

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held July 18,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 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 Kenneth Schartz, Assistant 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 Planner Alan Schwab
Municipal Attorney Robert Farquhar

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

Council Meeting - June 20, 1994.
- June 27, 1994.
Council Work Session Meetings - June 18, 1994.
- June 20, 1994.
- June 26, 1994.
- June 27, 1994.

Mr. Compton moved that the minutes of the foregoing meetings be approved as distributed. Mrs. Beals seconded the motion. The motion passed unanimously.

Mayor Heintz administered the Oath of Office to City Beautiful Commission member Gary R. Sierschula.

Mrs. McLaughlin announced the receipt of a letter of resignation from Board of Architectural Review member Jim Adams. Mrs. Beals moved that the resignation of Mr. Adams be accepted with regret. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mayor Heintz outlined the many activities which took place during the weekend of July 4th and thanked all who contributed to the success of the Americana Festival. She thanked the members of the Sister City Committee for coordinating events for visitors from Sister City Waterloo, Ontario Canada during the same weekend.

Mayor Heintz advised that she will be attending the International Sister Cities Conference in Louisville, Kentucky to receive an International Award on behalf of Centerville's Sister City activities on July 29, 1994.

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Mayor Heintz brought attention to the ribbon cutting ceremony scheduled for Monday, July 25, 1994, in the Sugar Creek Plaza, in celebration of the completion of the Wilmington Pike improvement project. The ceremony will begin at 10:00 A.M.

Mayor Heintz reminded the listening audience of the free concerts held at the Amphitheater in the Leonard E. Stubbs Memorial Park every Thursday and Sunday evening during the summer months at 7:00 P.M., and the opening of "Theatre Under The Stars" in the Amphitheater on July 22, 1994 at 8:30 P.M.

Mayor Heintz announced the recent issuance of a Proclamation designating July 10, 1994 as "The Church of The Incarnation Parish Center Dedication Day" in the City of Centerville.

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

Expressed appreciation to all volunteers, the Americana Festival Committee, the Sister City Committee and all City Staff who were involved in the success of activities during the 4th of July weekend.

The widening of South Main Street in the City of Centerville has caused the removal of some trees, however every effort is being made to retain as many trees as possible. Landscaping and the replacement of trees will take place after completion of the project.

The position of Executive Director for Seniors, Inc. has been filled.

The placement of sand in the bunkers at the Yankee Trace Golf Course is being completed. All utilities are in place at the temporary clubhouse. The first nine holes should be open for play soon.

Upon question of Mayor Heintz, Mr. Horn advised that restoration in the Terrace Villa Plat made necessary due to area drainage improvements has been completed.

Mrs. Beals identified for the listening audience the charge of the Centerville Sister City Committee. She encouraged people to get involved in a person to person exchange program with residents in Centerville's Sister Cities Waterloo, Ontario Canada and Bad Zwischenahn, Germany.

ORDINANCE NUMBER 15-94 ANNEXATION

The Public Hearing was held concerning Ordinance Number 15-94. Mr. Horn reviewed this proposed Ordinance which provides for submission of a Petition to the Board of County Commissioners of Montgomery County for the annexation of a 0.958 acre tract of land located on the east side of Yankee Street and surrounded on three sides by the Yankee Trace Golf Course. This property has been purchased by the City of Centerville for incorporation into the golf course project. Mr. Kingseed sponsored Ordinance Number 15-94, An Ordinance To Authorize The Annexation of Certain Territory To The City Of Centerville, Ohio Pursuant To Revised

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Code Section 709.14, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

Mr. Eric Townsend, 310 Village Square Road, was present at this meeting to urge City Council to consider repealing Sections 474.06 and 474.07 (a) and (c) of the Centerville Municipal Code relating to the riding of bicycles in the City of Centerville. Mayor Heintz informed Mr. Townsend that City Staff is currently reviewing this matter so that a fair and equitable solution can be found for the safety of all. Mr. Horn pointed out the fact that the provisions cited by Mr. Townsend have been contained in the Municipal Code for many years and perhaps should be revised.

RESOLUTION NUMBER 45-94 ANNEXATION

Mr. Horn reviewed a proposed Resolution in support of the annexation of approximately 8.22 acres of land from Washington Township to the City of Centerville. He located the property on a map, being situated along the west side of State Route 48, south of Sheehan Road. The property has good contiguity with the City of Centerville, close proximity to Centerville's municipal services, and has a common interest with properties to the north in the City. This is a 100% owner annexation. Mrs. Beals pointing out the fact that the property, though annexed to the City of Centerville, remains in Washington Township; Mr. Farquhar explained that the Resolution has been written to conform to the language contained in the Ohio Revised Code Section 709.031(B). Upon question of Mr. Beasley, Mr. Horn advised that the roadway width is not included in this annexation per the request of the Montgomery County Engineer. Mr. Farquhar outlined the process for the annexation of territory from the unincorporated area of Washington Township to the City of Centerville. Mr. Compton, recognizing the desire of the property owner to annex to the City, requested that the Washington Township Trustees take a broad look at this 100% owner annexation and not waste township dollars to appeal a decision of the Board of Commissioners of Montgomery County relative to this annexation petition. Mr. Kingseed also encouraged the Trustees to look favorably upon this proposed annexation. Mrs. Beals sponsored Resolution Number 45-94, A Resolution In Support Of The Proposed Annexation Of Property Containing 8.222 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements of Revised Code Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

Upon question of Mr. Singer, Mr. Farquhar reviewed the statute in the Ohio Revised Code relative to the annexation of City owned property. As long as all conditions are met, the Board of County Commissioners must approve said annexation.

