Council, composed of nine member Cities, has been an interesting and powerful source providing many cooperative ventures in the south suburban communities and the entire region.

YANKEE TRACE SECTION THREE BOND REDUCTION

Mr. Horn reviewed a recommendation from City Engineer, Norbert Hoffman, that the Performance Bond/Letter of Credit posted with the City of Centerville for Yankee Trace, Section Three be reduced from \$490,000 to \$105,000. This amount is sufficient to cover repair work and the remaining plat improvements including the final lift of asphalt, installation of sidewalks, the hiker-biker path, remaining median curbs and other miscellaneous items. Mr. Stone moved that the Letter of Credit posted on Yankee Trace, Section Three, be reduced as recommended by Mr. Hoffman. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION APPOINT BIANCA WELLBROCK

Mr. Compton moved that Bianca M. Wellbrock be appointed as a member of the Centerville Arts Commission for a term of three years. Mrs. Beals seconded the motion. The motion passed unanimously.

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CITY PLANNING COMMISSION REAPPOINT ARTHUR FOLAND

Mr. Singer moved that Arthur Foland be reappointed as a member of the City Planning Commission. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT MARTHA SHELEY

Mrs. Beals moved that Martha Sheley be reappointed as a member of the Board of Architectural Review. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved:

Shirley F. Heints
Mayor

ATTEST:

Marie D. Theisen
Clerk of Council