

## RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held May 21,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, May 21, 1990 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman James Singer, 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 J. V. Stone

Sally Beals

James Singer

C. Mark Kingseed

Mark Beasley

Acting Clerk of Council Constance Cooper

City Manager Darryl Kenning

City Planner Alan Schwab

Municipal Attorney Robert Farquhar

Administrative Assistant Michael Haverland

Administrative Assistant Judith Gilliland

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

Council Meeting - April 16, 1990.

April 23, 1990.

May 7, 1990.

Council Work Session Meetings - April 16, 1990.

April 23, 1990.

April 30, 1990.

May 7, 1990.

May 14, 1990.

Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Beasley seconded the motion. The motion passed by unanimous vote; however, Mr. Compton abstained from the May 14, 1990 Meeting Minutes.

## BOARD OF ARCHITECTURAL REVIEW

Mayor Heintz administered the Oath of Office to Board of Architectural Review Member Jim Adams.

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

Small Business Week - week of May 6, 1990.

Buckle Up America! Week - May 21 - 28, 1990.

Mayor Heintz outlined long range recreational plans for the City of Centerville. City Council and Staff have for several months been taking a careful look at the possibilities, values and costs of providing a major new recreational facility for the Community - a Centerville Golf Course. She identified the type course being considered and the potential use of land surrounding the golf course.

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Mr. Kenning outlined the City's financial strategy in order to pay for the development of the Centerville Golf Course. No tax dollars are anticipated to be spent on this facility if present financial conditions continue.

Mr. Compton and Mrs. Beals emphasized the fact that this is just a part of the City's long range plans for the future of Centerville.

Mr. Kenning announced that the Miami Valley Regional Transit Authority (RTA) will extend routes 14 and 23, beginning August 19, to continue service until 12:30 A.M. This will provide the night transportation necessary for employees in the south Dayton area.

Upon question of Mayor Heintz, Mr. Kenning advised that the final lift of asphalt will be put in place as quickly as weather permits to essentially complete the intersection improvement at Spring Valley Road and State Route 48.

Mrs. Beals reported on Centerville's continuing recycling program. Centerville remains committed to commingled recycling. Additional "recyclables" stickers are available at the Municipal Building.

Mrs. Beals advised that the Council Street Committee continues to address the issue of concrete streets and how the City can deal with existing problems.

Mayor Heintz reminded the listening audience that a seminar will be conducted June 13, 1990 at 7:30 P.M. in the Council Chambers concerning the care of grass and alternatives to bagging grass clippings. This program is being coordinated by the Centerville City Beautiful Commission.

#### B. P. OIL COMPANY APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by the B. P. Oil Company (formerly known as Sohio Oil Company) against a decision rendered by the Planning Commission during their Meeting on March 27, 1990. The subject property is located at the southwest quadrant of the intersection of Wilmington Pike and the proposed extension of Clio Road. The Applicant has appealed a requirement of the Planning Commission that B. P. Oil Company dedicate to the City approximately 30 feet on the Wilmington Pike side of the site and approximately 45 feet on the Clio Road side of the site for public rights-of-way. Mrs. Cooper read correspondence received from David M. Rickert, Attorney for the Applicant, requesting that this Public Hearing be continued until June 18, 1990 in order that further discussion may take place between the Applicant and the City's Municipal Attorney. Mr. Kingseed moved that the Appeal submitted by B. P. Oil Company for property located at the southwest corner of Wilmington Pike and proposed Clio Road be tabled until the Council Meeting scheduled for June 18, 1990, as requested by the Applicant. Mr.

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Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 6-90 ARTS COMMISSION

The Public Hearing was held concerning Ordinance Number 6-90. Mr. Kenning reviewed this proposed Ordinance which reactivates the Centerville Arts Commission and makes three minor changes to the Ordinance passed by City Council establishing the Arts Commission in 1973:

Increases the membership from 5-15 to 7-15.

Non-residents may be appointed as Members of the Arts Commission; however, the majority must be Centerville residents. City Council shall appoint the Chairman of the Commission from its Membership.

Ms. Cathy Jeffers, 749 Clareridge Lane, an art teacher for twelve years, stressed the importance of educating and promoting the visual arts with the youth of today. Mayor Heintz pointed out the fact that the intent is to involve the various arts and to promote local talent of our community.

Mr. Stone outlined the involvement of the Arts Commission several years ago and stressed the importance of a Commission having many members, and the giving of 100 percent.

Mrs. Beals, recognizing this as another way to fulfill the need for more recreation and service to Centerville residents, sponsored Ordinance Number 6-90, An Ordinance Amending Chapter 157 Of The Centerville Municipal Code Relating To The Arts Commission, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 8-90 INCARCERATION OF MALE PRISONERS

Mr. Kenning reviewed a proposed Resolution authorizing an Agreement with the City of Kettering for the confinement of male prisoners awaiting arraignment for trial of the City of Centerville. This Agreement contains some minor changes to the previous Agreement with Kettering for the same purpose. Mr. Kenning defined this as a fair and equitable way to satisfy this need in a close and convenient location. Mr. Singer sponsored Resolution Number 8-90, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement With The City Of Kettering, Ohio For Incarceration Of Male Prisoners Awaiting Arraignment For Trial, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 9-90 HIGH SPEED RAIL SYSTEM

