

RECORD OF PROCEEDINGS

1

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held July 19, 19 93

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, July 19, 1993 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 Brooks Compton
Councilmembers C. Mark Kingseed
J. V. Stone
Sally Beals
James Singer
Mark Beasley
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

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

Council Meeting - June 21, 1993.
Council Work Session Meetings - June 21, 1993
- July 12, 1993.

Mr. Compton moved that the minutes of the foregoing meetings be approved as distributed. Mrs. Beals seconded the motion. The motion passed by unanimous vote; however, Mr. Singer abstained from the July 12, 1993 Council Work Session minutes, and Mayor Heintz abstained from the minutes of the meetings held June 21, 1993.

Mr. Stephen Lake, representing the Dayton Power and Light Company Economic Development Department, outlined their program titled "Work Smart, Saving Energy, Creating Jobs". This program has been designed to promote energy efficiency by rewarding new and existing business and government customers who create new jobs while saving energy.

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Sister City Committee member Daniel Sorrels. Mr. Compton moved that the resignation of Daniel Sorrels from membership on the Sister City Committee be accepted, with regret. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Heintz thanked everyone involved in the success of the Fourth of July Americana Festival. She extended a special thank you to Chairmen Merrill Durig and Joseph Beyerle.

Mayor Heintz briefly reviewed the recent Centerville Sister City trip to Bad Zwischenahn, Germany.

RECORD OF PROCEEDINGS

2

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10149

Held

July 19, 1993 continued

19

Mayor Heintz thanked the City Beautiful Commission and all residents for the beautification of the City of Centerville.

Mayor Heintz brought attention to the dedication of a garden "The Mary Jane Smith Garden" at the Walton House on July 3, 1993. The garden was made possible through generous contributions and memorial gifts during previous years.

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

He thanked all motorists for their patience while traversing through the orange barrels in the City of Centerville. The first layer of asphalt has been applied to State Route 48; and East Franklin Street will be ground and repaved, work to be completed prior to the opening of school this fall. Mr. Horn outlined other street projects currently underway by the City of Centerville and the Ohio Department of Transportation.

Mr. Horn reviewed a meeting of the Washington Township Trustees which he recently attended at which time Transitional Zoning was adopted for Washington Township. Mr. Horn pointed out the fact that the proposed amendment to the Washington Township Zoning Resolution during review by the Montgomery County Planning Commission, agreeing that the language was somewhat vague, noted that this move appears to be an answer to an annexation issue rather than a planning tool. Transitional Zoning was disapproved by Montgomery County believing that rather than to provide transitional densities, it allows the developer to request any residential district in the neighboring municipality's zoning ordinance. Transitional Zoning was subsequently approved by the Washington Township Planning Commission and finally by the Washington Township Trustees. A full report concerning this issue will be forthcoming to City Council.

The City has advertised for bids for the construction of the Yankee Trace Clubhouse. Bid opening has been set for July 27, 1993 at 10:00 AM.

The Ohio Department of Transportation has informed the City of Centerville that the Transportation Enhancement Program for the reforestation of the I-675 corridor has not been approved for funding.

Mr. Horn listed personnel recently employed by the City of Centerville: Judy Kunas as Administrator at Benham's Grove, Maureen Russell Hodgson as Volunteer Coordinator, and Linda Thompson as Secretary for in the Assistant City Manager's Department.

City Engineer Norbert Hoffman continues to work closely with the Centerville-Washington Park District to address drainage problems in the Terrace Villa area.

The City Planning Commission is currently reviewing benefits to the City of Centerville and Washington Township which would be enjoyed if the City exercised the Three Mile Jurisdiction.

Upon question of Mayor Heintz, Mr. Horn advised that the South Main Street improvement project will go to bid during the fall of this year, with actual construction beginning spring of 1994.

Held July 19, 1993 continued

19

Mr. Horn pointed out the fact that the coordinating agency for the Wilmington Pike improvement project is Greene County. Widening and base asphalt should be completed late fall of 1993.

SOCIETY BANK, N.A. TRUSTEE RECORD PLAN

Mr. Horn reviewed the Planning Commission meeting held July 13, 1993. Mr. Schwab reviewed a Record Plan submitted by Society Bank, N.A. Trustee, for property located at the northwest corner of Wilmington Pike and Clys Road which is the site proposed for the construction of a Wendy's Restaurant. He located the subject property on a map and defined adjacent zoning classifications and land uses. This Record Plan provides for a separate road to be dedicated as right-of-way to serve Wendy's as well as future development to the north. It also includes a piece of land to be dedicated as right-of-way along Wilmington Pike. The Planning Commission, by a unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer.

The new public street west of Lot 1 shall be named on the Record Plan with a City Planning Department approved name.

Mr. Schwab reviewed a memorandum from City Engineer Norbert Hoffman recommending approval of this Record Plan subject to receipt of the following:

Acceptable Subdivider's Agreement.

Performance Bond to cover the public improvements (200 lineal feet of new public street including pavement, curbs, drainage, sidewalks, etc.) in the amount of \$23,500.

Inspection Fee in the amount of \$80.00.

Receipt of acceptable easement and agreements to cover the temporary stormwater runoff control improvement.

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

James Dobrowski, Woolpert Consultants, offered concurrence with all conditions of approval. He reviewed the temporary detention pond to be provided just north of the property until a permanent detention pond is constructed for the entire site. Mr. Compton moved that the Record Plan for Society Bank, N.A., Trustee, be approved as recommended by the Planning Commission and the City Engineer including all recommended conditions. Mr. Stone seconded the motion. The motion passed by a vote of six to one, with Mr. Beasley voting no.

