

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10748

Held August 15, 19 94

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 15, 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
 Director of Finance William Bettcher
 Chief of Police William Lickert
 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 - July 18, 1994.
 Council Work Session Meetings - July 11, 1994.
 - July 18, 1994.
 - August 1, 1994.
 - August 8, 1994.

Mrs. Beals moved that the minutes of the foregoing meetings be approved as distributed. Mr. Beasley seconded the motion. The motion passed by unanimous vote; however Mr. Compton abstained from the minutes of meetings held August 1 and August 8, and Mr. Kingseed from the July 11 Council Work Session meeting minutes.

Mayor Heintz administered the Oath of Office to Board of Tax Appeals member Lowell Stebbins.

Mr. Terry Dalrymple, Montgomery County Sanitary Engineer's Office, Mr. Frank Wright, Reinke and Associates, and Mr. Dale Flaherty, Woolpert Consultants, were present at this meeting to review for Council proposed sanitary sewer improvements in the City of Centerville. Mr. Wright reviewed proposed sewer improvements in the Sugar Creek basin area and located them on a map being situated in the Turner Farm area, the Yankee Trace area, and the Bellingham Drive/Waterford Drive area. Upon question of Mr. Compton, Mr. Wright advised that said improvements should open up areas for new development and alleviate 75-80 percent of current problems in Rose Estates. The remaining 20-25 percent will be part of a future study for

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the area. Montgomery County Engineer Jack Garner entered the meeting at this time. As a result of questions from Mr. Horn and members of Council, Mr. Garner outlined tap-in charges for those new property owners who will benefit from these improvements. Current residents will experience a very slight increase in their current sewer rates. Mr. Horn expressed concern with the disruption of residential streets in order to place some of these sewer lines in right of ways. Mr. Garner stated his intent to make these improvements with as little disruption as possible and will work with the City to arrive at a mutually agreed plan for installation. Mr. Flaherty identified two proposed projects in the design stage in the Holes Creek basin which will alleviate much of the problems occurring in the Terrace Villa/Gorman Plat area. Drawings will be completed in 1995 and 1996 with construction beginning in 1996. Costs will be paid for from sewer rates. Mrs. Beals stressed the importance of notifying property owners when construction work begins in particular neighborhoods.

Mrs. McLaughlin announced the administration of Flu Shots by the Combined Health District Montgomery County scheduled at the Centerville Municipal Building in the Council Chambers on Friday, September 23, 1994 between the hours of 10:00 A.M. and 11:45 A.M. and again between 1:15 P.M. to 3:45 P.M.

Mayor Heintz advised that the Yankee Trace Golf Course was opened for play on Thursday, August 11, 1994 following a ribbon cutting ceremony at 10:00 A.M. for the first nine holes. The back nine should be ready for play around the middle or end of September. In the spring of 1996 the opening of the entire Yankee Trace Golf Course and banquet facility complex will take place.

Mayor Heintz briefly reviewed the ribbon cutting ceremony held on Monday, August 15, 1994 for the completion of the Wilmington Pike improvement project. This was a joint project between the City of Centerville, the City of Kettering, and Greene County.

Mayor Heintz expressed appreciation to all volunteers involved in the success of the Washington Township Ice Cream Social, and the free concerts held at the Amphetheater in the Leonard E. Stubbs Memorial Park, as well as the "Theater Under The Stars" production.

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

Limited tee times are available at the Yankee Trace Golf Course, and a limited supply of logo merchandise is for sale in the temporary clubhouse; hours are 8:00 A.M. to 6:00 P.M.

Work continues with Great Traditions for the construction and site preparation of the residential components of the Yankee Trace development. Ground breaking will be Wednesday, August 17, 1994.

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Mr. Horn thanked citizens for their patience with the improvement project underway in the Architectural Preservation District which consists of the installation of enhanced lighting and brick sidewalks.

Upon question of Mayor Heintz, Mr. Hoffman advised that work continues on schedule relative to the South Main Street Improvement Project. The contractor intends to complete this project during the middle of November, 1994.

