

# RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held September 20,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 20, 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

J. V. Stone

C. Mark Kingseed

Clerk of Council Marilyn McLaughlin

Assistant City Manager Michael Haverland

City Planner Alan Schwab

City Engineer Norbert Hoffman

Acting Municipal Attorney Dave Eubank

Assistant to the City Manager Judith Gilleland

Building Inspector Doug Filaseta

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

Council Meeting - August 16, 1993.

- September 7 1993

Council Work Session Meetings - August 16, 1993.

- August 23, 1993.

- September 7, 1993.

- September 13, 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. Stone abstained from the minutes of meetings held on August 16, Mr. Kingseed on August 16, and Mr. Singer on the meetings held August 23 and September 7.

Mayor Heintz administered the Oath of Office to Board of Architectural Review Member Jack Gramann, to Centerville Arts Commission Member Mary White, and to Sister City Committee Members Mary Pizza and Allen Haveman.

Mayor Heintz advised that the Chairmanship of Charles Graham on the Board of Architectural Review expires this month. This is a rotating annual appointment by City Council. Mr. Singer moved that Roger Krass be appointed as the Chairman of the Board of Architectural Review for the coming year. Mrs. Beals seconded the motion. The motion passed unanimously. Mayor Heintz thanked Mr. Graham for his outstanding service as Chairman of the Board of Architectural Review.

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Mrs. McLaughlin announced the receipt of letters of resignation from City Beautiful Commission Members Alice Kraus and Myrlin Meister. Mr. Compton moved that these resignations be accepted with regret. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

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

Proclamation designating the week of September 17 through September 23, 1993 as Constitution Week in Centerville.

Proclamation designating the week of October 23 through October 31, 1993 as National Red Ribbon Celebration Week in the City of Centerville.

Mr. Haverland reminded Centerville residents that the leaf pick-up schedule will be published in the next issue of the Town Crier.

Mr. Haverland advised that work is progressing well at the Yankee Trace Golf Course. Sodding and seeding should be completed during this month, with everything for the fall and winter growing season to be in place by the middle of October of this year.

Mrs. Beals congratulated Mayor Heintz for her recent article in the Nation's Cities Weekly relative to the National Issues Forum.

#### ORDINANCE NUMBER 20-93 ADOPT CABO CODE

The Public Hearing was held concerning Ordinance Number 20-93. Mr. Haverland reviewed this proposed Ordinance which adopts the CABO Code dated 1992 and local amendments. Every three years the Miami Valley Building Officials Council recommends that participating Cities adopt the CABO Code and local amendments to be used as a uniform code in the entire area. The issue of smoke detectors previously discussed has been addressed to everyone's satisfaction in the local amendments. Passage of this legislation adopts the 1993 National Electric Code and the 1992 One, Two and Three Family Dwelling Code. Mr. Compton sponsored 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, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

#### ORDINANCE NUMBER 15-93 EBENEZER ANDREWS HOUSE LANDMARK

The Public Hearing was held concerning Ordinance Number 15-93. Mr. Haverland reviewed this proposed Ordinance which recognizes that the Ebenezer Andrew House located at 6239 Wilmington Pike possesses a character interest and is valued by local historians as a part of the development, heritage, and cultural characteristics of the City of Centerville. Designation

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of this house as a landmark has been recommended by the Board of Architectural Review, the City Planning Commission and the Centerville Historical Commission. City Staff believes that the designation of the Ebenezer Andrew House as a landmark will benefit all citizens of Centerville. It will help preserve the historical, cultural, and social environment that is reflective of the quality of life citizens of Centerville have enjoyed since 1796. Mr. Schwab located the subject property on a map and outlined adjacent zone classifications and land uses. The property has been purchased from B. P. Oil Company by Mr. Jim Keyes and other investors. Mr. Schwab outlined unique historical features of the Ebenezer Andrew House and summarized criteria considered by the Board of Architectural Review, the Planning Commission and the Centerville Historical Commission to arrive at their favorable recommendation.

Sharma Stone, 907 New England Avenue, speaking on behalf of the Landmark Committee of the Centerville Historical Society, offered the Committee's endorsement of the Ebenezer Andrew House as a designated landmark. She brought Council's attention to a list of significant historical buildings outside the Architectural Preservation District prepared by Martha Boice and submitted to the City of Centerville in 1988. She suggested that structures on the list be designated landmarks as a group, not on an individual basis.