Held July 19, 1993 continued

19

ORDINANCE NUMBER 15-93 LANDMARK DESIGNATION

Mr. Beasley moved that Ordinance Number 15-93, An Ordinance To Designate The Building Addressed As 6239 Wilmington Pike And Known By Local Historians As The Ebenezer Andrew House, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance No. 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, be set for Public Hearing on September 20, 1993. Mr. Singer seconded the motion. Upon question of Mr. Singer, Mr. Horn advised that interest has been displayed for future use of this structure at this time. Other properties will be considered for landmark designation in the future. Mr. Kingseed defined the necessity of establishing procedures for due process. A roll call vote on the motion resulted in a unanimous vote of City Council.

RESOLUTION NUMBER 36-93 ELECTRIC LIGHTS DP&L

Mr. Horn reviewed a proposed Resolution authorizing the execution of a four year agreement between the City of Centerville and the Dayton Power and Light Company for electric lighting services upon public grounds and streets in the City of Centerville. This agreement as well as agreements with other Municipalities have been negotiated through the Miami Valley Cable Council. The proposed agreement includes a 0% monetary increase the first year, a 2 1/2% increase the second year, a 2 1/2% increase the third year, and no increase the fourth year. Mr. Horn defined unique offerings by the Dayton Power and Light Company to the City of Centerville through this agreement.

Upon question of Mayor Heintz, Jack Jensen representing Dayton Power and Light Company, advised that provisions have been provided in the proposed agreement for a switch of electrical fixtures if that is a determination in the future. Mrs. Beals sponsored Resolution Number 36-93, A Resolution Authorizing The City Manager To Enter Into A Contract For Electric Lighting Services For Use On Public Grounds And Streets In The City Of Centerville, State Of Ohio, For A Period Of Forty-Eight (48) Months Commencing January 1, 1994 And Expiring On December 31, 1997, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 37-93 PUBLIC DEPOSITORY

Mr. Horn reviewed a section in the Ohio Revised Code which requires Cities to designate public depositories every two years for the deposit of inactive and/or active and/or interim funds upon application from financial institutions. Applications have been received from several banks and Resolutions have been prepared for said designations. Mr. Compton sponsored Resolution Number 37-93, A Resolution Designating A Public Depository And Awarding Public Monies (Fifth-Third Bank), and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RECORD OF PROCEEDINGS

5

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held July 19, 1993 continued

19

RESOLUTION NUMBER 38-93 PUBLIC DEPOSITORY

Mr. Kingseed sponsored Resolution Number 38-93, A Resolution Designating A Public Depository And Awarding Public Monies (Bank One), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 39-93 PUBLIC DEPOSITORY

Mrs. Beals sponsored Resolution Number 39-93, A Resolution Designating A Public Depository And Awarding Public Monies (Star Bank), and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 40-93 PUBLIC DEPOSITORY

Mr. Stone sponsored Resolution Number 40-93, A Resolution Designating A Public Depository And Awarding Public Monies (Society National Bank), and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 41-93 PUBLIC DEPOSITORY

Mr. Compton sponsored Resolution Number 41-93, A Resolution Designating A Public Depository And Awarding Public Monies (PNC Bank, Ohio NA), and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 16-93 RECREATIONAL FACILITIES BONDS AND NOTES

Mr. Bettcher, as fiscal officer of the City of Centerville, certified in connection with the proposed issue of \$9,180,000 notes, to be issued in anticipation of the issuance of bonds for the purpose of paying costs of acquiring real property for municipal recreational facilities, that

The estimated life or usefulness of the improvement is at least five years,

The estimated maximum maturity of the bonds, calculated in accordance with Section 133.20 of the Ohio Revised Code, is thirty years, and

The maximum maturity of the notes is twenty years.

Mr. Horn reviewed proposed Ordinance Number 16-93 which is the reissue of the current debt for the purpose of paying costs of acquiring real property for municipal recreational facilities (Yankee Trace Golf Course). Mr. Singer sponsored Ordinance Number 16-93, An Ordinance Providing For The Issuance And Sale Of \$9,180,000 Notes, In Anticipation Of The Issuance Of Bonds, For

RECORD OF PROCEEDINGS

6

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held July 19, 1993 continued

19

The Purpose Of Paying Costs Of Acquiring Real Property For Municipal Recreational Facilities, And Declaring An Emergency, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION REAPPOINT BARBARA HILGEMAN

Mayor Heintz advised that Barbara Hilgeman is interested in being reappointed as a member of the Centerville Arts Commission. Mr. Beasley moved that Barbara Hilgeman be appointed to an additional term as a member of the Centerville Arts Commission. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE HISTORICAL COMMISSION APPOINT BETTY ANN PERKINS CHAIRMAN

Mr. Beasley moved that Betty Ann Perkins be appointed as Chairman of the Centerville Historical Commission for a period of one year. Mr. Kingseed seconded the motion. The motion passed unanimously.

PLANNING COMMISSION APPOINT SCOT STONE CHAIRMAN

Mr. Kingseed moved that Scot Stone be appointed as Chairman of the City Planning Commission for a period of one year. Mr. Compton seconded the motion. The motion passed with six votes in favor, Mr. Stone abstained.

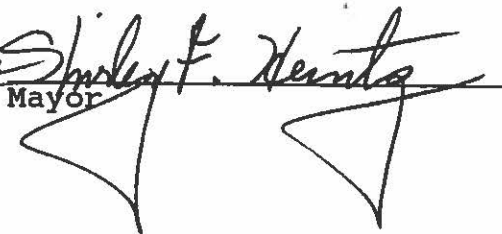
CENTERVILLE ARTS COMMISSION APPOINT MARY BOLTON CHAIRMAN

Mrs. Beals moved that Mary Bolton be appointed as Chairman of the Centerville Arts Commission. Mr. Beasley seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved:

Mayor



ATTEST:

Clerk of Council

