

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held November 15, 19 93

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 15, 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 Deputy-Mayor Brooks Compton presiding. Councilmembers and City Staff present were as follows:

- Councilmembers Sally Beals
- James Singer
- Mark Beasley
- J. V. Stone
- C. Mark Kingseed
- Clerk of Council Marilyn McLaughlin
- City Manager Gregory Horn
- Assistant City Manager Michael Haverland
- Director of Finance William Bettcher
- Municipal Attorney Robert Farquhar
- Assistant to the City Manager Judith Gilleland

Mr. Compton advised that Mayor Shirley Heintz would not be present for this meeting. Mr. Singer moved that Mayor Heintz be excused from this meeting. Mr. Stone seconded the motion. The motion passed unanimously.

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

- Council Meeting - October 18, 1993.
- Council Work Session Meetings - October 18, 1993.
- October 23, 1993.
- October 25, 1993.
- October 30, 1993.
- November 1, 1993.
- November 8, 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.

Mr. Compton administered the Oath of Office to the following Board and Commission members:

- | | |
|------------------------|-----------------------------------|
| Olga Fitzsimmons | Centerville Arts Commission |
| Roger J. Nelson | Centerville Historical Commission |
| Susan Printz Gastineau | Centerville Historical Commission |
| Janet E. Labbe | City Beautiful Commission |
| Joseph M. Laneve | City Beautiful Commission |

Mr. Compton introduced Representative Robert Corbin present at this meeting to outline Bills passed and currently under consideration in the Ohio House of Representatives and the Senate. He complimented the City on the most recent enforcement of sign regulations in the City of Centerville. Mr. Horn outlined the sign regulations which were enforced during the last election campaigns. Upon question of Mr. Singer, Mr. Corbin advised that the new Ethics Bill which just passed the House of

RECORD OF PROCEEDINGS

42

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held November 15, 1993 continued

19

Representatives requires Township Trustees and School Board members in areas with a population over 12,000 to file Financial Disclosure Statements. Mrs. Beals expressed her concern with the air quality/emissions control legislation; is this inconvenience and expense to residents the solution to the problem.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Stephen Lake. Mr. Beasley moved that the resignation of Mr. Lake be accepted with regret. Mr. Singer seconded the motion. The motion passed unanimously.

Mrs. McLaughlin advised that a letter of resignation was also received from Board of Architectural Review member and Chairman Roger Krass. Mr. Singer moved that the resignation of Mr. Krass be accepted with regret and with congratulations on being elected Washington Township Trustee November 2, 1993.

Mr. Compton announced the issuance of a Proclamation read by Mr. Kingseed designating November 4, 1993 as St. Leonard Day in Centerville.

Mr. Compton advised that a Proclamation was also issued which designated the week of November 7-13, 1993 as Key Club Week in the City of Centerville.

Mr. Compton congratulated Mr. Beasley, Mr. Kingseed and Mr. Singer upon their election results as Councilmembers for additional terms of four years each.

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

Two holes on the Yankee Trace Golf Course remain to be seeded; this being completed yet in 1993 is questionable due to weather conditions. Construction of the maintenance building is underway. Communications continue with proposed developers for the residential pods in and around the golf course.

Work continues on the Capital Improvement Program 1994-98 and the Budget 1994 for the City of Centerville.

Leaf collection continues on schedule and sometimes ahead of schedule.

Work continues on the extension of Clys Road from Bigger Road to Wilmington Pike. The opening of this roadway depends upon progress made with the Wilmington Pike improvement project.

Upon question of Mr. Compton, Mr. Horn advised that the lanes north of Interstate 675 on Wilmington Pike will not be completed until spring of 1994. The lanes south of I-675 may be completed weather permitting yet this year.

As questioned by Mr. Beasley, Mr. Horn advised that construction work on South Main Street will not begin until spring of 1994. Right-of-way acquisition is currently underway.

Held November 15, 1993 continued

19

In answer to a question of Mrs. Beals, Mr. Horn advised that the installation of lights in the Architectural Preservation District will be completed the first or second week in December or in January of 1994 depending upon the arrival of the light fixtures.