Richard Kehl, 1571 Ambridge Road, expressed concern with the lack of public visibility concerning the activity of the Landmark Committee of the Centerville Historical Society to designate certain properties as landmarks in the City of Centerville. He suggested that owners of homes on the designated list be contacted prior to consideration to ascertain their desires and intent for their property in the future. Believing that the property owner in this case is agreeable, Mr. Kehl recommended approval of this Ordinance, but encouraged City Council to consider revisions to Ordinance Number 8-91 to provide for more communication and coordination with property owners.

Jim Keyes, co-owner of the Ebenezer Andrew House, expressed his concurrence with the passage of the proposed Ordinance and supported the suggestions offered by Mr. Kehl. He identified communications which existed between City Staff and himself in this particular case.

Sharma Stone offered the expertise of members of the Centerville Historical Society to work with property owners relative to the designation of their property as historical landmarks.

Mr. Kingseed stated his concerns the same as expressed by Mr. Kehl. He proposed that safeguards be included in the Ordinance to protect the rights of property owners.

Mr. Singer pointed out the fact that Public Hearings are held before the Board of Architectural Review and City Council for said designations as well as being considered during meetings of the City Planning Commission and the Centerville Historical Commission. Property owners at these times have the opportunity to speak to the matter. He brought attention to the fact that coordination with the property owner in this case did occur as

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stated by Mr. Keyes.

Mr. Stone sponsored 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, Development, Construction, Or Demolition Of A Designated Landmark, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 18-93 PARKING

The Public Hearing was held concerning Ordinance Number 18-93. Mr. Haverland reviewed this proposed Ordinance to restore sections of the Centerville Municipal Code dealing with parking regulations in the City of Centerville which were inadvertently omitted in the previous recodification. Mrs. Beals sponsored 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, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

## ORDINANCE NUMBER 19-93 I-675

The Public Hearing was held concerning Ordinance Number 19-93. Mr. Haverland reviewed this Ordinance which enables the Ohio Department of Transportation to widen the off ramps at the I-675-Wilmington Pike interchange. This work will be completed as part of the I-675 resurfacing program by the State of Ohio and will be at no cost to the City of Centerville. However, the Ordinance does provide that the City bear one hundred percent of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Mayor Heintz suggested that a wild flower area be considered in these areas.

Mr. Compton sponsored 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, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 62-93 CERTIFY TAX LEVIES TO AUDITOR

Mr. Haverland reviewed a proposed Resolution accepting the County Auditor's estimate of taxes inside and outside the 10 mil limit. This is an annual housekeeping measure to begin the

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City's budget procedure. Mr. Compton pointed out that the 0.29 mil outside the 10 mil limit has continued to decline over the past ten years and continues to do so at this time. Mayor Heintz emphasized the fact that the City receives only 2.64 mil of taxes paid by property owners in the City of Centerville. Mr. Singer sponsored Resolution Number 62-93, Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

### RESOLUTION NUMBER 63-93 GOLF COURSE

Mr. Haverland reviewed a proposed Resolution to deed the property upon which the Yankee Trace Golf Course maintenance facility and clubhouse will be constructed to the Centerville Community Improvement Corporation and then back to the City of Centerville. This legislation is necessary in order to extend water and sewer service to the maintenance facility and clubhouse in the most economic and efficient manner. This procedure effectuates a lot split for these parcels from other parcels involved in the entire golf course project so that fees for said service will not be required for land not included in the construction of said facilities. Mr. Haverland advised that Section 1. of said Resolution should be changed to read as follows: That the City of Centerville will convey three parcels of approximately 30.772 acres of land, 106.644 acres of land, and 119.130 acres of land each to the Centerville Community Improvement Corporation and will accept reconveyance of said parcels from said Corporation in order to effectuate said lot split. Mr. Compton sponsored Resolution Number 63-93, A Resolution Authorizing And Directing The City Manager To Execute And Deliver The Necessary Deeds In Order To Allow A Lot Split Of Parcels Upon Which The Clubhouse And Maintenance Building For Yankee Trace Golf Course Will Be Situated, and moved that it be passed as corrected. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

### RESOLUTION NUMBER 64-93 SUPPORT FOR ISSUE I PARKS

Mr. Haverland advised that the Ohio Municipal League has asked Municipalities in the State of Ohio to support Issue I to protect parks and natural resources in the State of Ohio, an issue before the electorate on November 2, 1993. Voters will be asked to support a \$200 million issue for the improvement of Ohio's state and local parks systems. Issue I will make available, initially, \$40 million for local parks creating a permanent, dedicated source of revenue for the many parks around the State which need to have their facilities updated and repaired on a regular basis. It will help both local governments and the State create very needed revenue to protect and improve parks, forests, recreation areas, and natural resources without

