

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held February 21, 1994

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, February 21, 1994 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 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 C. Mark Kingseed
 - Brooks Compton
 - Mark Beasley
 - Sally Beals
 - James Singer
- Clerk of Council Marilyn McLaughlin
- City Manager Gregory Horn
- City Planner Alan Schwab
- Municipal Attorney Robert Farquhar
- Assistant to the City Manager Judith Gilleland

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

- Council Meeting - January 10, 1994.
- January 17, 1994.
- Council Work Session Meetings - January 10, 1994.
- January 17, 1994.
- February 7, 1994.
- February 14, 1994.

Mrs. Beals moved that the minutes of the foregoing meetings be approved as distributed. Mr. Compton seconded the motion. The motion passed by unanimous vote; however Mr. Compton abstained from the February 7, 1994 Council Work Session Minutes, and Mr. Kingseed abstained from the minutes of the Work Session held on February 14, 1994.

Mayor Heintz administered the Oath of Office to City Beautiful Commission member Ann Spohn.

Mrs. Deborah Jay, Court Coordinator for the Washington Township and the City of Centerville Satellite Juvenile Court, gave a brief update of activities of the Court during 1993 and reviewed the procedure followed during a Court Hearing.

Mayor Heintz announced the issuance of a Proclamation designating the month of February, 1994 as American History Month in the City of Centerville.

Mayor Heintz invited interested persons to submit applications for appointment to the Bicentennial Commission for the City of Centerville.

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Mayor Heintz outlined the following meetings and events attended by Centerville Officials:

January 31, 1994 - Joint governmental entities meeting involving officials from both Centerville and Washington Township.

February 3, 1994 - Officials from Centerville, Kettering and Oakwood met with City of Dayton Mayor Michael Turner at Benham's Grove.

February 16, 1994 - Orientation meeting sponsored by the Miami Valley Cable Council.

The City Beautiful Commission continues to formulate plans for beautification projects during the spring, summer and fall in Centerville.

The Main Street Assessment Report for the City of Centerville, prepared by the National Main Street Center, has been received and is being reviewed.

February 8, 1994 - Mayor Heintz testified before the Ohio House Elections and Townships Committee against proposed HB30, annexation bill.

February 27, 1994 - Sounds of Winter, a concert series will be held at Benham's Grove, in the Gerber House at 3:30 PM.

Mayor Heintz outlined an economic development exchange being coordinated between the Dayton metropolitan area and the general area of Waterloo, Ontario Canada.

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

Bids have been received for Yankee Trace Golf Course equipment. A recommendation will be forthcoming during the next Council Meeting.

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Nearly all employees have been certified for Cardiopulmonary Resuscitation (CPR).

Work continues on the preparation of a contract between the City of Centerville and Great Traditions to serve as Master Developer for the Yankee Trace residential development.

Start up on a seven day work week basis for the completion of the Yankee Trace Golf Course has been set for April 1, 1994 with punch list items being completed during the month of March, weather permitting.

An Assistant Superintendent of Golf has been hired and will be on board the end of March, 1994. Applicants are now being interviewed for various positions connected with the Yankee Trace Golf Course.

Upon question of Mr. Beasley, Mr. Horn advised that wiring to the lights in the center of the Architectural Preservation District was being installed this date.

ORDINANCE NUMBER 1-94 ZONING ORDINANCE AMENDMENT TEXT

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The Public Hearing was held concerning Ordinance Number 1-94. Mr. Schwab reviewed this proposed Ordinance which deletes the requirement of a financial statement from a banking or lending institution or an insurance company being submitted to the City that demonstrates the financial ability of the developer to construct an office park, a shopping center or an industrial park. It also deletes the requirement that a market analysis be submitted to the City by the developer providing evidence that the office park, shopping center or industrial park will be economically viable. The Planning Commission, by a vote of 5-2, recommended approval of this Ordinance to City Council. Upon question of Mrs. Beals, Mr. Schwab advised that the current Ordinance requires the submittal of a financial statement and market analysis, the submittal is not optional. Mr. Stone sponsored Ordinance Number 1-94, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, By Repealing Sections 11D4a(2) and (3), Sections 14D4a(2) and (3) and Sections 16D4a(2) and (3), and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by a 6-1 vote, with Mrs. Beals voting no.

