

# RECORD OF PROCEEDINGS

9

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1074B

Held August 16,

19 93

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 16, 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 Thomas Kuhn, Pastor of the Church of the Incarnation and City Chaplain, 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 Sally Beals
- James Singer
- Mark Beasley
- Clerk of Council Marilyn McLaughlin
- City Manager Gregory Horn
- Assistant City Manager Michael Haverland
- City Planner Alan Schwab
- Municipal Attorney Robert Farquhar
- Assistant to the City Manager Judith Gilleland

Mayor Heintz advised that Councilmembers C. Mark Kingseed and J. V. Stone would not be present at this meeting. Mr. Singer moved that Mr. Kingseed and Mr. Stone be excused from this meeting. Mr. Compton seconded the motion. The motion passed unanimously.

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

- Council Meeting - July 19, 1993.
- August 2, 1993
- Council Work Session Meetings - July 19, 1993.
- July 26, 1993.
- August 2, 1993.
- August 9, 1993.

Mrs. Beals moved that the minutes of the foregoing meetings be approved as distributed. Mr. Singer seconded the motion. The motion passed by unanimous vote; however, Mr. Compton abstained from the minutes of meetings held on August 2 and August 9, 1993, and Mrs. Beals abstained from the minutes of the August 9, 1993 Council Work Session Meeting.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Planning Commission member Bernard Samples. Mr. Compton moved that the resignation of Mr. Samples be accepted, with regret. Mr. Singer seconded the motion. The motion passed unanimously.

Mayor Heintz announced the issuance of the following Proclamations during the past month:

- July 31, 1993 - True Parents Day in the City of Centerville.
- August 26, 1993 - Women's Equality Day in the City of Centerville.
- September 22, 1993 - American Business Women's Day in Centerville.

# RECORD OF PROCEEDINGS

10

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held August 16, 1993 continued

19

Mayor Heintz briefly outlined the trip to Sister City Waterloo, Ontario Canada by a delegation of 37 representatives of the City of Centerville over the weekend of August 5, 1993.

Mayor Heintz expressed appreciation for the Summer Concerts held in the Leonard E. Stubbs Memorial Park.

Mayor Heintz advised that Flu Shots will be administered in the Council Chambers of the Centerville Municipal Building on Thursday, September 23, 1993 by the Combined Health District of Montgomery County. They have been scheduled to take place during 10:00 and 11:45 AM and between 1:15 and 3:45 PM.

Mayor Heintz announced the fact that the City will be accepting applications to fill the vacancy which now exists on the City Planning Commission.

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

A new contractor has been selected for the construction of the Yankee Trace Golf Course. Due to financial obligations elsewhere it became difficult for Irvin Construction Company to continue with the construction of Centerville's golf course. The Ohio Farmers Insurance Company, bonding agency for Irvin Construction, has brought on line an excellent, very experienced contractor to complete the project. Just one week has been lost and work continues on schedule by the new contractor Midwest Golf. Seeding should begin within the next two weeks.

Mr. Singer, Chairman of the Stormwater Drainage Task Force and City Staff, through meetings with representatives from the Centerville-Washington Park District, have reached concurrence for construction in the Activity Center in order to alleviate drainage problems in the Terrace Villa Plat. Proposed improvements and changes in the Activity Center were defined by Mr. Horn.

The Dayton Power and Light Company will be installing ornamental light fixtures along Main Street in the center of town from Franklin Street to Ridgeway Road. These fixtures will be similar to those already installed at Benham's Grove.

Upon question of Mayor Heintz, Mr. Horn advised that paving on East Franklin Street will be completed prior to the opening of the Centerville High School for classes.

## NESTLE CREEK II SECTION FOUR RECORD PLAN

Mr. Horn reported on the Planning Commission meeting held August 10, 1993. Mr. Schwab reviewed a Record Plan for Nestle Creek II, Section Four, property located on the east side of Bigger Road, north of Alexandersville-Bellbrook Road, a development by John G. Black Enterprises, Inc. Proposed is the subdivision of 10.4957 acres of land, zoned R-1c, Single Family Residential, into fourteen lots. He outlined the zoning and uses of adjacent land. The plan includes landscaping and mounding along Alexandersville-Bellbrook Road, the construction of two

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1048B

Held August 16, 1993 continued

19

retention ponds, and the construction of a left turn lane along the north side of Alexandersville-Bellbrook Road into the development. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
2. In lieu of the required public 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.
3. The developer shall place monies in escrow with the City, in an amount necessary to construct a full width improvement to the portion of Alexandersville-Bellbrook Road adjacent to this section of Nestle Creek II, including the cost of an additional lane of pavement, sidewalks, curb, and storm sewers, less the cost of the construction of a temporary sidewalk along this section of Alexandersville-Bellbrook Road. This escrow amount shall be subject to approval by the City Engineer.

