

RECORD OF PROCEEDINGS

466

Minutes of

REGULAR COUNCIL

Meeting

Held September 21,

19 92

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 21, 1992 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 C. Mark Kingseed
J. V. Stone
Mark Beasley
Sally Beals
James Singer

Clerk of Council Marilyn McLaughlin
City Manager Gregory Horn
City Planner Alan Schwab
Director of Recreational Services James Reppert
Municipal Attorney Robert Farquhar
Assistant City Manager Michael Haverland
Attorney Dick Brahm

The Minutes of the following Meetings had been distributed prior to this Meeting:

Council Meetings - August 17, 1992.
- August 31, 1992.
- September 10, 1992.
- September 14, 1992.

Council Work Session Meetings - August 17, 1992.
- August 24, 1992.
- September 14, 1992.

Mr. Singer brought attention to the fact that the first paragraph of the September 10, 1992 Minutes should reflect an invocation given by Mr. Stone. Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed with the Minutes of the September 10, 1992 Meeting being amended as pointed out by Mr. Singer. Mr. Kingseed seconded the motion. The motion passed by unanimous vote, however Mr. Compton abstained from the Minutes of Meeting held August 24, 1992. The motion passed unanimously.

Mrs. McLaughlin announced the receipt of a letter of resignation from Sister City Committee member Bonnie Mathies. Mr. Compton moved that Council accept the resignation of Bonnie Mathies as a member of the Sister City Committee with regret. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ARTS COMMISSION APPOINT JERI NEIDHARD, BONNIE KUNTZ

Mayor Heintz administered the Oath of Office to Centerville Arts Commission members Mrs. Jeri Neidhard and Mrs. Bonnie Kuntz.

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Mayor Heintz made a special presentation to Councilmember Sally Beals for initiating and coordinating the Benham's Grove Show House and Gardens, now known as Benham's Grove. Mrs. Beals was given a standing ovation for her outstanding work with this project.

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

A Proclamation encouraging voter registration.

A Proclamation designating October 10, 1992 as Fire Prevention Week in the City of Centerville.

Mayor Heintz thanked all involved in the Car-a-van Program coordinated by the City of Centerville, Channel 22 and the Centerville-Bellbrook Times to provide hurricane relief to the victims in Florida and Louisiana.

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

Completion of the Loop Road bridge deck replacement should be completed Friday, September 25.

Earth is being moved at the site of the Yankee Trace Golf Course. The holes have been staked and work continues on schedule. It is anticipated that the golf course will be completed in one year with opening set for the summer of 1994.

Mr. Horn also thanked those who participated in the Car-a-van Program to aid hurricane victims.

NESTLE CREEK TWO SECTION ONE RECORD PLAN

Mr. Schwab reviewed the Planning Commission Meeting held August 25, 1992. He outlined the Record Plan for Nestle Creek Two, Section One, property located east of Bigger Road and north of Alexandersville-Bellbrook Road at Marwyck Drive. Proposed is the division of this 6.1612 acre tract of single-family residential zoned land into 15 lots. Mr. Schwab located the subject property on a map and explained adjacent land uses and zone classifications. He outlined Planning Commission's unanimous recommendation for 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 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.
3. A general warranty deed conveying to the Centerville-Washington Park District the 2.0 acre park land approved on the Preliminary Plan for Nestle Creek Two shall be executed and delivered to the Park District for recording prior to the signing by the City of this Record Plan.

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Mr. Schwab reviewed the favorable recommendation of City Engineer Norbert Hoffman relative to approval of this Record Plan subject to receipt of the following:

1. Acceptable Subdividers Agreement.
2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc.) in the amount of \$121,000 of which \$17,200 is for public sidewalks.
3. Inspection Fee in the amount of \$525.

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.