Mr. Compton announced a meeting scheduled by the Montgomery County Auditor's Office to discuss the reassessment of properties with area residents for Tuesday, November 23, 1993 in the Council Chambers to begin at 2:00 P.M.

ORDINANCE NUMBER 24-93 REZONING CITY OWNED PROPERTY

Mr. Horn announced the City Planning Commission's unanimous recommendation to Council that the City owned property west of Yankee Street be rezoned to R-1c zone classification. Mr. Stone moved that Ordinance Number 24-93, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 64 Acres More Or Less, From Washington Township Planned Development-Residential Classification To Centerville R-1c Classification, be set for Public Hearing on January 17, 1994. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 22-93 BETHANY LUTHERAN VILLAGE

The Public Hearing was held concerning the issuance of Health Care Facilities Revenue Bonds, in one or more series, in an aggregate principal amount now estimated not to exceed \$10,250,000 the proceeds of the bonds will be made available to Lutheran Social Services of the Miami Valley, an Ohio non-profit corporation, to finance costs of the acquisition, construction, installation, equipping and financing of improvements to the Bethany Lutheran Village continuing care facility located at 6451 Far Hills Avenue, Centerville, Ohio.

Mr. Roger Kephart, Attorney, and Mr. Will Sayer, Deputy Executive Director, representing Lutheran Social Services of the Miami Valley, were present at this meeting to review for Council their request for the issuance of \$10,250,000, in two series, Health Care Facilities Revenue Bonds to provide the financing necessary for an expansion program to Bethany Lutheran Village. These bonds are revenue bonds of the City, payable solely by Letters of Credit from a financial institution and fully guaranteed by Lutheran Social Services of the Miami Valley; they are not general obligation bonds of the City of Centerville.

Mr. Sayer reviewed their expansion program which will provide 196 additional beds to the health care center at Bethany Lutheran Village. The addition consists of four T shaped pods each having 49 beds; each pod having a centralized nursing station and social common areas. Mr. Sayer explained the advantage of issuing this health care bond financing through the City of Centerville. It provides tax exempt status to the buyers of said bonds which in turn provides significant interest savings to Lutheran Social Services.

RECORD OF PROCEEDINGS

44

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held November 15, 1993 continued

19

Mr. Horn explained the fact that Cities are able to issue up to \$10,000,000 in new qualified debt per year. This issue has been split in 2 series to assure that the City has enough new borrowing in 1994. So that the City of Centerville is protected in 1994, Lutheran Social Services will give the City written assurance that the City can go up to \$4,000,000 additional borrowing that will be non-bank qualified in 1994 if necessary, and they will pay the differential between that rate and what the rate would have been if it had been done under bank qualified status within the 10 mil limitation.

Mr. Singer sponsored Ordinance Number 22-93, An Emergency Ordinance Authorizing The Issuance And Sale Of \$4,750,000 Of City Of Centerville, Ohio Health Care Variable Rate Demand Revenue Bonds, Series 1993 (Bethany Lutheran Village Continuing Care Facility Expansion Project) And \$5,500,000 Of City Of Centerville, Ohio Health Care Variable Rate Demand Revenue Bonds, Series 1994 (Bethany Lutheran Village Continuing Care Facility Expansion Project) To Finance The Costs Of The Acquisition, Construction, Installation, Equipping And Financing Of Improvements To A "Hospital Facility" Within The Meaning Of Chapter 140, Ohio Revised Code, To Be Leased To Lutheran Social Services Of The Miami Valley, And Authorizing The Execution And Delivery Of The First Amendment To Lease Agreement, The First Supplemental Trust Indenture, The Mortgage Modification And Restatement Agreement, The Amended And Restated Open-End Mortgage, Assignment Of Rents And Leases And Option To Purchase And Security Agreement (Fee And Leasehold Estate), And The Bond Placement Agreement Relating To The Bonds, And Declaring An Emergency, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 73-93 CLYO ROAD EXTENSION BONDS AND NOTES