Mr. Schwab reviewed the recommendation of the City Engineer that this Record Plan be approved subject to receipt of the following:

1. Acceptable Subdivider's Agreement.
2. A Performance Bond in the amount of \$52,050.00 of which \$8,050.00 is for public sidewalks.
3. The deposit of an escrow amount of \$63,250.00 with the City which is the estimated developer's cost for the widening of one full lane of pavement on Alexandersville-Bellbrook Road, including curb, storm sewer and sidewalk, minus the cost of widening for the left turn lane. Any temporary sidewalk constructed as part of the current subdivision improvements may be deducted from this amount.
4. Inspection fee.

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.

Mr. Greg Taylor, John G. Black Enterprises, Inc., questioned if a letter of credit could be placed on file in lieu of the money in escrow until a reduction in the Performance Bond is requested, at which time the letter of credit would be substituted with money as stipulated. Mr. Horn recommended that this matter be further reviewed by City Staff and ultimately approved by City Council. Mr. Beasley moved that the Record Plan for Nestle Creek II, Section Four, be tabled until further information is received concerning this request by Mr. Taylor. Mr. Compton seconded the motion. The motion resulted in three nays against the motion, Mrs. Beals abstained and Mr. Beasley voted yes.

Mr. Singer moved that the Record Plan for Nestle Creek II, Section Four be approved, subject to all conditions recommended by the Planning Commission and the City Engineer. Mr. Compton

Held August 16, 1993 continued 19

seconded the motion. Upon request of Mr. Beasley, a roll call vote resulted in four ayes in favor of the motion, Mr. Beasley voted no.

#### NESTLE CREEK II SECTION FIVE RECORD PLAN

Mr. Schwab reviewed a Record Plan for Nestle Creek II, Section Five, a section to be located in the northwest corner of Nestle Creek II. The location and zoning classification of this section is the same as Section Four. Proposed is the division of 6.5967 acres of land into eight lots. The plan includes one detention pond along Bigger Road. The Planning Commission, by unanimous vote, recommended approval of this Record Plan subject to the following conditions:

1. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
2. In lieu of the required public 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.

Mr. Schwab reviewed the recommendation of the City Engineer that this Record Plan be approved subject to receipt of the following:

1. Acceptable Subdivider's Agreement.
2. A Performance Bond in the amount of \$26,050.00 of which \$5,250.00 is for public sidewalks.
3. Inspection fee in the total amount of \$610.00 for Sections Four and Five.

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.

Mr. Compton moved that the Record Plan for Nestle Creek II, Section Five be approved, subject to all conditions recommended by the Planning Commission and the City Engineer. Mrs. Beals seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Beasley voted no.

#### ORDINANCE NUMBER 17-93 PARKING

Mr. Horn reviewed a proposed Ordinance to restore parking regulations which were inadvertently omitted from the Centerville Municipal Code during the previous recodification. Mr. Compton sponsored Ordinance Number 17-93, An Emergency Ordinance Enacting Amendments To Chapter 76 Of The Centerville Municipal Code In Order To Restore Sections Of The City's Parking Regulations Which Were Inadvertently Omitted During The Last Codification, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

Held August 16, 1993 continued

19

## ORDINANCE NUMBER 18-93 PARKING

Mr. Singer moved that Ordinance Number 18-93, An Ordinance Enacting Amendments To Chapter 76 Of The Centerville Municipal Code In Order To Restore Sections Of The City's Parking Regulations Which Were Inadvertently Omitted During The Last Codification, be set for Public Hearing on September 20, 1993. Mr. Compton seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 45-93 119 ACRE ANNEXATION SERVICES

Mr. Horn located on a map 119.0547 acres of undeveloped land for which a petition has been submitted for annexation from Washington Township to the City of Centerville. The property is located south of State Route 725, across from Chimel's Market, with its eastern boundary adjacent to the western boundary of the City of Centerville. This petition has been filed and set for Public Hearing on September 28, 1993 by the Board of County Commissioners of Montgomery County. Mr. Horn outlined services which will be provided this territory if annexed to the City of Centerville. Mr. Singer pointed out the fact that this annexation petition is 100 percent ownership. Mrs. Beals sponsored Resolution Number 45-93, A Resolution In Support Of The Proposed Annexation Of Property Containing 119.0547 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. Singer seconded the motion. The motion passed by unanimous vote of City Council. Mr. Compton expressed Councilmember C. Mark Kingseed's concurrence with the passage of this Resolution.

