

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held June 17, _____ 19 91

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, June 17, 1991 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Preston Dawes, 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

C. Mark Kingseed

J. V. Stone

James Singer

Mark Beasley

Clerk of Council Marilyn McLaughlin

Assistant City Manager Michael Haverland

Assistant to the City Manager Judith Gilleland

City Planner Alan Schwab

Acting Municipal Attorney David Eubank

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

Council Meeting - May 20, 1991.

Council Work Session Meetings - May 20, 1991.

- June 3, 1991.

- June 10, 1991.

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. Beasley abstained from Minutes of Meetings held May 20, 1991.

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

Proclamation designating May 30, 1991 as Veteran, Armed Forces Appreciation Day in Centerville. (This Proclamation was read by Mr. Compton)

Proclamation designating June 7, 1991 as Homearama Opening Day in Cheltenham.

Mayor Heintz outlined activities planned for the 4th of July Americana Festival in the City of Centerville.

Mayor Heintz announced the Grand Opening of the Centerville Amphitheater scheduled for Sunday, July 7, 1991 to begin at 7:00 P.M. in the Leonard E. Stubbs Memorial Park.

Mayor Heintz reminded Centerville residents of the City's "Don't Bag It" program and urged all residents not to bag grass clippings.

Mr. Haverland outlined details provided by the Sister City Committee for the Waterloo, Ontario Canada Trip scheduled for August 15 - 18, 1991. He encouraged interested parties to contact the Centerville Municipal Building for arrangements.

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NESTLE CREEK, SECTION THREE RECORD PLAN

Mr. Haverland reviewed the Planning Commission Meeting held May 28, 1991. Mr. Schwab reviewed the Record Plan for Nestle Creek, Section Three, a proposed development along the east side of Bigger Road and north of Alexandersville-Bellbrook Road. The zoning of this 5.4 acre parcel of land is R-1c, Single-Family Residential. Sixteen lots are proposed for this Section of Nestle Creek. Mr. Schwab located the subject property on a map and outlined the zoning of adjacent properties. 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 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.

Mr. Schwab outlined the recommendation made by City Engineer Norbert Hoffman that this Record Plan be approved subject to receipt of the following:

1. Acceptable Subdivider's Agreement.
 2. Performance Bond to cover the public improvements (pavement, curbs, storm sewers, sidewalks, etc.) in the amount of \$102,354.00 of which \$13,646.00 is for sidewalks.
 3. Inspection Fee in the amount of \$345.00
- A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond release is requested. The amount of the Maintenance Bond will be determined at that time.

Mr. Gregg Taylor, representing John G. Black Enterprises, Inc., was present to answer any questions of City Council.

Mr. Singer moved that the Record Plan for Nestle Creek, Section Three, be approved including all conditions as recommended by the Planning Commission and the City Engineer. Mrs. Beals seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

CHELTENHAM, SECTIONS SIX AND SEVEN RECORD PLANS

Mr. Schwab reviewed the Record Plans for Section Six and Section Seven in Cheltenham, property located along the west side of Wilmington Pike and north of Alexandersville-Bellbrook Road. Proposed is the division of this 30.08 acre parcel (21.28 in Section 6 and 8.80 in Section Seven), zoned R-1c, Single-Family Residential, into 47 lots (32 in Section Six and 15 in Section Seven). Mr. Schwab located the subject property on a map and outlined adjacent zone classifications. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

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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 and Inspection Fee in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville.
3. In lieu of adding one lane of pavement including curb, gutter, sidewalk, and stormwater drainage improvements across the entire frontage along Wilmington Pike, the developer shall pay an amount approved by the City Engineer to the City to be used for the future widening of Wilmington Pike. If the City Engineer determines that any improvements should be made to Wilmington Pike at the time of the construction of the plat, then the dollar amount of those improvements will be subtracted from the above amount.

