

# RECORD OF PROCEEDINGS

92

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held April 18,

19 94

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 18, 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, City Chaplain and Pastor of the Church of the Incarnation, 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

Mark Beasley

Sally Beals

James Singer

Brooks Compton

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

Assistant City Manager Michael Haverland

City Engineer Norbert Hoffman

Municipal Attorney Robert Farquhar

Assistant to the City Manager Judith Gilleland

Mr. Stone expressed appreciation to Father Thomas Kuhn for time he has spent writing and giving invocations as Chaplain for the City of Centerville.

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

Council Meeting - March 21, 1994.

Council Work Session Meetings - March 21, 1994.

- March 28, 1994.

- April 4, 1994.

Mr. Compton moved that the minutes of the foregoing meetings be approved as distributed. Mr. Singer seconded the motion. The motion passed unanimously; however, Mr. Compton abstained from the minutes of meetings held on March 21 and Mr. Beasley abstained from the March 28 Council Work Session minutes.

Mayor Heintz introduced students from the Centerville High School participating in "Youth in Government Day" in the City of Centerville on Tuesday, April 26, 1994.

Mayor Heintz introduced directors, teachers, and students visiting our community from Yaroslavi, Russia. She also introduced Centerville teachers Carolyn Basford and Karen Wood, coordinators of the visit. Mrs. Basford explained that the intent of this visit was to share culture with students of Bank School in Yaroslavi and to eventually engage in international trade.

Mayor Heintz announced the issuance of a Proclamation designating May 16-19, 1994 as Operation Clean Sweep in the City of Centerville.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held April 18, 1994 continued

19

Mr. Stone read a Proclamation issued by Mayor Heintz designating Friday, April 22, 1994 as Arbor Day in the City of Centerville. Mayor Heintz outlined the many activities which will transpire at Benham's Grove in celebration of that day.

Mayor Heintz reminded the listening audience of the following:

Be more sensitive to neighbor's yards when walking small animals.

Be aware of permitted locations for the display of "Garage Sale" signs in Centerville; they are only permitted upon the property at which the sale is being conducted.

If residents observe pot holes in City streets, report them to the City Manager.

Do not mix grass clippings with waste; the City of Centerville will continue to pick up grass clippings placed separately in plastic bags and tree branches bundled properly on the scheduled collection day.

An Architectural Preservation District Steering Committee has been formed and will meet for the first time to begin study of the Main Street Report recently prepared by the National Main Street Center.

Appointments have been made to Centerville's Bicentennial Commission consisting of ten people to work with Washington Township's Bicentennial Commission for the celebration in 1996. The first meeting has been scheduled for Wednesday, April 27, 1994 at the Washington Township Government Center. Many more people will be asked to serve on sub-committees as plans begin to formulate.

Thursday, April 21, 1994 Centerville will host the Annual Volunteer Salute at Benham's Grove in appreciation of volunteer service during the past year.

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

Progress continues with construction work at the Yankee Trace Golf Course. Mr. Horn introduced Superintendent of Golf and Parks John Miller and Head Golf Professional Brian Hughes.

Due to an accident on Alexandersville-Bellbrook Road, and a spill of gasoline and hydraulic fluid, the roadway was temporary closed just east of Clio Road for several hours.

The Miami Valley Fire/EMS Regional Cooperative Study has been completed. Co-Chairman Jim Pierce will be present after the Council Meeting set for May 16, 1994 to review committee work.

Continental Cablevision will begin their fiber optic rebuild system in the Centerville area within the next few weeks. Rebuild information will be sent to all subscribers.

Newspaper collection in Centerville has been increasing. Newspapers tied in bundles are collected separately by the Service Department on scheduled collection days.

# RECORD OF PROCEEDINGS

94

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held April 18, 1994 continued

19

Mr. Haverland outlined Operation Clean Sweep in the City of Centerville and called resident's attention to information contained in the Town Crier. Large bulky household items and many other items will be collected during May 16-19 at no cost to the residents of the City of Centerville.

Mr. Horn pointed out the fact that by means of two reforestation grants along I-675 from State Route 48 to Wilmington Pike and plantings on the Yankee Trace Golf Course, the City will be planting approximately 3,000 trees during this growing season.

Mrs. Beals reminded cat owners to also be considerate of neighboring properties.

## ORDINANCE NUMBER 6-94 ANNEXATION

Mr. Beasley moved that the Public Hearing concerning Ordinance Number 6-94 be removed from the table. Mr. Stone seconded the motion. The motion passed by unanimous vote. Mr. Farquhar advised that the annexation of this property as well as the annexation of properties on Paragon Road awaits a decision in the Common Pleas Court of Montgomery County. He recommended that this matter be tabled until a final decision has been rendered by said Court. Mr. Beasley 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 indefinitely until final action by the Common Pleas Court has been taken. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

## ORDINANCE NUMBER 7-94 ANNEXATION

Mr. Compton moved that the Public Hearing concerning Ordinance Number 7-94 be removed from the table. Mr. Beasley seconded the motion. The motion passed unanimously. Mr. Beasley 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 indefinitely until final action by the Common Pleas Court has been taken. Mr. Compton seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 11-94 SCHOOL DISTRICT PERSONNEL APPEALS BOARD

