

DAYTON LEGAL BLANK CO. 10144

Held August 19, 19⁹¹

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 19, 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
- Municipal Attorney Robert Farquhar

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

- Council Meeting - July 15, 1991.
- August 12, 1991.
- Council Work Session Meetings - July 15, 1991.
- July 22, 1991.
- August 5, 1991.
- August 12, 1991.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Stone seconded the motion. The motion passed by unanimous vote; however Mr. Beasley abstained from the Minutes of the Council Meeting held August 12 and Mr. Compton abstained from the August 5 Council Work Session Minutes.

The following was reported during Mayor Heintz's Report to the listening audience:

A contingent from Centerville traveled to Sister City Waterloo, Ontario Canada this past weekend for a Sister City exchange trip.

Concerts held in the Centerville Community Amphitheater have been excellent and attended well by interested citizens.

Mayor Heintz congratulated residents of Centerville for being selected to receive City Beautification Awards during the past several months.

Plans continue to advance with the development of property recently purchased by the City of Centerville at 166 North Main Street.

NESTLE CREEK, SECTION FOUR RECORD PLAN

Mr. Schwab reported on the Planning Commission Meeting held July 30, 1991. He reviewed a Record Plan submitted for Nestle Creek, Section Four, property located east of Bigger Road and north of Alexandersville-Bellbrook Road. This 6.58 acre parcel,

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zoned R-1c, Single-Family Residential, will be divided into 17 lots. Mr. Schwab located the subject property on a map and outlined adjacent land uses. Mr. Gregg Taylor, representing the developer John G. Black Enterprises, Inc., was present to answer questions of City Council. Mr. Schwab reviewed the Planning Commission's unanimous recommendation for approval of this Record Plan 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 reviewed the recommendation of City Engineer Norbert Hoffman that this Record Plan be approved subject to the following:

1. Acceptable Subdivider's Agreement.
 2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc,.) in the amount of \$121,820.00 of which \$19,122.00 is for sidewalks.
 3. Inspection Fee in the amount of \$610.00.
- A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond release requested. The amount of the Maintenance Bond will be determined at that time.

Mr. Singer moved that the Record Plan for Nestle Creek, Section Four, be approved as recommended by the Planning Commission and the City Engineer, inclusive of all conditions. Mr. Kingseed seconded the motion. The motion passed unanimously.

INTERGOVERNMENTAL ISSUES COMMITTEE

Mr. Compton, speaking as Chairman of the Mayor's Committee to Study Intergovernmental Issues, outlined Meetings held since their appointment in February of this year. He identified their charge to review different intergovernmental issues which face the City of Centerville and Washington Township Community. The Committee presented an Interim Report to Council defining their considerations to date including joint participation in recreation, fire, the Park District and Seniors, Inc. The Committee made the following recommendations to City Council:

1. It is not in the best interest of the Centerville-Washington Township community that the City withdraw from the Township.
2. The City of Centerville employ a professional consultant to look at the annexation of logical unincorporated areas in which people are approaching the City of Centerville for annexation.

Mr. Compton advised that it is the intent of the Committee to present to City Council a final report by the end of 1991.

Mr. Singer stated his support for both recommendations made by the Committee.

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Mrs. Beals pointed out the fact that when property is annexed to the City of Centerville it is not deleted from the Township; it remains a part of Washington Township.

Mr. Singer moved that both recommendations as presented by the Mayor's Committee to Study Intergovernmental Issues, be accepted. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mrs. Beals presented an update relative to developments at the property recently purchased by the City of Centerville at 166 North Main Street. A Designers Show House is being organized for the property scheduled for approximately sixteen days in the spring of 1992. Committees have been formed and appointments are being made to begin the restoration process. Mrs. Beals clarified the fact that this is a City project and not a project of the Dayton Philharmonic Orchestra.

ORDINANCE NUMBER 11-91 PERS EMPLOYEES PICK-UP

The Public Hearing was held concerning Ordinance Number 11-91. Mr. Haverland reviewed this proposed Ordinance to provide for "Public Employees Retirement System" (PERS) 8 1/2 % pick-up by the City of Centerville for regular part-time employees hired prior to and inclusive of June 30, 1991. Mrs. Beals sponsored Ordinance Number 11-91, An Ordinance Limiting The City's PERS "Pick Up" To Only Full Time Employees And Certain Regular Part-Time Employees, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 31-91 CONSULTANT FOR SPECIAL PROJECTS

Mr. Haverland reviewed a proposed Resolution to ratify the action taken by the City Manager entering into an Agreement with Victor A. Green as a consultant to carry out special projects for the City of Centerville on behalf of its citizens; projects that are not appropriate for execution by employees of the City of Centerville. Mr. Compton sponsored Resolution Number 31-91, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement With Victor A. Green, As Consultant To Carry Out Special Projects For The City Of Centerville, and moved that it be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stone abstained.