Mr. Schwab reviewed the recommendation by the City Engineer that these Record Plans be approved subject to the receipt of the follow

1. Acceptable Subdivider's Agreement.
2. Performance Bonds to cover the public improvements (pavement, curbs, storm drainage improvements, sidewalks, etc.) as follows:
 - Section Six - \$238,860.00 of which \$35,320.00 is for sidewalks
 - Section Seven - \$77,440.00 of which \$13,262.00 is for sidewalks
3. The establishment of an acceptable escrow account of \$75,650.00 for the widening of Wilmington Pike to subdivision thoroughfare standards (one 12 foot lane of pavement, curb, catch basins and storm sewer) in lieu of actual construction, less the cost of the sidewalk improvement required at the time of subdivision development.
4. Inspection Fees as follows:
 - Section Six - \$928.00
 - Section Seven - \$337.00

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond release is requested. The amount of the Maintenance Bond will be determined at that time.

Mr. Frank Wright, Reinke & Associates, representing the developer, was present to answer any questions of City Council.

Upon question of Mr. Singer, Mr. Schwab clarified City Engineer's recommendation number 3, that money be placed in escrow to be used by the City for the future widening of Wilmington Pike due to the fact that plans have not been refined for the reconstruction and widening of Wilmington Pike at this time. The escrow amount recommended is less temporary improvements required in conjunction with this subdivision development. However, if it becomes apparent that the Wilmington

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Pike widening will be delayed beyond 1994 or that widening improvements can be salvaged with the future reconstruction project, then left turn lane improvements will be required by the developer. If this happens the escrow amount will be reduced based on the cost of left turn lane improvements that the developer completes.

Mr. Schwab clarified for Mr. Beasley the fact that flexibility has been included in the City Engineer's recommendation due to variables involved in the Wilmington Pike improvement project.

Upon question of Mrs. Beals, Mr. Wright advised that the detention basins will be wet. Construction should begin with Section Six as quickly as approvals are received, with Section Seven following soon behind.

Mrs. Beals moved that the Record Plans for Cheltenham, Sections Six and Seven, be approved including all conditions recommended by the Planning Commission and City Engineer. Mr. Kingseed seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

SOCIETY BANK N.A., TRUSTEE MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Society Bank N.A., Trustee, for property located at the northwest corner of Wilmington Pike and Clyo Road. Mr. Schwab located this 98.8262 acre tract, zoned B-PD (Business Planned Development) and I-PD (Industrial Planned Development) on a map and identified adjacent zone classifications. Proposed is the future development of a business and professional office complex. A 100 foot buffer strip is required between this development and Thomas Paine Settlement. Approval of this Plan is being sought at this time to establish street layout, intersections, water detention areas, and a connector street to the property immediately west. Improvements are included to Wilmington Pike and future Clyo Road. The Planning Commission, by a vote of 4 in favor and 2 abstentions, recommended approval of this Major Use Special Approval Application to City Council, subject to the following conditions:

1. The developer shall dedicate to the City 60 feet of road right-of-way from centerline along the west side of Wilmington Pike across the entire eastern portion of the property.

2. The applicant shall add an extra lane of pavement, curb, gutter, stormwater drainage, and sidewalk along the portion of the applicant's property to be developed along Wilmington Pike. In lieu of some or all of this improvement, the City Engineer may require an amount of money equivalent to the cost of any improvement not required by the City Engineer to be made at the time of the applicant's development to be placed in escrow by the applicant to go toward the future improvement of Wilmington Pike.

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3. The alignment of the two (2) streets intersecting Wilmington Pike shall be directly opposite the existing driveways on the east side of Wilmington Pike with the opposing lanes aligned in accordance with Plans approved by the City Engineering Department.

4. In lieu of the applicant constructing the portion of proposed Clyo Road adjacent to the applicant's property, the applicant must petition the City to be assessed for a portion of the cost of the construction of Clyo Road (this petition is already on file with the City).

5. The alignment of the new easternmost street along proposed Clyo Road must be directly opposite the approved driveway to the B.P. Oil parcel in the south side of proposed Clyo Road with the opposing lanes aligned in accordance with plans approved by the City Engineering Department.

6. All new streets shown within the applicant's development are to be 60 foot wide public streets built to City Subdivision Regulation standards, including a minimum curve radius on centerline of 225 feet and sidewalks on both sides of each street.

7. Either one of the two alignments shown on the plan to connect the loop street within this development with the South Metro Parkway (Woodley Development) to the west is acceptable.

8. The interior lot lines shown on this plan are to be considered conceptual and the applicant with the approval of the Planning Department may adjust these lines to fit the needs of a potential purchaser of the lot.