The Public Hearing was held concerning Ordinance Number 11-94. Mr. Horn briefly reviewed this proposed Ordinance to establish a Personnel Appeals Board to act on behalf of the Centerville City School District. Mr. Frank DePalma, Superintendent, has requested this action of the City of Centerville as provided by the Ohio Revised Code. The proposed

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO., FORM NO. 10118

Held April 18, 1994 continued

19

Ordinance establishes the Centerville City School District Personnel Appeals Board, sets terms of office, and adopts rules and regulations for the handling of personnel appeals matters. Mr. DePalma expressed appreciation to the City of Centerville for this cooperative effort. All costs incurred will be the responsibility of the Centerville City School District. Mr. Singer and Mrs. Beals expressed their satisfaction with the fact that the City can provide this service for the School District. Mayor Heintz encouraged interested residents within the District to apply for appointment to said Board. Mr. Singer sponsored 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, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 32-94 SOUTH MAIN STREET

Mr. Horn outlined the necessary right-of-way needed for the reconstruction and widening of South Main Street from Edenhurst Drive to Sheehan Road. Negotiations have taken place for the acquisition of property from several property owners and agreements reached. Mr. Beasley sponsored Resolution Number 32-94, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With John P. And Linda L. Heinz And Rosemarie B. And Edmond A. Scacchetti 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. The motion passed by a vote of six, with Mrs. Beals abstaining.

RESOLUTION NUMBER 33-94 SOUTH MAIN STREET

Mr. Compton sponsored Resolution Number 33-94, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Nellie A. Lawrie For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by six in favor; Mrs. Beals abstained.

RESOLUTION NUMBER 34-94 SOUTH MAIN STREET

Mr. Compton sponsored Resolution Number 34-94, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Lois Moore 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. The motion passed by a vote of six, with Mrs. Beals abstaining.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held April 18, 1994 continued

19

RESOLUTION NUMBER 35-94 SOUTH MAIN STREET

Mr. Kingseed sponsored Resolution Number 35-94, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Dayton Power & Light 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. Compton seconded the motion. The motion passed by a vote of six, with Mrs. Beals abstaining.

ORDINANCE NUMBER 12-94 SOUTH MAIN STREET

Mr. Horn advised that agreement has not been reached for the purchase of right-of-way from Jack Fritzche; property which is necessary to proceed with the reconstruction and widening of South Main Street. Mr. Compton moved that Ordinance Number 12-94, An Ordinance To Appropriate Certain Real Estate Of Jack Fritzche For The Reconstruction And Widening Of South Main Street In The City Of Centerville, Ohio, be set for Public Hearing on May 16, 1994. Mr. Beasley seconded the motion. The motion passed by a vote of six, with Mrs. Beals abstaining.

RESOLUTION NUMBER 36-94 YANKEE TRACE GOLF COURSE

Mr. Horn reviewed the following bids received for the purchase of 2,200 tons of sand necessary in order to complete the construction of the Yankee Trace Golf Course:

Keener Sand & Clay	Delivered	\$26.20/Ton
	Delivered & Placed	30.95/Ton
Central Silica Company	Delivered	24.00/Ton
	Delivered & Placed	32.39/Ton
Kurtz Brothers Inc.	Delivered	33.50/Ton
	Delivered & Placed	42.40/Ton

Mr. Horn stressed the importance of the sand being placed in the bunkers by the supplier. He recommended acceptance of the bid submitted by Keener Sand & Clay for the delivered and placed price of \$30.95 per ton. Mr. Miller explained the construction of bunkers and why so much sand is necessary. Mr. Stone sponsored Resolution Number 36-94, A Resolution Accepting The Bid Of Keener Sand & Clay Company For The Purchase of Sand For The Yankee Trace Golf Course 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 unanimously.

Mr. Farquhar advised that the Board of County Commissioners, Montgomery County, recently approved by unanimous vote, two annexations from Washington Township to the City of Centerville: one being the annexation of 32.374 acres of land owned by Dennis Hoertt and located on Paragon Road and adjacent east to the Yankee Trace Golf Course; the second being 66.74 acres of land owned by the Yankee Development Group and located north and adjacent to the Yankee Trace Golf Course. Mr. Horn expressed his concern and dissatisfaction with the amount of money and time

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held April 18, 1994 continued

19

being spent in order to annex property which the City owns so that Yankee Trace Golf Course can be built. The Washington Township Trustees have done everything humanly possible to go against the construction of a golf course which will benefit the entire community; a golf course which is in great demand by many residents in Washington Township as well as the City of Centerville. Mr. Horn pointed out the fact that property within the corporate limits of the City of Centerville remains in Washington Township. Mr. Kingseed emphasized the fact that the Washington Township Trustees represent residents in the City of Centerville as well as Washington Township, he asked the Trustees to stop spending tax dollars received from residents they represent to fight annexations. Mrs. Beals brought attention to the fact that annexation petitions are presented by property owners who want to become a part of the City of Centerville, why should they be prevented from obtaining their desire. Mr. Compton outlined the many amenities which tax dollars could be used for which are now being used to fight annexations by the Washington Township Trustees.

There being no further business, the meeting was adjourned.

Approved:

*Shirley F. Mearns*  
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 Mayor

ATTEST:

*Maile M. Daugherty*  
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 Clerk of Council