Mr. Kenning reviewed a proposed Resolution supporting the establishment of an intercity high speed rail passenger system to serve Cincinnati, Dayton-Springfield, Columbus and Cleveland. He emphasized the need for Dayton to be included in such a system if and when it is developed by the State of Ohio. Mr. Beasley sponsored Resolution Number 9-90, A Resolution In Support Of Efforts To Establish An Intercity High Speed Rail Passenger System Serving Cincinnati, Dayton-Springfield, Columbus And

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Cleveland, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

### ORDINANCE NUMBER 9-90 ADJUST BOUNDARY LINES

Mr. Kenning reviewed a proposed Ordinance to adjust boundary lines between the City of Centerville and the City of Kettering. Three minor changes will be made by the Ordinance to solve some problems with enforcement and maintenance. The property involved is vacant land, no homesites are affected. Mr. Beasley moved that Ordinance Number 9-90, An Ordinance To Provide For The Adjustment Of The Boundary Lines Between The City Of Centerville And The City Of Kettering And Authorizing A Contract Regarding Sidewalk Improvements, be set for Public Hearing on June 18, 1990. Mr. Compton seconded the motion. The motion passed unanimously.

### RESOLUTION NUMBER 10-90 PURCHASE RIFLES

Mr. Kenning reviewed a proposed Resolution authorizing the purchase of six very specialized rifles from the City's Law Enforcement Fund. State Law requires that this type purchase be authorized by legislation passed by Council. These rifles will be used in small environments by the Police Department. Mr. Stone sponsored Resolution Number 10-90, A Resolution Authorizing The Purchase Of Certain Specified Police Equipment And Authorizing The Payment For Said Equipment From The City's Law Enforcement Fund, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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

### RESOLUTION NUMBER 11-90 REAL ESTATE PURCHASE GOLF COURSE

Mr. Kenning reviewed a proposed Resolution to ratify action taken entering into an Agreement with Victor A. Green to act as the City's agent for the purchase of real estate for the Centerville Golf Course. In order to put together large parcels of land for a golf course it was appropriate and necessary to have a qualified real estate professional working for the City. Based upon this, the subject Contract was negotiated containing a flat rate, dependent upon actual consummation of the land purchase deals. Mr. Compton sponsored Resolution Number 11-90, A Resolution Ratifying The Action Of The City Manager In Entering Into An Agreement With Victor A. Green Appointing Him As The Agent For The City In Acquiring Certain Parcels Of Real Estate For The City And Authorizing Total Payment For His Services In The Amount Of Eighty-Four Thousand Five Hundred Dollars (\$84,500.00), and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Stone returned to the Meeting at this time.

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RESOLUTION NUMBER 12-90 REAL ESTATE PURCHASE GOLF COURSE

Mr. Kenning reviewed a proposed Resolution ratifying his actions entering into agreements for the purchases of real property and causing said purchases to be consummated on behalf of the City of Centerville. Mr. Compton sponsored Resolution Number 12-90, A Resolution Ratifying The Action Of The City Manager In Entering Into Agreements For The Purchase Of Real Property And Causing Said Purchases To Be Consummated On Behalf Of The City, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 13-90 REAL ESTATE PURCHASE GOLF COURSE

Mr. Kenning reviewed a proposed Resolution ratifying his action to execute an offer to purchase real estate located on the northeast corner of Yankee Street and West Social Row Road. Mrs. Beals sponsored Resolution Number 13-90, A Resolution Ratifying The Action Of The City Manager In Executing An Offer To Purchase Real Estate On The 21st Day Of May, 1990 And Authorizing The Payment Therefor, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 14-90 REAL ESTATE PURCHASE GOLF COURSE

Mr. Kenning reviewed a proposed Resolution authorizing the purchase of real estate from the Yankee Development Group. Mr. Compton sponsored Resolution 14-90, A Resolution Authorizing And Directing The City Manager To Purchase A 67 Acre Tract Of Land And A 42 Acre Tract Of Land From Yankee Development Group For A Gross Purchase Price Of Two Million Seventy-One Thousand Dollars (\$2,071,000.00) And Authorizing Payment For Same, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

1991 BUDGET

Mr. Kenning reviewed the proposed Tax Budget for the City of Centerville for 1991, which according to State Law, must be submitted to the County Auditor prior to July 15, 1990. Mr. Beasley moved that the 1991 Tax Budget for the City of Centerville be set for Public Hearing on June 18, 1990. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

SISTER CITY COMMITTEE REAPPOINTMENTS CLAY, MATHIES, TUTTLE

Mayor Heintz advised that the term of three Sister City Committee Members will soon expire, they have indicated a desire to serve another term. Mrs. Beals, recognizing the many volunteer hours these Members have contributed, moved that Mrs. Joanna Clay, Mrs. Bonnie Mathies and Mrs. Margaret Tuttle be reappointed as Members of the Sister City Committee. Mr. Compton seconded the motion. The motion passed unanimously.

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THOMAS PAINE SETTLEMENT NUMBER THREE CLYO ROAD

Mr. Kenning reviewed correspondence received from Attorney Barry Mancz on behalf of John G. Black Enterprises, Inc. requesting the extension of the Subdivider's Agreement executed for the completion of Cloyo Road in the vicinity of Thomas Paine Settlement Number Three. This Agreement has been extended regularly until such time it is deemed appropriate to construct Cloyo Road through this development. Mr. Stone moved that the Subdivider's Agreement for Thomas Paine Settlement Number Three - Cloyo Road, be extended from June 10, 1990 until December 10, 1990. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Hantz  
Mayor

ATTEST:

Maria McDougall  
Clerk of Council