Mr. Horn explained the need to reissue bonds for the Clyo Road improvement project for approximately 10 additional months. Mr. Bettcher certified to Council that the estimated life or period of usefulness of all the permanent improvements to be financed with proceeds of the bonds hereinafter described is at 5 years; that the estimated maximum maturity of such bonds is 20 years; and that the estimated maximum maturity of notes issued in anticipation of the issuance of such bonds is 240 months. Mrs. Beals sponsored Resolution Number 73-93, Resolution Requesting Fiscal Officer To Certify As To Maximum Maturity Of \$786,245 Of Bonds And Notes, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 21-93 CLYO ROAD EXTENSION BONDS AND NOTES

Mr. Horn reviewed this proposed Ordinance to authorize the issuance of notes in the amount of \$786,245 in anticipation of special assessments bonds for the purpose of paying part of the cost to improve Clyo Road in the City of Centerville. Mr. Stone sponsored Ordinance Number 21-93, Ordinance Authorizing The Issuance Of \$786,245 Of Bond Anticipation Notes Of The City Of

Held November 15, 1993 continued

19

Centerville, Ohio, For The Purpose Of Paying At Maturity A Note Issued Pursuant To Ordinance No. 6-93 For The Purpose Of Paying Part Of The Cost Of Improving Clio Road Pursuant To Resolution No. 38-92, And Financing Costs Authorized By Ohio Revised Code Section 133.15(B) Incident Thereto And To The Issuance Of Bonds, Or notes Issued In Anticipation Of Such Bonds, And Declaring An Emergency, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 74-93 TREATMENT OF ALCOHOLISM

Mr. Horn reviewed a proposed Agreement with the Combined Health District of Montgomery County through which the City of Centerville pledges 10 percent of funds received by the City from the State of Ohio for liquor permit fees for the year 1994 for special programs for the prevention and treatment of alcoholism and chemical dependency. Mr. Kingseed sponsored Resolution Number 74-93, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Combined Health District Of Montgomery County For The Implementation, Operation And Maintenance Of A Program For The Prevention And Treatment Of Alcoholism And Chemical Dependency And Providing For The Payment Of Fees, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 75-93 PUBLIC DEFENDER

Mr. Horn reviewed a proposed Contract between the Montgomery County Public Defender and the City of Centerville, a Contract which provides legal counsel to indigent persons charged with violation of the City's Municipal Code and provides for the payment of fees for the year 1994. Estimated cost to the City of Centerville is \$1,800.00; the exact amount will be calculated at the termination of the Contract. Mr. Beasley sponsored Resolution Number 75-93, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons; Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1994 And Terminating On December 31, 1994, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 76-93 GOLF COURSE

Mr. Horn reviewed Change Order Number 12 in connection with the construction of the Yankee Trace Golf Course project. Some of the total additive amount of \$107,000 offsets costs which were originally included in the construction of the clubhouse. Ultimately these amounts will be cost savings in the clubhouse construction. Mr. Stone sponsored Resolution Number 76-93, A

RECORD OF PROCEEDINGS

46

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held November 15, 1993 continued19

Resolution Authorizing The City Manager To Execute Change Order Number 12 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.

ORDINANCE NUMBER 23-93 BENHAM'S GROVE

Mr. Kingseed moved that Ordinance Number 23-93, An Ordinance To Establish Fees And Charges For The Rental Of Facilities At Benham's Grove, be set for Public Hearing on December 20, 1993. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

CITY PLANNING COMMISSION APPOINT JACK KOSTAK

Mrs. Beals moved that Mr. Jack Kostak be appointed to the unexpired term vacated by Bernard Samples as a member of the City Planning Commission. Mr. Singer seconded the motion. The motion passed by unanimous vote.

CENTERVILLE PROPERTY REVIEW COMMISSION APPOINT BRADLEY EVERS

Mr. Singer moved that Mr. Bradley W. Evers be appointed to the unexpired term vacated by Jack Kostak as a member of the Centerville Property Review Commission. Mr. Stone seconded the motion. The motion passed unanimously.

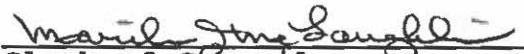
CITY BEAUTIFUL COMMISSION APPOINT MICHAEL BELLANCA AND CADANCE LOWELL

Mr. Stone moved that Mr. Michael Bellanca and Dr. Cadance A. Lowell be appointed as members of the City Beautiful Commission. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the meeting was adjourned.

Approved: 
Mayor

ATTEST:


Clerk of Council