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RESOLUTION NUMBER 46-94 GOLF COURSE CHANGE ORDERS

Mr. Horn reviewed the following change orders necessary in connection with the construction of the Yankee Trace Golf Course:

Change order number 14 - an additive amount of \$6,390.48 to install 1,300 L.F. of solid 6" ADS pipe and four (4) 12" x 12" plastic inlets adjacent to Hole #14 in order to alleviate ponding of water,

Change order number 15 - an additive amount of \$11,571.00 for electrical trenching completed for primary service to the maintenance building and drive completed to the maintenance building, for a second pump rented in 1993 for water transfer, and for Pyper's sewer permit and cost to change pipe specification,

Change order number 16 - an additive amount of \$3,205.00 to install a private teaching tee at the driving range, to add encasement for 8" irrigation pipe at the clubhouse entrance drive, for a temporary water line for the tree farm, to relocate sprinkler heads for the cart path and access road at the clubhouse, and to repair sprinkler lines and heads damaged by City crew and landscaper.

Mr. Stone sponsored Resolution Number 46-94, A Resolution Authorizing The City Manager To Execute Change Orders Numbered 14, 15, And 16 In Connection With The Construction of The Yankee Trace Golf Course Project, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

BOARD OF TAX APPEALS APPOINT LOWELL STEBBINS

Mayor Heintz advised that Mr. Lowell Stebbins has been interviewed by City Council for appointment as a member of the Board of Tax Appeals. Mr. Compton moved that Lowell Stebbins be appointed as a member of the Board of Tax Appeals to the term vacated by Mr. David Hall. Mr. Kingseed seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION CHAIRMAN MARY BOLTON, CITY PLANNING COMMISSION CHAIRMAN SCOT STONE, CENTERVILLE HISTORICAL COMMISSION CHAIRMAN BETTY ANN PERKINS

Mayor Heintz advised that the terms of the Chairmanship of the Centerville Arts Commission, the City Planning Commission, and the Centerville Historical Commission will soon expire. Mrs. Beals moved that the following Chairmanship reappointments be made for an additional year:

Centerville Arts Commission - Mary Bolton

City Planning Commission - Scot Stone

Centerville Historical Commission - Betty Ann Perkins

Mr. Singer seconded the motion. The motion passed by unanimous vote with Mr. Stone abstaining.

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RESOLUTION NUMBER 47-94 BRICK SIDEWALKS IN APD

Mr. Horn reviewed the following bids received for the installation of brick sidewalks in the Architectural Preservation District on West Franklin Street from Main Street to Westerfield Drive:

Patterson Construction Services, Inc.	\$45,998.00
Decorative Paving, Inc.	\$58,707.60
Restoration Company of America	\$64,538.00

Mr. Horn recommended acceptance of the bid submitted by Patterson Construction Services, Inc. in the amount of \$45,998.00. These sidewalks will be constructed in conjunction with the installation of decorative lighting fixtures in the same area by the Dayton Power & Light Company. Upon question of Mr. Singer, Mr. Schwab advised that concrete sidewalk is being replaced with brick and existing brick sidewalk is being maintained. Mr. Beasley sponsored A Resolution Accepting The Bid Of Patterson Construction Services, Inc., For Brick Sidewalk Construction On West Franklin Street From Main To Westerfield In The Architectural Preservation District 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 unanimously.

PARK ESTATES PERFORMANCE BOND RELEASE

Mr. Horn advised that all public improvements except sidewalks in Park Estates have been completed by the developer. He concurred with the recommendation of City Engineer Norbert Hoffman that the Performance Bond for Park Estates be released, subject to receipt by the City of a one year Maintenance Bond in the amount of \$5,000. The separate Bond in the amount of \$9,600.00 shall continue to be held for the construction of sidewalks. Mr. Kingseed moved that the Performance Bond for Park Estates be released in accordance with the recommendation of Mr. Hoffman. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council.

CHELTENHAM SECTIONS SIX AND SEVEN PERFORMANCE BOND RELEASE

Mr. Horn reviewed a recommendation from the City Engineer that the outstanding \$100,000.00 Letter of Credit posted with the City of Centerville for public improvements in Cheltenham, Sections Six and Seven be released conditioned upon the receipt of payment to the City of Centerville the amount of \$88,948.50 for the Wilmington Pike thoroughfare improvement that was completed as part of the overall Wilmington Pike reconstruction and widening project. Upon question of Mr. Beasley, Mr. Horn identified improvements to Wilmington Pike being one lane of pavement, curb, storm sewer and sidewalk installation. Mrs. Beals moved that the Letter of Credit posted with the City of Centerville for Cheltenham Sections Six and Seven be released in accordance with the recommendation of Mr. Hoffman. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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There being no further business, the meeting was adjourned.

Approved:

Shirley F. Henry
Mayor

ATTEST:

Marilyn D. Saughel
Clerk of Council