

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 18

20 05

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 18, 2005, at 8:00 P.M., in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor John Bradosky of the Epiphany Lutheran Church and City Chaplain, and the pledge of allegiance to the flag led by Boy Scout Troop 116, with Mayor C. Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor Douglas Cline
- Councilmembers Susan Lienesch
- James Singer
- Robert Corbin
- Brooks Compton
- Paul Gresham

- Clerk of Council Marilyn McLaughlin
- Assistant Clerk of Council Debra James
- City Manager Gregory Horn
- Public Works Director Robert James
- City Engineer Douglas Spitler
- City Planner Steve Feverston
- Finance Director Mark Schlagheck
- Assistant to the City Manager Jennifer Kuschnerus
- Public Works Operations Manager Mary Lou Pence
- Municipal Attorney Scott Liberman

- The minutes of the following meetings had been distributed prior to this meeting:
- Council Meeting - March 21, 2005.
 - Work Session Meetings - March 21, 2005.
 - April 4, 2005.
 - April 11, 2005.

Centerville City School Superintendent Gary Smiga, Board President Karen Myers, Board Member John Doll and Treasurer Steve Henshaw, were present at this meeting to give an overview of the Centerville schools combined bond issue and operating levy to be before the electorate at the May 3, 2005 election ballot. He emphasized the areas in which additional revenue is needed. He concluded with the fact that moneys will not come from the State, State support is projected to reduce considerably, local support is mandatory.

In answer to a question of Mr. Cline, Mr. Smiga advised that a time has not been set for the school district to come back for additional money, if this issue is passed on May 3, 2005. Three years is mentioned in the brochure, but the time will be stretched as far as possible. There are too many unknowns at this time.

Mr. Corbin emphasized the fact that the State government is cutting funds in all categories, local funds are necessary.

Mr. Singer pointed out that "protect your investment" not only means the schools, it also means one's own property.

Dr. Gresham moved that the minutes of the foregoing meetings, as distributed be approved, Mrs. Lienesch seconded the motion, The motion passed unanimously with Mr. Cline abstaining from the April 11, 2005 meeting

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *April 18*20 *05*

Other members of Council shared their great experiences with Centerville schools. Mr. Cline advised that during the Create the Vision Long Range Comprehensive Plan discussions, good schools was a primary issue.

Mayor Kingseed announced the following events during the past month:

March 30, 2005, the City hosted a breakfast at Yankee Trace for the religious leaders in the community, to determine needs and how they can be met.

April 14, 2005, volunteers in the community were recognized at a Volunteer Salute at Yankee Trace.

Mr. Cline read a Proclamation designating Thursday, April 21, 2005, as Arbor Day in the City of Centerville.

Mrs. Lienesch read a Proclamation designating the period between May 2 - 5, 2005, as Operation Clean Sweep in the City of Centerville.

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

Buildings have been demolished in the center of town to make way for the construction of over 100 parking spaces.

The City's Annual report will be mailed during the second week in May.

Mrs. Kuschnerus outlined code violations and resolutions for the month of March, 2005, as well as the community calendar for the coming month.

Mr. Compton announced that the Project Manager for the implementation of Create the Vision will be selected soon.

Mayor Kingseed explained the Consent Agenda which contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He brought attention to the appointments and reappointments to be made by passage of the Consent Agenda. Mrs. Lienesch moved that the following items on the Consent Agenda be approved:

1. Resolution Number 15-05, A Final Resolution Enacted By The City Of Centerville, Ohio, Hereinafter Referred To As The Legislative Authority/Local Public Agency Or "LPA", In The Matter Of The Stated Described Project.
2. Resolution Number 16-05, A Resolution Accepting The Bid Submitted By The R. A. Miller Construction Company For The Centerville Station Road Improvement Project In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.
3. Resolution Number 17-05, A Resolution Authorizing The City Manager To Execute A Joint Agreement Between The City of Centerville And The Greene County Engineer For The Resurfacing Of That Portion Of Wilmington Pike Located In The City Of Centerville.

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *April 18*20 *05*

4. Appointments:

Linda Snyder to the Centerville Arts Commission.
Robert Cahill to the Centerville Arts Commission.

5. Reappointments:

Richard Morrison to the Centerville Property Review Commission.
Alok Khare to the Board of Architectural Review.
Mark Leonard to the City Beautiful Commission.

Mr. Singer seconded the motion. The motion passed unanimously.

LAKEWOOD AT THE COMMONS AT YANKEE TRACE GATE

The Public Hearing was held concerning a request filed by Councilmember Robert Corbin for City Council to review a minor amendment recently reviewed by the Planning Commission to remove the requirement for an entryway gate from the Development Plan to the area known as Lakewood at the Commons at Yankee Trace. He identified the location of the gate on a map, being situated between Little Yankee Run (a private street) and Yankee Trace Drive (a public street), and explained that City Staff, the Fire Department and Police Department recommend that the gate be eliminated from the Plan. The developer has requested that the gate be eliminated. Mr. Feverston advised that it is the opinion of the Municipal Attorney that the gate is unenforceable by the City. The Planning Commission by a 1-2 vote, denied the request of the developer that the gate be removed from the Development Plan.

Greg Smith, representing the Oberer Companies, explained that it was the previous developer that requested the gate. He listed various solutions that Oberer considered instead of the gate, but the Fire Department was not in favor of any of them.