RESOLUTION NUMBER 32-91 BENHAM'S GROVE

Mr. Haverland reviewed a proposed Resolution which names the property recently purchased by the City of Centerville at 166 North Main Street "Benham's Grove". Mrs. Beals outlined reasons for honoring Joseph Benham in this respect and sponsored Resolution Number 32-91, A Resolution Naming The City Property Located At 166 North Main Street In the City Of Centerville "Benham's Grove", and moved that it be passed. Mr. Kingseed seconded the motion. Mayor Heintz stated her opposition to this

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proposed name and listed other possibilities. Mr. Singer suggested that this matter be discussed again during a future Council Work Session Meeting. Mr. Stone cited this as an appropriate name to recognize a former resident, property owner, and prominent merchant in the City of Centerville. A roll call vote resulted in five ayes in favor of the motion; Mayor Heintz and Mr. Singer voted no. Mr. Stone pointed out the fact that the house will be referred to as the Gerber House.

ORDINANCE NUMBER 12-91 WHIPP ROAD IMPROVEMENT

Mr. Haverland reviewed proposed Ordinances to appropriate certain real property for the purpose of making improvements to East Whipp Road. Immediate action is necessary in order that this project may proceed in a safe and efficient manner. Mr. Farquhar advised that action is necessary due to the fact that a satisfactory solution has not been resolved with said property owners. Mr. Compton sponsored Ordinance Number 12-91, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Angus and Barbara Kiser), and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Singer and Mrs. Beals abstained.

ORDINANCE NUMBER 13-91 WHIPP ROAD IMPROVEMENT

Mr. Beasley moved that Ordinance Number 13-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Angus and Barbara Kiser), be set for Public Hearing on September 16, 1991. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 14-91 WHIPP ROAD IMPROVEMENT

Mr. Kingseed sponsored Ordinance Number 14-91, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Robert Schaeffer Hayes), and moved that it be passed. Mr. Beasley seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Beals abstained.

ORDINANCE NUMBER 15-91 WHIPP ROAD IMPROVEMENT

Mr. Singer moved that Ordinance Number 15-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Robert Schaeffer Hayes), be set for Public Hearing on September 16, 1991. Mr. Beasley seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 16-91 WHIPP ROAD IMPROVEMENT

Mr. Stone sponsored Ordinance Number 16-91, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Village South

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Development Company), and moved that it be passed. Mr. Beasley seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Beals abstained.

ORDINANCE NUMBER 17-91 WHIPP ROAD IMPROVEMENT

Mr. Singer moved that Ordinance Number 17-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Village South Development Company), be set for Public Hearing on September 16, 1991. Mr. Beasley seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 18-91 WHIPP ROAD IMPROVEMENT

Mr. Kingseed sponsored Ordinance Number 18-91, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Seibenthaler Company), and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Beals abstained.

ORDINANCE NUMBER 19-91 WHIPP ROAD IMPROVEMENT

Mr. Singer moved that Ordinance Number 19-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. (Seibenthaler Company), be set for Public Hearing on September 16, 1991. Mr. Kingseed seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION APPOINT STINE, HYDE

Mayor Heintz advised that Kim E. Stine and Sandra Hyde have indicated an interest in serving as members of the Centerville Arts Commission. Mr. Compton moved that Kim E. Stine and Sandra Hyde be appointed to the Centerville Arts Commission for terms of three years each. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE REAPPOINT OGLESBEE, REILICH, MONTER

Mayor Heintz advised that Shirley Oglesbee, Ferne L. Reilich and Cynthia Monter are interested in serving an additional term on the Sister City Committee. Mr. Stone moved that Shirley Oglesbee, Ferne L. Reilich and Cynthia Monter be reappointed to an additional term as members of the Sister City Committee. Mrs. Beals seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION REAPPOINT SHROYER

Mr. Compton moved that Timothy M. Shroyer be reappointed as a member of the City Beautiful Commission. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council.

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BOARD OF ARCHITECTURAL REVIEW REAPPOINT CHAIRMAN GRAHAM

Mayor Heintz advised that Charles Graham is interested in serving another year as Chairman of the Board of Architectural Review. Mr. Graham has been a member of the BAR for several years and served as its Chairman this past year. Mr. Beasley moved that Charles Graham be appointed to an additional year as Chairman of the Board of Architectural Review. Mr. Compton seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved:

Shirley F. Heintz
Mayor

Attest:

Marilyn McLaughlin
Clerk of Council