

RECORD OF PROCEEDINGS

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Minutes of

SPECIAL COUNCIL

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held

September 7,

19 93

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Special Session on Tuesday, September 7, 1993 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember Sally Beals and the Pledge of Allegiance to the Flag with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Mayor Shirley Heintz
Deputy-Mayor Brooks Compton
Councilmembers Sally Beals
Mark Beasley
J. V. Stone
C. Mark Kingseed
Clerk of Council Marilyn McLaughlin
City Manager Gregory Horn
Golf Consultant Steve Lambert

Mayor Heintz advised that Councilmember James Singer would not be present at this meeting. Mrs. Beals moved that Mr. Singer be excused from this meeting. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 19-93 WILMINGTON PIKE

Mr. Horn reviewed a proposed Ordinance to provide for spot mill and overlay on Interstate 675 while repainting and sealing bridges on Wilmington Pike by the Ohio Department of Transportation. This improvement to be completed at no cost to the City of Centerville. Mr. Beasley moved that Ordinance Number 19-93, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, be set for Public Hearing on September 20, 1993. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 20-93 BUILDING REGULATIONS

Mr. Horn reviewed a proposed Ordinance to adopt new building regulations in the City of Centerville. These changes will bring Centerville's code in line with changes recently made at the State level. Mr. Stone moved that Ordinance Number 20-93, An Ordinance To Repeal Ordinance Number 5-90, Ordinance Number 13-92 And Ordinance Number 8-93 In Their Entirety, And To Adopt Building Regulations For The City Of Centerville, Ohio, be set for Public Hearing on September 20, 1993. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

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

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RESOLUTION NUMBER 52-93 STUBBS PARK CONCESSION STAND

Mr. Horn reviewed a proposal received from Rick Stum, Stum Masonry to provide masonry work to the concession stand and restroom facility being constructed in the Leonard E. Stubbs Memorial Park. By a Resolution previously passed by City Council, the City of Centerville was designated as the General Contractor for the construction of this facility. The City obtained construction management services from Donald Moultney to coordinate work proposals. Mr. Horn explained the fact that Mr. Moultney, a former resident of this area, now a resident of Florida and in the process of moving back, has been in need of a drop off point for plans and drawings. Mr. Beasley has donated his services to provide this drop off point, thus his conflict with this agenda item. Because the proposal submitted by Rick Stum for masonry work is in excess of \$10,000.00, a Resolution is necessary to authorize acceptance. Mrs. Beals sponsored Resolution Number 52-93, A Resolution Authorizing And Directing The City Manager To Accept A Proposal From Rick Stum, Stum Masonry, 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. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Beasley returned to the meeting at this time.

RESOLUTION NUMBER 53-93 GOLF COURSE

Mr. Horn reviewed a proposed agreement with Ohio Farmers Insurance Company for the completion of the Yankee Trace Golf Course. The agreement has been reviewed and approved by Municipal Attorney Robert Farquhar; it provides no additional costs to the City of Centerville and gives away no rights or services originally held by the City. Discussion followed relative to various terms of this agreement. Mr. Stone expressed his concern with numbers 2, 5, and 6. He suggested that the wording in number 2 be changed in order to provide that no additional proceeds be paid over and above \$2,178,337.89, which is the balance of the Contract price unpaid at the time of default by Irvin Construction, without authorization through change orders. Mr. Horn outlined the need for this agreement in order that commitments be formalized by both parties. Mr. Stone moved that term number 2 be changed to read as follows:

Obligee will pay to OFIC, in the manner provided by the Contract, the balance of the Contract price unpaid at the time of default, through Change Order No. 7, Two Million, One Hundred Seventy Eight Thousand, Three Hundred Thirty Seven and 89/100 (\$2,178,337.890), plus any other proceeds payable or to become payable by approved change orders in connection with the Contract, including proceeds payable in connection with claims for extra compensation and agrees not to assess against such

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sum any charges for reprocurment or otherwise due to the termination for default of Principal. OFIC agrees to hold harmless the Obligee from any claim made by Principal that Contract proceeds should not be payable to OFIC.

Mr. Beasley seconded the motion. The motion passed unanimously. Mr. Beasley sponsored Resolution Number 53-93, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Ohio Farmers Insurance Company Relating To The Completion Of The Yankee Trace Golf Course, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 54-93 GOLF COURSE

Mr. Horn reviewed change orders numbered 7 and 8 necessary in the completion of the Yankee Trace Golf Course. Change order number 7 is an additive amount of \$14,880.50 for a change in cartpath installation, and change order number 8 is a deductive amount of \$17,172.07 due to a change in the original fertilizer program for the golf course. Mrs. Beals sponsored Resolution Number 54-93, A Resolution Authorizing The City Manager To Execute Change Orders Numbered 7 And 8 In Connection With The Construction Of The Yankee Trace Golf Course Project, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 55-93 GOLF COURSE

