

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held April 4,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 4, 1994 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 Brooks Compton

C. Mark Kingseed

Mark Beasley

Sally Beals

James Singer

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

Assistant City Manager Michael Haverland

City Planner Alan Schwab

Director of Finance William Bettcher

Municipal Attorney Robert Farquhar

Assistant to the City Manager Judith Gilleland

ORDINANCE NUMBER 3-94 ZONING ORDINANCE AMENDMENT REZONING CITY OWNED PROPERTY

The Public Hearing was held concerning Ordinance Number 3-94, an Ordinance to rezone approximately 11,750 acres of land from Washington Township PD-R to Centerville B-1 zone classification. Mr. Horn briefly described the location of this property situated north of the existing Social Row Road, south of the proposed relocated Social Row Road and east of Yankee Street. Mr. Schwab located the subject property on a map and reviewed the zoning and uses of adjacent land. The Planning Commission, by a vote of 5-1, recommended approval of this rezoning to City Council. Mr. Schwab pointed out the fact that the intersection of Social Row Road (Austin Road) and Yankee Street will become a major intersection in years to come. Upon question of Mrs. Beals, Mr. Schwab explained how the old Social Row Road will be closed when the relocation takes place; however, old Social Row Road to the east off Yankee Street will be cul-de-saced in order to provide access to this property. Mr. Stone sponsored Ordinance Number 3-94, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 11.750 Acres More Or Less, From Washington Township PD-R To Centerville B-1 Classification, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 4-94 ZONING ORDINANCE AMENDMENT REZONING CITY OWNED PROPERTY YANKEE TRACE

The Public Hearing was held concerning Ordinance Number 4-94, an Ordinance rezoning approximately 390.958 acres of land from Washington Township PD-R to Centerville R-1c zone classification. Mr. Horn outlined the property involved in this rezoning being that property which involves the Yankee Trace Golf

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Course/Residential development. Mr. Schwab located the subject property on a map. The Planning Commission, by unanimous vote, recommended approval of this rezoning to City Council. Mr. Singer sponsored Ordinance Number 4-94, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 390.958 Acres More Or Less, From Washington Township PD-R To Centerville R-1c Classification, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 6-94 ANNEXATION

Mrs. Beals moved that Ordinance Number 6-94, An Ordinance Accepting The Application Of June A. Sullivan, Jean K. Jacoby, And Bank One Ohio Trust Company, NA, Trustee Under That Revocable Living Trust Agreement Of Russell S. Miller Dated October 10, 1980 For Annexation Of Territory, be removed from the table. Mr. Farquhar advised that City Council remains under a Court Stay Order relative to Ordinance Number 6-94 and 7-94. Mr. Kingseed moved that the Public Hearing concerning Ordinance Number 6-94, An Ordinance Accepting The Application Of June A. Sullivan, Jean K. Jacoby, And Bank One Ohio Trust Company, NA, Trustee Under That Revocable Living Trust Agreement Of Russell S. Miller Dated October 10, 1980 For Annexation Of Territory, be tabled until the next Council Meeting. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 7-94 ANNEXATION

Mr. Compton moved that Ordinance Number 7-94, An Ordinance Accepting The Application of Randale Honaker, Dianna L. Honaker, Fran R. Marsh, Sharon C. Marsh, James F. Gann, Jr. And Alan J. Rodeck For Annexation Of Territory, be removed from the table. Mr. Kingseed seconded the motion. The motion passed by unanimous vote. Mr. Compton moved that the Public Hearing concerning Ordinance Number 7-94, An Ordinance Accepting The Application of Randale Honaker, Dianna L. Honaker, Fran R. Marsh, Sharon C. Marsh, James F. Gann, Jr. And Alan J. Rodeck For Annexation Of Territory, be tabled until the next Council Meeting. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 8-94 MUNICIPAL CODE

The Public Hearing was held concerning Ordinance Number 8-94, an Ordinance adopting the Centerville Municipal Code. Mr. Farquhar explained the fact that periodic review and update of Municipal Codes is necessary in order to include new matter and to provide conformance with State Code. Mrs. Beals sponsored Ordinance Number 8-94, An Ordinance To Approve, Adopt And Enact The Centerville Municipal Code (1994); To Repeal Ordinances And Resolutions In Conflict Therewith; And To Publish The Enactment Of New Matter, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 29-94 WASTE DISPOSAL

Mr. Jim Dinneen, Director of Montgomery County Solid Waste Management, was present at this meeting to explain a new fee schedule on the generation of solid wastes within the District in the amount of \$1.00 per ton for the purpose of implementing a comprehensive solid waste management plan. He emphasized the importance of bagging yard waste separately from trash (it is the law); yard waste is compostable. Satellite compost transfer stations for yard waste will be established to serve the suburbs. Mrs. Beals emphasized the fact that Centerville has always picked up yard waste and has never charged for this service. Mr. Stone sponsored Resolution Number 29-94, A Resolution Approving A Fee Schedule On The Generation Of Solid Wastes Within The Montgomery County Solid Waste Management District, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 9-94 GOLF COURSE NOTES