ORDINANCE NUMBER 2-94 CLYO ROAD RECONSTRUCTION

The Public Hearing was held concerning Ordinance Number 2-94, an Ordinance to provide for the reconstruction of Clyo Road from Alexandersville-Bellbrook Road north and east to Bigger Road. Mr. Horn outlined current problems with Clyo Road, problems resulting from inconsistencies in the base, design and construction flaws, and volume of traffic and weight. Due to the fact that this is a major roadway, Federal Highway Administration funds have been applied for by the City. Reconstruction is anticipated in 1995. Upon question of Mr. Kingseed, Mr. Horn advised that thicker base and stiffer inspections will prevent this from happening again. Mr. Horn explained the fact that this Ordinance provides for the City to assume the total cost of preliminary engineering and provides for the City to cooperate with the Director of Transportation for the reconstruction of this portion of Clyo Road. Mrs. Beals sponsored Ordinance Number 2-94, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 8-94 I-675 TREE PLANTING

Mr. Horn reviewed a proposed Resolution to provide aesthetic improvements along I-675 from State Route 48 to Wilmington Pike. Mr. Schwab reviewed this proposal for the City of Centerville to cooperate with the Director of Transportation for the planting of trees along I-675 for a total estimated project cost of \$40,000.00 of which the cost to the City of Centerville is \$20,000.00. This project will be coordinated with a grant previously received by the City from the Ohio Department of

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Natural Resources for tree plantings at the intersections of I-675 with State Route 48 and Wilmington Pike. The two grants will provide for the planting of approximately 400 trees. Types of trees will be selected to assist in reducing the noise of traffic being experienced by residents in close proximity to I-675. Mr. Kingseed sponsored Resolution Number 8-94, Resolution Of City Of Centerville Proposing To Cooperate With The Director Of Transportation, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 9-94 SOUTH MAIN STREET

Mr. Horn reviewed proposed Resolutions necessary to appropriate real estate for right of way purposes for the South Main Street improvement project from Edenhurst Drive to Sheehan Road. In accordance with the Ohio Revised Code, the first step to appropriate right of way is to pass a Resolution of intent to be served upon the property owners in hopes that a contract to purchase can be negotiated. Mr. Compton sponsored Resolution Number 9-94, A Resolution Of Intent To Appropriate Certain Interests In Real Property And Easements For The South Main Street Reconstruction And Widening Project From John P. Heinz And Linda L. Heinz And Edmond A. Scacchetti And Rosemarie B. Scacchetti, MF 77-091C06, 170 South Main Street, and moved that it be passed. Mr. Stone seconded the motion. Upon request of Mr. Beasley, a roll call vote resulted in five ayes in favor of the motion; Mrs. Beals abstained and Mr. Beasley voted no.

RESOLUTION NUMBER 10-94 SOUTH MAIN STREET

Mr. Beasley expressed concern that the City's Counsel to acquire right of way has not worked in the best interest of the City nor the property owners; property owners have received no response to counter offers; he does not believe this action is necessary at this time. Mr. Horn pointed out the fact that this action is merely an intent keeping options open, it is not deliberate. Mr. Kingseed sponsored Resolution Number 10-94, A Resolution Of Intent To Appropriate Certain Interests In Real Property And Easements For The South Main Street Reconstruction And Widening Project From Nellie L. Lawrie, MF 70463 A05, 174 South Main Street, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Beals abstained and Mr. Beasley voted no.

RESOLUTION NUMBER 11-94 SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 11-94, A Resolution Of Intent To Appropriate Certain Interests In Real Property And Easements For The South Main Street Reconstruction And Widening Project From Jack A. Moore, MF 77-099C03, 166 South Main Street, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Beals abstained and Mr. Beasley voted no.

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RESOLUTION NUMBER 12-94 SOUTH MAIN STREET

Mr. Compton sponsored Resolution Number 12-94, A Resolution Of Intent To Appropriate Certain Interests In Real Property And Easements For The South Main Street Reconstruction And Widening Project From Jack Fritzche, Parcel No. 10WV, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Beals abstained and Mr. Beasley voted no.

RESOLUTION NUMBER 13-94 SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 13-94, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With William L. Gaver And Jeanine Gaver For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Beals abstained.

RESOLUTION NUMBER 14-94 SOUTH MAIN STREET

Mr. Compton sponsored Resolution Number 14-94, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Chevy Chase Company For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Beals abstained.

RESOLUTION NUMBER 15-94 WILMINGTON PIKE

Mr. Horn reviewed a proposed Resolution for the acquisition of property for right of way purposes along Wilmington Pike. This is the final property acquisition needed for the Wilmington Pike Widening Project; property located along the west side of Wilmington Pike immediately south of the BP Oil Service Station. Mr. Stone sponsored Resolution Number 15-94, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With James Keyes, Trustee For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Upon question of Mr. Singer, Mr. Horn advised that all property acquisitions for right of way purposes along South Main Street have been identified; acquisitions are in one of three phases: intent to appropriate, acquisition is in the process of negotiation, or acquisition has been negotiated.