9. The required 100 foot buffer strip adjacent to the Thomas Paine Condominium Residential Development shall remain in its natural condition. Removal or clearing of any existing vegetation (other than normal maintenance of the vegetation) or grading or regrading of any land within the required buffer strip shall be prohibited. The Planning Department may require the installation of screening or other improvements within the buffer strip which increase the effectiveness of the buffer strip in protecting adjacent property from potentially adverse impacts. Vehicular access across the buffer strip shall be prohibited.

10. A stormwater drainage plan shall be approved by the City Engineering Department showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.

Mr. Gary Mount, 1734 Kensington Drive, representing the Hope United Methodist Church on Wilmington Pike, expressed concern with potential overflow, maintenance and upkeep of the detention ponds proposed in this development. Mr. Schwab advised that maintenance would be under the control of the property owners; the City Engineering Department will approve a design for the ponds to avoid any erosion problems.

Mr. Dick Witt, representing Woodley Development Company, stated their concurrence with this Major Use Special Approval Application as presented during this Meeting.

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Upon question of Mr. Beasley, Mr. Schwab advised that roadway dedication will take place in this development and along Wilmington Pike when Record Plans are approved.

Mr. Kingseed moved that this Major Use Special Approval Application submitted by Society Bank N.A., Trustee, be approved including all conditions recommended by the Planning Commission. Mrs. Beals seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

1992 TAX BUDGET

The Public Hearing was held concerning the 1992 Tax Budget for the City of Centerville. Mr. Haverland identified this budget as a working estimate to determine Centerville's share of the Local Government Fund. According to Ohio Law this Tax Budget must be submitted to the Montgomery County Auditor on or before July 20 1991. Mrs. Beals moved that this 1992 Tax Budget for the City of Centerville be approved for submission to the County Auditor. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 8-91 LANDMARK PRESERVATION

The Public Hearing was held concerning Ordinance Number 8-91. Mr. Haverland outlined this proposed Ordinance to establish procedures and criteria to designate certain structures for landmark preservation in the City of Centerville. Suggestions made by the Board of Architectural Review, the Planning Commission and the Historical Commission have been incorporated into this proposed legislation.

Mr. Schwab explained how in previous years issues have come before Council which involved the preservation of historic structures outside the Architectural Preservation District. This Ordinance provides a framework whereby City Council, in concert with the Planning Commission, the Board of Architectural Review and the Centerville Historical Commission, can deal with the preservation of these structures by an individual selection process in all other areas of the City of Centerville. Mr. Schwab outlined the process by which a structure can receive landmark status. He pointed out the fact that the interior of a landmark designated building is not regulated by any provisions of the proposed Ordinance.

Upon question of Mr. Singer, Mr. Schwab advised that the Penalty Section of this proposed Ordinance has been taken from the Ordinance which controls the German Village in Columbus, Ohio. Mr. Singer expressed his concern with the phrase "even if after the fact" in sub-section D. of the Penalty Section of the Ordinance. Mr. Eubank further clarified sub-sections in the Penalty Section.

Discussion followed relative to Section 18. Penalties, sub-section D. which declares a person, who causes, by willful action or willful neglect, the moving or demolition of a building determined by the City (even if after the fact) to have had potential landmark designated status in violation of this

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Ordinance. Mr. Schwab explained the purpose of this sub-section to prevent the demolition of a building by a person before the City has had the opportunity to determine if there is historic significance and should receive landmark status.

Mr. Kingseed expressed his concern with placing criminal penalties on a property owner who by willful neglect demolishes a building, when after the fact the City determines it had historic value. This sub-section as written imposes criminal violations on property owners without them being aware of their offense. Mr. Kingseed moved that Section 18. Penalties, Sub-section D. be amended as follows: Whoever causes, by willful action the complete or substantial destruction of any building determined by the City, etc.. Mr. Compton seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mrs. Beals, Mr. Stone, Mr. Beasley and Mr. Compton voted no.

Mrs. Beals stated her concurrence with the Ordinance as written.

Mr. Beasley pointed out the fact that the Ordinance can be amended if a problem arises in the future with the Penalty Section of the Ordinance.

Mr. Singer expressing his concern with the clause "even after the fact" in sub-section D., moved to table Ordinance Number 8-91 for further consideration by City Council. Mr. Kingseed seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mrs. Beals, Mr. Stone, Mr. Beasley and Mr. Compton voted no.