Upon question of Mr. Compton, Mr. Schwab advised that sidewalks will be constructed on both sides of all public streets in this Section of Nestle Creek Two. Mr. Singer, expressing appreciation to the developer for this single-family development, moved that the Record Plan for Nestle Creek Two, Section One, be approved as recommended by the Planning Commission and City Engineer including all recommended conditions. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 13-92 BUILDING CODE

Mr. Beasley moved that Ordinance Number 13-92, An Ordinance Amending Ordinance Number 5-90 And Title XV: Land Usage, Chapter 150 Building Regulations, Subsection 150.16 Ohio Basic Building Code Adopted By Reference; Application, In The Code Of Ordinances For The City Of Centerville, Ohio, be set for Public Hearing on October 19, 1992. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 31-92 ESTIMATED TAX RATES

Mr. Horn reviewed a proposed Resolution submitting to the Montgomery County Budget Commission the City's inside and outside mil limitations for the coming year: inside being 2.35 and the outside being 0.29. He highlighted the fact that Centerville's outside milage continues to reduce, in 1992 it was 0.32 and in 1993 it will be 0.29. Mr. Singer sponsored Resolution Number 31-92, 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. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 32-92 FIRST NATIONAL BANK MANAGEMENT SERVICES

Mr. Horn reviewed a proposed Resolution requested by the First National Bank of Dayton to designate officers of the City of Centerville authorized to take necessary actions in matters involving the City of Centerville and the First National Bank.

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DAYTON LEGAL BLANK CO. 10144

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Mr. Kingseed sponsored Resolution Number 32-92, A Resolution For Cash Management Services, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed with six Members of Council voting yes; Mr. Beasley voted no.

PARK ESTATES PERFORMANCE BOND REDUCTION

Mr. Horn reviewed a recommendation from City Engineer Norbert Hoffman that the Performance Bond posted on Park Estates be reduced from \$74,000 to \$20,000 to cover the final lift of asphalt and the installation of sidewalks. Mr. Compton moved that the Performance Bond posted on Park Estates be reduced to \$20,000. Mr. Singer seconded the motion. The motion passed unanimously.

DEER RUN PHASE I AND IV PERFORMANCE BOND RELEASE

Mr. Horn reviewed a recommendation from Mr. Hoffman that the remaining Performance Bond of \$5,750 for Deer Run, Phase I, be released with no Maintenance Bond being required; and the outstanding Performance Bond for Deer Run, Phase IV, be released subject to receipt of a one year Maintenance Bond in the amount of \$3,000. Mr. Compton moved that the following action be taken concerning Deer Run:

- Phase I - Performance Bond be released, no Maintenance Bond be required,
- Phase IV - Performance Bond be released, subject to receipt of a Maintenance Bond in the amount of \$3,000.

Mr. Singer seconded the motion. The motion passed with six Members of Council voting yes; Mr. Stone abstained.

STUBBS PARK RESTROOMS AND CONCESSION STAND

Mayor Heintz advised that bids were advertised and opened on September 9, 1992 for the construction of Stubbs Park-rest rooms and concession stand. The following bids were received:

Agate Construction Company	\$122,086.00
A. A. Seiber General Contractor	138,246.00
Fred W. Weir	162,152.00

Mr. Horn explained the fact that this was the second time to advertise for bids for this purpose. Changes were made to the specifications for the rebid package to perhaps reduce the bid price. It was projected by the architect that this facility should cost approximately \$75,000.00. Due to the fact that all bids far exceeded the estimated cost, Mr. Horn recommended that all bids be rejected and the City go to bid for a third time. The bid specifications will again be re-evaluated and personal contact will be made in an attempt to recruit qualified bidders. Mr. Stone moved that all bids be rejected for the construction of the Stubbs Park-rest rooms and concession stand. Mr. Singer seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 33-92 REFUSE BODY

Mayor Heintz advised that bids were advertised and opened on September 10, 1992 for the purchase of one six cubic yard side loading refuse body. One bid was received from Midwest Epoke in the amount of \$16,298.00. Mr. Horn reviewed a recommendation from Service Director Richard Bishop that this bid be accepted. Personal contacts were made with prospective bidders but only one bid was received. The equipment bid is the same as currently being used by the City's Service Department. Upon question of Mr. Beasley, Mr. Horn advised that the bid specifications were specific but they provided for equivalents to hopefully obtain more bids. Mr. Singer sponsored Resolution Number 33-92, A Resolution Accepting The Bid Of Midwest Epoke For The Purchase Of One Six Cubic Yard Side Loading Refuse Body 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 by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Marilyn McLaughlin
Clerk of Council