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an increase in taxes. Mrs. Beals sponsored Resolution Number 64-93, A Resolution In Support Of Issue 1 To Protect Parks And Natural Resources In The State Of Ohio, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 65-93 STREET REPAIR PROGRAM

Mr. Haverland reviewed a proposed Resolution to authorize a change order with the R. A. Miller Construction Company to pay for additional concrete work which was found to be necessary in coordination with the City's 1993 Street Repair and Resurfacing Program. This additional work was mostly related to the Main Street Repair Program. The cost of additional work, in accordance with unit prices, amounted to \$46,099.37 over and above the expenditure previously authorized by City Council. Mrs. Beals complemented the City Staff for coordinating street repair projects in the City of Centerville with all entities involved. Mr. Compton sponsored Resolution Number 65-93, A Resolution Authorizing The City Manager To Execute A Change Order To Provide For The Payment For Additional Work Deemed Necessary In The 1993 Street Repair Program In The City Of Centerville, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 66-93 YANKEE TRACE GOLF COURSE

Mr. Haverland reviewed a proposed Resolution to authorize the City Manager to execute a change order to the contract being administered by the Ohio Farmers Insurance Company for the construction of the Yankee Trace Golf Course. Included in this contract was a line item for the installation of sanitary sewer line. In accordance with this line item the sanitary sewer line can be extended to the clubhouse and the maintenance building at a cost of \$63,000.00. This same work was included as alternate I in bids received for the construction of the maintenance building at a much higher cost. Mr. Compton sponsored Resolution Number 66-93, A Resolution Authorizing The City Manager To Execute A Change Order To Provide For The Extension Of A Sanitary Sewer Line 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.

RESOLUTION NUMBER 67-93 YANKEE TRACE GOLF COURSE  
MAINTENANCE BUILDING

Mr. Haverland reviewed the following bids received for the construction of the Yankee Trace Maintenance Building:

Deger Corporation	\$310,903.00	
Lebanon, Ohio	107,000.00	alternate
Joe Becks & Associates	316,400.00	
Dayton, Ohio	68,200.00	alternate
L. B. Robinson, Inc	318,574.00	
Dayton, Ohio	70,000.00	alternate

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Butt Construction Company	328,800.00	
Dayton, Ohio	76,320.00	alternate
Shook Inc.	334,000.00	
Dayton, Ohio	68,000.00	alternate
Staffco Construction Company	358,000.00	
Fairborn, Ohio	79,000.00	Alternate
Leo B. Schroeder Inc.	367,700.00	
Dayton, Ohio	94,700.00	Alternate
Fryman-Kuck General Contractors Inc.	393,278.00	
Dayton, Ohio	68,670.00	alternate

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He recommended acceptance of the bid submitted by the Deger Corporation in the amount of \$310,903.00 excluding the alternate bid. This bid is considerably lower than the engineer's cost estimate of \$382,000.00. Upon question of Mr. Singer, Mr. Haverland advised that the completion date according to the specifications bid, is January 3, 1994. Mrs. Beals sponsored Resolution Number 67-93, A Resolution Accepting The Bid Of The Deger Corporation For The Construction of The Yankee Trace Maintenance Building For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. It was made clear by Mrs. Beals that being accepted by Resolution Number 67-93 was the bid of \$310,903.00 which excludes alternate I. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 68-93 NON-VACUUM LEAF LOADER

Mr. Haverland reviewed the following bids received for the purchase of a non-vacuum type leaf loader for the City of Centerville:

Kencar Equipment Company	\$31,082.50	
Dayton, Ohio		
Equipment Maintenance & Repair	23,000.00	Demo Model
Batavia, Ohio	24,700.00	New

He recommended acceptance of the bid received from Equipment Maintenance and Repair for the demo model in the amount of \$23,000.00. This equipment was used just two hours for demonstration. Mr. Stone sponsored Resolution Number 68-93, A Resolution Accepting The Bid Of Equipment Maintenance And Repair For The Purchase Of One Non-Vacuum Type Leaf Loader For 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. Compton seconded the motion. The motion passed unanimously.

Approved: Shirley F. Heintz  
Mayor

ATTEST:

Marie J. McLaughlin  
Clerk of Council