## RESOLUTION NUMBER 46-93 27 ACRES ANNEXATION SERVICES

Mr. Schwab located on a map 27.264 acres of land which has been petitioned for annexation from Washington Township to the City of Centerville; property being located southwest of the Corporate Limits of Centerville, west of Paragon Road. This petition, signed by six property owners representing 100 percent ownership of the land sought to be annexed, has been filed and set for Public Hearing on September 14, 1993 by the Board of County Commissioners of Montgomery County. Mr. Horn outlined services which will be provided by the City of Centerville to the property in question. Mr. Singer sponsored Resolution Number 46-93, A Resolution In Support Of The Proposed Annexation Of Property Containing 27.264 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. Mrs. Beals seconded the motion. The motion passed unanimously. Mr. Compton expressed the concurrence of Councilmember C. Mark Kingseed with the passage of this Resolution.

Held August 16, 1993 continued

19

## RESOLUTION NUMBER 47-93 PUBLIC DEPOSITORY PROVIDENT BANK

Mr. Horn advised that the Ohio Revised Code requires that every two years financial institutions be designated as public depositories for the deposit of public moneys for Municipalities. Provident Bank has submitted an application to become public depository for active, interim, and inactive deposits for the City of Centerville. Mrs. Beals sponsored Resolution Number 47-93, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 48-93 PUBLIC DEPOSITORY NATIONAL CITY BANK

Mr. Horn advised that National City Bank has submitted an application to become a public depository for public monies for the City of Centerville. Mr. Compton sponsored Resolution Number 48-93, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

Mr. Beasley left the meeting at this time due to a potential conflict of interest in the next agenda item.

## RESOLUTION NUMBER 49-93 STUBBS PARK CONCESSION STAND

Mr. Horn explained the fact that by Resolution Number 26-92, City Council authorized the City of Centerville to act as General Contractor for the construction of a concession stand and restroom facility in the Leonard E. Stubbs Memorial Park, thus providing for the negotiation with various parties for different aspects of the construction of said facility. Mr. Rod Payne has submitted a proposal to provide labor as outlined in a quote dated August 3, 1993 in the total amount of \$10,700.00. Mr. Compton sponsored Resolution Number 49-93, A Resolution Authorizing And Directing The City Manager To Accept A Proposal From Rod Payne On Behalf of The City Of Centerville For Services Necessary In The Construction Of A Concession Stand And Restroom Facility In The Leonard E. Stubbs Memorial Park, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

Mr. Beasley returned to the meeting at this time.

## RESOLUTION NUMBER 50-93 YANKEE TRACE GOLF COURSE

Mr. Horn reviewed three change orders to the contract with Irvin Construction Company for the construction of the Yankee Trace Golf Course. Due to the fact that some were deducts, authorization was given without Council approval. The Auditor of the State of Ohio has recommended that all change orders be approved by City Council whether or not they are deducts or additions. Mayor Heintz pointed out the fact that the total deduct is in excess of \$45,000.00. Mr. Singer pointed out the

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 16, 1993 continued 19

fact that City Council was made aware of the change orders as they took place. Mr. Singer sponsored Resolution Number 50-93, A Resolution Ratifying The Action Taken By The City Manager To Execute Change Orders #1, 2 And 3 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.

## YANKEE TRACE CLUBHOUSE

Mr. Horn reviewed the following bids received for the construction of the Yankee Trace Clubhouse and Related Facilities:

Fryman-Kuck Dayton, Ohio	\$4,755,015.00
Butt Construction Company Dayton, Ohio	4,923,000.00
L. B. Robinson, Inc Dayton, Ohio	5,324,250.00