Mrs. Beals sponsored Ordinance Number 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, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, and moved that it be passed as written. Mr. Beasley seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Kingseed and Mr. Singer voted no.

ORDINANCE NUMBER 9-91 LANDMARK PRESERVATION

The Public Hearing was held concerning Ordinance Number 9-91. Mr. Haverland reviewed this proposed Ordinance which establishes application and permit fees as required by the Landmark Preservation Ordinance. Mr. Beasley sponsored Ordinance Number 9-91, An Ordinance Amending Ordinance Number 12-86, An Ordinance Establishing A Schedule Of Fees For Certain Applications And Permits Required By The Zoning Ordinance Of The City Of Centerville, Ohio, And Other Ordinances Of This Municipality Which May Be Specified Herein, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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RESOLUTION NUMBER 14-91 LANDMARK PRESERVATION

Mr. Compton moved that Resolution Number 14-91, A Resolution Amending Resolution Number 57-80, Section II, A Resolution Making Findings And Determinations As Permitted In Sections 3735.65 To 3735.70 Of The Ohio Revised Code, Establishing And Describing The Boundaries Of A "Community Reinvestment Area" And Designating A Housing Officer To Administer The Program, be removed from the table. Mr. Beasley seconded the motion. The motion passed unanimously.

Mr. Haverland reviewed this proposed Resolution which establishes tax abatement for structures having landmark status. Mr. Stone sponsored Resolution Number 14-91, A Resolution Making Findings And Determinations As Permitted In Sections 3735.65 To 3735.70 Of The Ohio Revised Code, Establishing And Describing The Boundaries Of A "Community Reinvestment Area" And Designating A Housing Officer To Administer The Program, and moved that it be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Beals voted no.

RESOLUTION NUMBER 15-91 INCOME TAX

Mr. Haverland reviewed a proposed Resolution to reallocate the distribution of income tax receipts received by the City of Centerville between the period June 1 through December 31, 1991. Mr. Singer sponsored Resolution Number 15-91, A Resolution To Amend Resolution 39-90 In Its Entirety And To Authorize And Direct The Allocation Of Income Tax Receipts Received On And After June 1, 1991 Between The General Fund, Street Construction And Maintenance Fund, Capital Improvements Fund, Special Assessment Improvements Fund And Recreational Projects Fund, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 16-91 PUBLIC DEPOSITORIES

Mr. Haverland reviewed proposed Resolution Number 16-91, a Resolution, passed every two years by City Council in accordance with Ohio Law, which estimates the probable amounts of City of Centerville monies to be deposited in active, interim or inactive funds at local financial institutions. The Resolution also sets the date for the designation of public depositories for the City of Centerville. Mrs. Beals sponsored Resolution Number 16-91, A Resolution Estimating The Probable Amount Of Public Monies To Be Deposited, Setting A Date For The Designation of Public Depositories And Authorizing Notice, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 17-91 SANITARY SEWER AND WATER IN STUBBS PARK

Mr. Haverland reviewed the following Bids received for Sanitary Sewer and Water Main Improvements in the Leonard E. Stubbs Memorial Park:

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Fricke General Contractor	\$33,653.06
Joel Lehmkuhl Excavating, Inc.	27,443.50
Pyper Construction Company	30,640.00
Dyno Construction Company	32,401.00
Don Thompson Excavating, Inc.	34,929.00
Henry Jergens Contractor, Inc.	29,222.67

He made reference to the recommendation made by the City Engineer that the Bid submitted by Joel Lehmkuhl Excavating, Inc. be accepted as the low and best Bid. This Bid is below the Engineer's estimate of \$30,292.00. Mr. Compton sponsored Resolution Number 17-91, A Resolution Accepting The Bid Of Joel Lehmkuhl Excavating, Inc., For The Stubbs Park Sanitary Sewer And Water Main Improvement Project 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. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 18-91 UNMARKED POLICE VEHICLES

Mr. Haverland reviewed the following Bids received for the purchase of two unmarked police vehicles for the City of Centerville:

Bob Ross Buick	\$32,890.00
	(Buick Regal with trade-in)
Perkins Buick-Pontiac-GMC, Inc.	31,100.00
	(Pontiac Bonneville with trade-in)
	24,776.00
	(Pontiac Grand Prix with trade-in)
	29,124.00
	(Pontiac Grand Prix SE with trade-in)
	28,472.00
	(Buick Regal with trade-in)