Mr. Horn reviewed two change orders (numbers 9 and 10) to provide for a change in the time schedule for excavation and compaction for the clubhouse, the maintenance building and the golf course. Change order number 9 is an additive amount of \$127,000.00, and change order number 10 is an additive amount of \$5,000.00. However, the two change orders combined will provide a savings in excess of \$90,000.00 due to this transformation of costs from the clubhouse to the golf course. Mr. Beasley sponsored Resolution Number 55-93, A Resolution Authorizing The City Manager To Execute Change Orders Numbered 9 And 10 In Connection With The Construction Of The Yankee Trace Golf Course Project, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 56-93 GOLF COURSE

Mr. Horn outlined actions which must be taken with Montgomery County in order to provide for tap in fees and to provide water and sewer installation to the clubhouse and the maintenance building. Upon question of Mayor Heintz, Mr. Horn outlined Montgomery County's policy for the payment of tap in fees - a flat rate per acre regardless of the use of said land. Action being taken at this time provides service to approximately 30 acres of the total acreage for the golf course/residential development. Mr. Stone sponsored Resolution Number 56-93, A

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Resolution Ratifying The Action Taken By The City Manager To Remit To The Montgomery County Engineering Department The Sum Of \$42,773.08 For Water And Sewer Connection Fees In Connection With The Construction Of The Yankee Trace Golf Course/Residential Project, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 57-93 GOLF COURSE

Mr. Horn advised that a Subdivider's Contract must be executed between the City of Centerville and the Board of County Commissioners of Montgomery County in order to provide for the installation of sewer and water mains to serve the Yankee Trace Golf Course. Mr. Stone sponsored Resolution Number 57-93, A Resolution Ratifying The Action Taken By The City Manager To Execute A Sub-divider's Contract For Installation Of Sanitary Sewer And/Or Water Mains Between The City Of Centerville And The Board Of County Commissioners Of Montgomery County, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 58-93 GOLF COURSE

Mr. Horn advised that an Easement Deed must be executed from the City of Centerville to the Board of County Commissioners of Montgomery County in order to provide for the construction of water lines to serve the Yankee Trace Golf Course. Mr. Stone sponsored Resolution Number 58-93, A Resolution Ratifying The Action Taken By The City Manager To Execute An Easement Deed From The City Of Centerville To The Board Of County Commissioners Of Montgomery County For The Construction Of Water Lines To Serve The Yankee Trace Golf Course/Residential Development Project, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council

RESOLUTION NUMBER 59-93 GOLF COURSE

Mr. Horn reviewed an Easement and Right of Way to be granted to the Dayton Power and Light Company in order to widen the existing easement and provide additional easements so that transmission and distribution lines can be relocated across the Yankee Trace Golf Course project. Poles will be taller and fewer in number than those which now exist. Mrs. Beals sponsored Resolution Number 59-93, A Resolution Authorizing The City Manager To Execute Easement And Right Of Way Grants To The Dayton Power And Light Company For The Relocation Of Transmission And/Or Distribution Lines In Connection With The Construction Of The Yankee Trace Golf Course Project, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 60-93 APD LIGHTS

Mr. Horn reviewed a proposed Resolution to authorize the installation of 21 decorative lights along Main Street from Franklin Street to Ridgeway Road in the Architectural Preservation District at a cost of \$4,500.00 per light. These lights will be installed and maintained in accordance with the existing street lighting contract between the City of Centerville and the Dayton Power and Light Company. Mr. Beasley sponsored Resolution Number 60-93, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And The Dayton Power And Light Company For The Purchase And Installation Of Decorative Street Lights In The City Of Centerville, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 61-93 DRAINAGE TERRACE VILLA PLAT

Mr. Horn briefly outlined terms and conditions agreed to between the City of Centerville and the Centerville-Washington Park District in order to use the Activity Center land as a permanent stormwater basin site. Monies have been appropriated for this improvement in the 1993 Budget for drainage improvements. It is anticipated that this improvement will be completed during the fall of 1993.

Mr. Beasley left the meeting at this time.

Discussion followed relative to the transportation of soil from the construction site for the Incarnation Church to this site at the Activity Center: traversing Township roads vs the construction of a temporary roadway which location could ultimately cause damage to the tennis courts in the Activity Center. Emphasis was placed upon the use of existing roadways for the transportation of said soil. Mrs. Beals suggested that, if existing roadways are used, that pictures be taken and evaluations made prior to commencement. Council encourage the City Manager to do whatever is necessary in order to accomplish the construction of this improvement as expeditiously as possible. Mr. Kingseed sponsored Resolution Number 61-93, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement With The Centerville-Washington Park District To Provide For The Construction Of A Drainage Basin In The Activity Center, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Herintz
Mayor

ATTEST:
Maureen McLaughlin
Clerk of Council