Mr. Horn brought attention to the joint government surplus auction to be held on Saturday, August 20, 1994. Said auction to begin at 10:00 A.M. in the "White Barn" at the Grant Park. However, the doors will open at 8:30 A.M. This is a joint venture between the City of Centerville, the Centerville-Washington Park District, the Washington/Centerville Public Library, and Washington Township.

RESOLUTION NUMBER 48-94 SURPLUS PROPERTY

Mr. Horn reviewed a proposed Resolution to declare certain equipment owned by the City of Centerville as surplus property. Added to the list attached to the proposed Resolution as exhibit "A" are three vehicles: 1987 Chevrolet Caprice, 2 1990 Ford Crown Victorias. Mayor Heintz read the list of equipment to be declared as surplus property. Mr. Stone sponsored Resolution Number 48-94, A Resolution Declaring Specific Equipment No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 49-94 YANKEE TRACE RESIDENTIAL

Mr. Horn reviewed a proposed Resolution to formally ratify the signing of an Agreement between the City of Centerville and Great Traditions Development Group, Inc. for the construction and installation of a water main in connection with the Yankee Trace development. This Agreement was signed in conjunction with the Agreement signed on the 27th day of June, 1994 with Great Traditions as master developer for the residential pods in and around the Yankee Trace Golf Course. This agreement provides that Great Traditions can begin the construction work necessary to extend a water line along Yankee Street prior to the initial closing; if the closing do not occur and the Purchase Agreement with Great Traditions is terminated, the City of Centerville will reimburse Great Traditions for all of its costs and expenses incurred as a result of the water main construction and installation. Upon question of Mr. Beasley, Mr. Horn advised that a reasonable cost estimate has been prepared and agreed to

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by both parties. Mr. Compton sponsored Resolution Number 49-94, A Resolution Ratifying The Action Taken By The City Manager To Execute An Agreement With Great Traditions Development Group, Inc. For The Construction And Installation Of A Water Main In Connection With The Yankee Trace Development, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 50-94 INCARCERATION OF PRISONERS

Police Chief Lickert reviewed an Agreement between the City of Centerville and the City of Kettering to provide for the incarceration of adult male prisoners arrested in the City of Centerville in the Kettering Municipal Jail while awaiting arraignment for trial, and outlined the difference between this Agreement and the previous Agreement. The only difference between the Agreements in an increase for the incarceration of a prisoner for hours in excess of 8. The City of Centerville will pay \$40.00 for the next 16 hours or fraction thereof in excess of 8 hours as opposed to \$15.00 according to the previous contract. Also included in the new Agreement is the provision for a fee increase in accordance with increased personnel costs. Mr. Lickert explained the fact that most generally prisoners are only confined in the Kettering Municipal Jail for no more than 8 hours. Mayor Heintz wondered if perhaps this charge should be paid by the prisoner. Chief Lickert pointed out the fact that Centerville prisoners are incarcerated in the Kettering Municipal Jail for only a short period of time prior to being removed to the Montgomery County Jail. Mrs. Beals sponsored Resolution Number 50-94, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement With The City Of Kettering, Ohio For Incarceration Of Male Prisoners Awaiting Arraignment Or Trial, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 51-94 CLYO ROAD EXTENSION

Mr. Horn reviewed a proposed Resolution to authorize the expenditure of additional revenue for the Clyo Road extension project from Bigger Road to Wilmington Pike. He identified an additive amount of \$54,951.12 to address conditions encountered and to enhance the final product. Changes included additional 404 asphalt, additional storm sewer pipe, additional underdrains, sodding of medians in lieu of seeding, landscaping work, additional pavement marking work, additional drive approach and expanded work on Thomas Paine approach to Clyo Road. Mr. Beasley sponsored Resolution Number 51-94, A Resolution Authorizing And Directing The City Manager To Execute A Change Order In An Additive Amount Necessary For The Completion Of The Clyo Road Extension III In The City Of Centerville, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 16-94 CLYO ROAD EXTENSION

Mr. Bettcher reviewed a proposed Ordinance to levy special assessments against property owners for the improvement of Clyo Road from Bigger Road to Wilmington Pike. The total cost of the project is less than estimated in 1992, thus providing a cost savings to property owners. Letters will be sent to property owners involved in this assessment outlining their share of the gross cost and net cost of the improvement. The letter further explains advantages in paying the assessed net amount within 30 days rather than having the gross amount placed on the tax duplicate spread over a 20 year period. Mr. Compton sponsored Ordinance Number 16-94, An Ordinance Levying Special Assessments For The Improvement of Clyo Road, And Declaring An Emergency, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