Mr. Haverland explained the recommendation of Chief of Police William Lickert that the Bid received from Perkins Buick-Pontiac-GMC, Inc., in the amount of \$28,472.00 for two Buick Regals be accepted. The City of Centerville has since been informed that due to year end parts shortage Buick Regals are not available. In view of this fact, Perkins offers two Pontiac Bonneville's at the Bid price of Buick Regals (\$28,472.00). Mr. Haverland recommended that the offer made by Perkins for the purchase of two Bonneville's at the purchase price of \$28,472.00 be accepted. These vehicles meet all City specifications. Mr. Compton sponsored Resolution Number 18-91, A Resolution Accepting The Bid Of Perkins Buick-Pontiac-GMC Truck, Inc. For The Purchase Of Two Unmarked Police Cars 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. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Beasley voted no.

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RESOLUTION NUMBER 19-91 WILMINGTON PIKE/SR725 INTERSECTION

Mr. Haverland reviewed a proposed Resolution to provide for the payment of Centerville's share in the Wilmington Pike/State Route 725 Intersection Improvement Project. A contract has been awarded by Greene County to TdM Construction Company for this improvement. Mayor Heintz emphasized the fact that this is the intersection only and not the entire Wilmington Pike. The realignment is in accordance with the potential widening of Wilmington Pike. \$75,000.00 has been budgeted for this project, Issue Two monies have been received. Mr. Singer sponsored Resolution Number 19-91, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Greene County Commissioners To Provide For The Payment Of Centerville's Portion Of The Cost In The Wilmington Pike At State Route 725 Intersection Improvement Project, and moved that it be passed. Mrs. Beals seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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

STONE LAKE LETTER OF CREDIT REDUCTION

Mr. Haverland reviewed the recommendation made by the City Engineer that the Letter of Credit in the amount of \$387,810.00 to cover improvements in Stone Lake be reduced to \$48,000.00. 85% of all improvements in this subdivision are complete. It is estimated that \$48,000.00 will cover remaining improvements required with plat approval. Mrs. Beals moved that the Letter of Credit for Stone Lake be reduced to \$48,000.00 as recommended by the City Engineer. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Stone returned to the Meeting at this time.

SATELLITE JUVENILE COURT

Mr. Haverland advised that according to legal counsel, Members of the Administrative Board for the Satellite Juvenile Court should be officially appointed by Centerville City Council and Washington Township Trustees. Mr. Beasley moved that Mr. Darryl Kenning, Mr. Robert Farquhar, Mr. Michael Morton, Mr. Robert Surdyk and Mr. Nicholas Kuntz be appointed as Members of the Administrative Board for the Washington Township and City of Centerville Satellite Juvenile Court. Mr. Stone seconded the motion. The motion passed unanimously.

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CENTERVILLE PROPERTY REVIEW COMMISSION

Mayor Heintz advised that the term of Gary Huff will soon expire on the Property Review Commission. Mr. Compton moved that Mr. Gary W. Huff be appointed to serve another three year term as a Member of the Centerville Property Review Commission. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE

Mayor Heintz announced the term expirations of Sandra Baver and Norman Ilsley as Members of the Sister City Committee. Mr. Kingseed moved that Mrs. Sandra Baver be reappointed as a Member of the Sister City Committee. Mr. Beasley seconded the motion. The motion passed unanimously.

Mr. Stone moved that Mr. Norman Ilsley be reappointed as a Member of the Sister City Committee. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

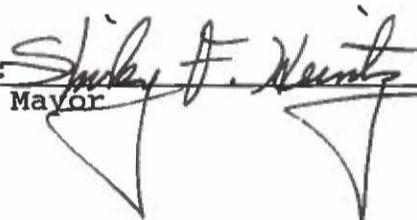
CENTERVILLE HISTORICAL COMMISSION

Mayor Heintz advised that Mr. James Teske is interested in serving another year as Chairman of the Centerville Historical Commission. His term as Chairman expires this date. Mr. Beasley moved that Mr. James P. Teske be appointed to serve another year as Chairman of the Centerville Historical Commission. Mrs. Beals seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: _____

Mayor



ATTEST:

Harold W. Laughlin
Clerk of Council