Mr. Bettcher, as fiscal officer for the City of Centerville, certified that in connection with the proposed issuance of \$1,420,000 notes in anticipation of the issuance of bonds for the purpose of paying costs of constructing a municipal golf course, including all necessary appurtenances; estimated the life of the improvement to be at least five years, the maximum maturity of the bonds to be 25 years, and the maximum maturity of the notes to be 20 years. Mr. Horn introduced Mr. Don Wiper, Bond Counsel with Squire, Sanders & Dempsey, involved in this issue. Mr. Horn advised that this short term, approximate nine month issue, will provide the necessary funds to help pay for loose ends related to the Yankee Trace Golf Course construction. This is a new debt, not a roll over. Mr. Compton sponsored Ordinance Number 9-94, An Ordinance Providing For The Issuance And Sale Of \$1,420,000 Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Constructing A Municipal Golf Course, Including A Clubhouse, Parking Facilities, Landscaping, Equipment And All Necessary Appurtenances, And declaring An Emergency, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 10-94 SOUTH MAIN STREET NOTES

Mr. Bettcher, as fiscal officer for the City of Centerville, certified that in connection with the proposed issuance of \$1,270,000 notes in anticipation of the issuance of bonds for the purpose of paying costs of reconstructing and widening South Main Street from Edenhurst Drive to Sheehan Road, including all necessary appurtenances; estimated the life of the improvement to be at least five years, the maximum maturity of the bonds to be 17 years, and the maximum maturity of the notes to be 20 years. Mr. Horn advised that 46 percent of this project will be funded through Issue Two. The amount of this bond issue will cover Centerville's local share in the project. Mrs. Beals

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sponsored Ordinance Number 10-94, An Ordinance Providing For The Issuance And Sale Of \$1,270,000 Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Reconstructing And Widening South Main Street To Four Lanes With Raised Medians And Left Turn Lanes From Edenhurst Drive To Sheehan Road, Including Providing Curbs, Storm Sewers, Sidewalks, Water Main Adjustments, Street Lighting, Traffic Signals And Traffic Signal Improvements, And Acquiring Right-Of-Way, Together With All Necessary Restoration, Appurtenances And Miscellaneous Work, And Declaring An Emergency, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 11-94 CENTERVILLE CITY SCHOOL DISTRICT PERSONNEL APPEALS BOARD

Mr. Kingseed moved that Ordinance Number 11-94, An Ordinance Establishing The Centerville City School District Personnel Appeals Board, Setting Terms Of Office And Assigning Powers, Duties And Responsibilities, be set for Public Hearing on April 18, 1994. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 30-94 YANKEE TRACE CLUBHOUSE CHANGE ORDER

Mr. Horn review a Change Order to provide that sitework connected with the Yankee Trace clubhouse construction be performed by Pyper Construction Company instead of through the Ohio Farmers Insurance Company. Ultimately this Change Order provides a savings of approximate \$8,000 to \$10,000. Mr. Horn outlined the work included in this Change Order number 1 for a net add of \$62,750.000. Mr. Compton sponsored Resolution Number 30-94, A Resolution Authorizing The City Manager To Execute Change Order Number 1 In Connection With Sitework At The Yankee Trace Golf Course, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

APPOINTMENTS TO BICENTENNIAL COMMISSION

Mayor Heintz read the following names for appointment as members of the Bicentennial Commission for the City of Centerville:

A. Kendall Clay
Charli Johnson-Sonora
James T. Reppert
Ann S. Hughes
Jeffrey C. Kunst
Missy Bolton
Betty Ann Perkins
Marilyn McLaughlin
Joseph M. Beyerle
Wendi S. Hawk

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Mr. Singer moved that said appointments be made to the 1996 Bicentennial Commission. Mr. Stone seconded the motion. The motion passed by unanimous vote. Mrs. Beals stressed the importance of involving those applicants not appointed to the Commission, to serve on one or more of the sub-committees which will be formed.

RESOLUTION NUMBER 31-94 MAINTENANCE OF CITY OWNED PROPERTY

Mr. Horn reviewed the following bids received for the maintenance and upkeep of property owned by the City of Centerville:

- Tangeman and Sons Parcels 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13
- Harlow Landscaping Parcels 3, 5, 11, 12, 13
- Pat Fenelon Parcel 5
- M and S Lawn Service Parcels 2, 4

He explained the fact that two parcels have been excluded, they are included in the South Main Street reconstruction and widening project. Mr. Horn identified the location of parcels involved in the bidding process. Upon question of Mr. Beasley, Mr. Horn advised that time is not available during the current year to utilize golf course maintenance personnel to maintain any of these properties. His intent in 1995 is to combine maintenance of the Yankee Trace Golf Course and the Leonard E. Stubbs Memorial Park. Mrs. Beals sponsored Resolution Number 31-94, A Resolution Accepting The Bids Of Tangeman And Sons, Harlow Landscaping, Pat Fenelon, And M And S Lawn Service For Maintenance And Upkeep Of Certain Property Owned By 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. Stone seconded the motion. The motion passed by unanimous vote.

Mr. Horn presented to Council signage proposed by the Washington Township Fire Department for residential identification purposes. Mrs. Beals stressed the importance of individual property owners making that decision for their own property. Mr. Horn will stress the importance of providing adequate identification.

There being no further business, the meeting was adjourned.

Approved:

Mayor

Shirley F. Dentz

ATTEST:

Clerk of Council

Marilyn Jane Sample