NESTLE CREEK II SECTION THREE BOND RELEASE

Mr. Hoffman advised that all public improvements have been completed in Nestle Creek II, Section Three, and the developer has requested release of the outstanding Performance Bond covering the installation of sidewalks. He recommended the release of the Sidewalk Bond of \$17,600.00 with no Maintenance Bond being required. Mrs. Beals moved that the Performance Bond posted on Nestle Creek II, Section Three be released, as recommended by the City Engineer. Mr. Singer seconded the motion. The motion passed unanimously.

NESTLE CREEK II SECTION FOUR BOND REDUCTION

Mr. Hoffman advised that grading, storm drainage, curbs, pavement except for the final course of asphalt, sidewalks and miscellaneous items have been completed in Nestle Creek II, Section Four. The developer has requested a reduction in the Performance Bond. Mr. Hoffman recommended the reduction of said Performance Bond from \$44,000.00 to \$6,500.00. A separate Performance Bond for sidewalk exists and it remains unchanged at this time at \$8,050.00. Mr. Stone moved that the Performance Bond posted on Nestle Creek II, Section Four, in the amount of \$44,000.00 be reduced to \$6,500.00 as recommended by the City Engineer. Mr. Singer seconded the motion. The motion passed by unanimous vote.

CENTER POINT DRIVE BOND RELEASE

Mr. Hoffman advised that all public improvements have been completed on Center Point Drive and the payment to the City has been received for Wilmington Pike. He recommended that the Performance Bond (Letter of Credit) posted on Center Point Drive be released conditioned upon the receipt of a one year Maintenance Bond of \$5,000 to cover work completed. Mr. Compton

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moved that the Letter of Credit be released on Center Point Drive conditioned upon the receipt of a one year Maintenance Bond of \$5,000 as recommended by Mr. Hoffman. Mr. Stone seconded the motion. The motion passed by unanimously vote of City Council.

SISTER CITY COMMITTEE
REAPPOINT SHIRLEY OGLESBEE, FERNE REILICH, CYNTHIA MONTER

Mayor Heintz announced term expirations soon for Shirley Oglesbee, Ferne Reilich and Cynthia Monter as members of the Sister City Committee. Mr. Singer moved that Mrs. Oglesbee, Mrs. Reilich and Mrs. Monter be appointed to additional three year terms as members of the Sister City Committee. Mrs. Beals seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION REAPPOINT JERI NEIDHARD

Mayor Heintz advised that the term of Jeri Neidhard will soon expire on the Centerville Arts Commission. Mr. Beasley moved that Jeri Neidhard be reappointed as a member of the Centerville Arts Commission for an additional three years. Mr. Stone seconded the motion. The motion passed by unanimous vote.

MEMORANDUM OF UNDERSTANDING GREAT TRADITIONS

Mr. Horn reviewed a proposed Memorandum of Understanding between the City of Centerville and Great Traditions Development Group, Inc. in order that site preparation and construction may begin in residential areas of the Yankee Trace Development prior to the closing provided for in the Purchase Agreement previously executed. In accordance with this Memorandum, Great Traditions understands risks associated with such an undertaking. If closing does not take place, all improvements become the property of the City of Centerville. Safeguards and assurances for the City have been included in this Memorandum of Understanding. A complete list of work perform prior to the closing will be maintained by Great Traditions. Mr. Singer moved that the Memorandum of Understanding between the City of Centerville and Great Traditions Development Group, Inc. be executed. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Heintz advised that Beggars Night should be designated for residents in the City of Centerville. Mr. Singer moved that Beggars Night be held in the City of Centerville on Monday, October 31, 1994 between 6:00 and 8:00 P.M. Mr. Compton seconded the motion. The motion passed with six ayes in favor of the motion; Mrs. Beals voted no.

There being no further business, the meeting was adjourned.

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Approved:

Shirley F. Henry
Mayor

ATTEST:

Maria J. ...
Clerk of Council