RESOLUTION NUMBER 16-94 CLYO ROAD

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Mr. Horn advised that proposals have been requested from engineering firms for engineering services for the reconstruction of Clyo Road from Alexandersville-Bellbrook Road to Bigger Road. Engineering will begin in 1994 totally funded by the City of Centerville, with construction in 1995 paid for heavily by Federal Highway Administration funds. He recommended that the low proposal submitted by Barge Waggoner, Sumner & Cannon Engineers and Planners be accepted for the preparation of detailed construction plans. Mrs. Beals sponsored Resolution Number 16-94, A Resolution Accepting The Proposal Submitted By Barge, Waggoner, Sumner & Cannon Engineers Architects And Planners For Engineering Services For The Preparation Of Detailed Construction Plans For The Reconstruction Of Clyo Road From Alexandersville-Bellbrook Road To Bigger Road And Authorizing The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 17-94 ALEXANDERSVILLE-BELLBROOK ROAD

Mr. Horn explained the fact that the Alexandersville-Bellbrook Road widening project from Loop Road to Wilmington Pike has been programmed by the Ohio Department of Transportation. This qualifies this multi-year project for Federal Highway funding. The City of Centerville is responsible for the preliminary engineering, the design engineering, right of way acquisition and any other unusual features included in the project. The construction of the roadway will be financed through Federal funds. The engineering costs to the City of Centerville will be \$400,000 to \$430,000. It is anticipated that construction will begin seven to eight years into the future. Mr. Horn advised that six proposals were received upon request of the City of Centerville for preliminary engineering. Mr. Horn recommended acceptance of the proposal submitted by Tri-City Engineering/Worl & Associates in the amount of \$71,970.00. Mrs. Beals complimented City Staff for their foresight in putting road projects together to be ready for funding when the opportunity arises. Mr. Kingseed sponsored Resolution Number 17-94, A Resolution Accepting The Proposal Submitted by Tri-City Engineering/Worl & Associates For Preliminary Engineering Services For The Reconstruction And Widening Of Alexandersville-Bellbrook Road From Loop Road East To Wilmington Pike And Authorizing The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 18-94 YANKEE TRACE TREE PROJECT

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Mr. Horn outlined a two year tree program for the planting of more than 2,000 trees at Yankee Trace. Eleven bids were received by the City of Centerville for this project:

Reho Landscape Company	\$419,793.00
Siebenthaler Company	544,792.79
Waitzman Landscape	373,101.50
Meddocks Landscaping	577,904.88
Norvells Landscaping	333,790.00
Thornton Gardens	594,987.00
Erwin Shade Trees	448,097.50
L. S. Combs Inc.	338,000.00
Jeffrey Allen Corporation	418,114.54
A. Brown & Sons	374,205.00
IBS Construction Company	449,671.00

Mr. Horn explained the fact that the bid included different kinds and sizes of trees as well as planting specifications. The variety of trees was a selection by the Golf Course Architect. The low bid of Norvells Landscaping did not include a Bid Bond. The next low bid of \$338,000.00 is a maximum cost for this tree planting program. Upon question of Mrs. Beals, Mr. Horn advised that these trees carry a two year warranty and will be planted by the successful bidder. Mr. Horn recommended acceptance of the bid submitted by L. S. Combs, Inc. Mr. Stone sponsored Resolution Number 18-94, A Resolution Accepting The Bid Of L. S. Combs Inc. For The Yankee Trace Golf Course Tree Project In 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. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 19-94 YANKEE TRACE GOLF COURSE PICK-UP TRUCK

Mr. Horn reviewed the two bids received for the purchase of one extended cab two wheel drive pick-up truck for use at the Yankee Trace Golf Course:

Lang Chevrolet	\$ 11,969.89
Eastgate Ford	11,435.36

Mr. Horn recommended acceptance of the low bid submitted by Eastgate Ford. Upon question of Mr. Beasley, Mr. Horn advised that the specifications were written very generic. Mr. Beasley sponsored Resolution Number 19-94, A Resolution Accepting The Bid Of Eastgate Ford, Inc. For The Purchase Of One Extended Cab Two Wheel Drive Pick-Up Truck 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. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

NESTLE CREEK TWO SECTION ONE SIDEWALK BOND RELEASE

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Mr. Horn reviewed a recommendation from City Engineer Norbert Hoffman that the Letter of Credit in the amount of \$17,200.00 posted on sidewalks in Nestle Creek Two, Section One be released as requested by the developer. Mrs. Beals moved that the Letter of Credit posted on the construction of sidewalks in Nestle Creek Two, Section One, be released as recommended by Mr. Hoffman. Mr. Singer seconded the motion. The motion passed unanimously.

SISTER CITY COMMITTEE REAPPOINT RONALD HELMS

Mayor Heintz advised that the term of Ronald Helms will soon expire as a member of the Sister City Committee. Mr. Singer moved that Mr. Helms be appointed to serve an additional three year term as a member of the Sister City Committee. Mr. Stone seconded the motion. The motion passed by unanimous vote.

There being no further business the meeting was adjourned.

Approved:

Shirley F. Heintz
Mayor

ATTEST:

Maril McLaughlin
Clerk of Council