Mr. Horn explained that only three bids were received due to the fact that many of the large contractors are very busy at the present time with other projects. Due to the fact that the low bid was in excess of 20 percent of the engineer's cost estimate for this project, Mr. Horn recommended that all bids be rejected and that the Clubhouse and the Maintenance facility be split and bid separately. Specifications are being prepared for the Maintenance Building with bids due on September 8, 1993. Specifications for the Clubhouse are being reviewed to determine if and what changes may be made. The Clubhouse will be bid at a later date. Mrs. Beals moved that all bids received by the City of Centerville for the construction of the Yankee Trace Clubhouse and Related Facilities be rejected. Mr. Beasley seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 51-93 YANKEE TRACE WATERLINE EXTENSION

Mr. Horn reviewed the following bids received for the Yankee Trace Waterline Extension:

Pyper Construction Company Centerville, Ohio	\$ 169,731.90
Larry Smith Contractors Inc. Cleves, Ohio	233,871.20
Joel Lehmkuhl Excavating, Inc. Bellbrook, Ohio	237,331.89
Excel Contracting, Inc. Enon, Ohio	239,043.00
Charles Jergens Construction, Inc. Dayton, Ohio	258,736.41
Bronco Excavating, Inc. Fairfield, Ohio	267,138.60
Sunesis Construction Company Camp Denison, Ohio	290,219.60

Mr. Horn identified the location of this waterline along Yankee Street from Austin Road to just north of the Yankee Trace

# RECORD OF PROCEEDINGS

16

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held August 16, 1993 continued

19

Clubhouse entrance. The low bid was well under the engineer's cost estimate for this project. Mr. Horn recommended the acceptance of the low bid submitted by Pyper Construction Company. Mr. Compton sponsored Resolution Number 51-93, A Resolution Accepting The Bid Of Pyper Construction Company For The Yankee Trace Waterline Extension In 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. Beasley seconded the motion. The motion passed unanimously. Mr. Horn advised that the City will receive oversizing reimbursement from Montgomery County in this project.

## CENTERVILLE WOODS PERFORMANCE BOND REDUCTION

Mr. Horn reviewed a recommendation from City Engineer Norbert Hoffman that the Performance Bond (letter of credit) submitted to the City of Centerville on Centerville Woods, be reduced from \$125,000.00 to \$25,000.00 which assures completion of the final course of asphalt, sidewalks and several miscellaneous items. Mrs. Beals moved that the Performance Bond (letter of credit) posted on Centerville Woods be reduced, in accordance with the recommendation of Mr. Hoffman. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

## NESTLE CREEK II SECTION ONE PERFORMANCE BOND REDUCTION

Mr. Horn reviewed a recommendation from City Engineer Norbert Hoffman that the Performance Bond submitted on Nestle Creek II, Section One, be reduced. With the completion of rough grading, storm drainage, curbs, pavement except the final course of asphalt and sidewalks, the developer requested a reduction from \$103,800.00 to \$12,300.00. Mr. Hoffman recommended that the Performance Bond be reduced to \$14,000.00. He pointed out the fact that a separate letter of credit covering the installation of sidewalks in the amount of \$17,200.00 remains unchanged at this time. Mr. Compton moved that the Performance Bond on Nestle Creek II, Section One be reduced to \$14,000.00 as recommended by Mr. Hoffman. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

## BOARD OF ARCHITECTURAL REVIEW APPOINT JACK GRAMANN

Mayor Heintz advised that Jack Gramann has indicated a desire to serve as a member of the Board of Architectural Review. Mr. Compton moved that Jack Gramann be appointed as a member of the Board of Architectural Review. Mrs. Beals seconded the motion. The motion passed unanimously.

## CENTERVILLE ARTS COMMISSION APPOINT MARY WHITE

Mayor Heintz advised that Mary White has indicated a desire to serve as a member of the Centerville Arts Commission. Mr. Compton moved that Mary White be appointed as a member of the



RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held August 16, 1993 continued

19

Centerville Arts Commission. Mr. Singer seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE APPOINT MARY PIZZA, SUZANNE HOLLOWAY, ALLEN HAVEMAN

Mrs. Beals moved that Mary Pizza, Suzanne Holloway and Allen Haveman be appointed as members of the Sister City Committee. Mr. Compton seconded the motion. The motion passed unanimously.

SISTER CITY COMMITTEE REAPPOINT RAYMOND JOHNSON

Mayor Heintz advised that Raymond Johnson has indicated a desire to continue his service as a member of the Sister City Committee. Mr. Singer moved that Raymond Johnson be appointed to an additional term as a member of the Sister City Committee. Mr. Compton seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Shirley F. Heintz Mayor

ATTEST:

Marie McDougall Clerk of Council