Bruce Ervin, 1121 Kenworthy Place, pointed out that the new developer knew that the gate was on the Development Plan. He cited reasons for safety concerns with narrow streets. Mr. Ervin fears that extra cut through traffic will traverse through the development onto Yankee Trace Drive. He suggested that City Council conduct a traffic study before any action is taken.

Katie Gammell, 9448 Lantern Way, invited City Council to observe safety concerns in her neighborhood and identified traffic congestion at Little Yankee Run and Yankee Trace Drive.

Sherry Parmer, 9498 Lantern Way, expressed concern with increase in traffic on narrow streets. When she bought her residence she knew that the area would be gated.

Bonnie Geiger, 1420 Little Yankee Run, wants the gate for the safety of the older people who live in the Lakewood at the Commons, it is a 55 year and older community.

In answer to a question of Mr. Singer, Mr. Horn advised that the Staff does not believe that a traffic study is warranted in this area. There is not a sight distance issue. Mr. James explained why two accesses are desirable for safety and emergency reasons. He does not foresee a traffic problem on Yankee Street or Paragon Road.

As questioned by Mrs. Lienesch, Mr. Feverston explained that the private streets are owned and maintained by the homeowners' association. He advised that motorists from other areas can travel on the private streets in Lakewood at the Commons, but they probably will not. There is not a direct route through Lakewood at the Commons. Mrs. Lienesch expressed concern with setting a precedent if Little Yankee Run is open to Yankee Trace Drive. Mr. Feverston

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 18

20⁰⁵

identified other areas in the City where private streets join public streets.

Mayor Kingseed did not see a negative impact on property owners in Yankee Trace, if the gate is removed.

Mrs. Lienesch expressed concern with the increase of traffic and traffic control on Yankee Trace Drive.

Mr. Corbin moved to approve the request filed by Oberer Land Developers that the Planning Commission consider a minor amendment to the Development Plan for Lakewood at the Commons at Yankee Trace for the elimination of the emergency access gate at the intersection of Little Yankee Run and Yankee Trace Drive. Mr. Liberman clarified the fact that the Planning Commission denied this request and by this motion being made, the Planning Commission's decision is overturned. Mr. Cline seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Singer, Mrs. Lienesch and Dr. Gresham voted no.

Dr. Gresham left the meeting at this time due to a potential conflict of interest in the next agenda item.

THE MOMMY CONNECTION APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed against a decision rendered by the Board of Architectural Review relative to a Special Approval Application for the erection of a sign at 155 South Main Street in the Architectural Preservation District. Mr. Feverston reviewed this Appeal filed by The Mommy Connection, c/o Darinda Reis, and located the subject property on a map. The sign proposed contained a color not on the color chart and did not meet the design review criteria for the Architectural Preservation District. The sign consists of a stork and text, with the stork being the dominate feature. Approval of the sign was denied by the Board of Architectural Review.

Darinda Reis, owner of the business at 155 South Main Street and resides at 7560 Pine Frost Lane, advised that the sign proposed meets all criteria in design, size and materials as outlined in the Zoning Ordinance. She brought attention to signs for other businesses in the Architectural Preservation District which have objects on them. Mrs. Reis pointed out that the stork has historical character.

Roy Wilson, 34 Peach Grove Avenue, stated his opposition to the stork.

Mr. Feverston verified the fact that the sign does meet size requirements but the stork does not meet the design review criteria for the Architectural Preservation District.

Upon question of Mrs. Lienesch, Mr. Feverston advised that the colors of the sign are listed on the approved color chart.

Mr. Compton expressed concern with the effects this sign could have on future signs, it is not in keeping with the Architectural Preservation District.

Mr. Corbin pointed out that as long as Centerville has an Architectural Preservation District, the Board of Architectural Review should be supported in their decisions. The decision of the BAR was unanimous.

Mr. Compton moved that the appeal filed by Darinda Reis on behalf of The Mommy Connection be denied. Mr. Corbin seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Singer and Mrs. Lienesch voted no.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 1820 05

Dr. Gresham returned to the meeting at this time.

KARRAS PROPERTY MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning a Major Use Special Approval Application filed by Terry Karras for property located south of Alexandersville-Bellbrook Road and west of Wilmington Pike, situated in the Cities of Centerville and Bellbrook. Mr. Feverston reviewed this Major Use Plan which includes a 32.73 acre parcel which has three separate zone classifications: Residential-Planned Development (R-PD), Office-Planned Development (O-PD), and Business-Planned Development (B-PD). This Major Use Plan includes a site plan for the Primrose Day-care Center. Mr. Feverston located the subject property on a map and identified the location of the Daycare Center within the development. He explained the traffic configuration on the plan as well as the required 100 foot buffer zone, and accesses into the property. The Planning Commission, by unanimous vote, recommended approval of this Major Use Special Approval to City Council, subject to the following conditions:

1. Sixty (60) feet of right-of-way shall be dedicated along Alex-Bell Road from the centerline, subject to approval by the City Engineer.
2. Alex-Bell Road shall be widened to include an additional lane of pavement, curb, gutter, storm sewer, and a concrete sidewalk, subject to approval by the City Engineering Department. In-lieu-of construction, the applicant may place moneys in escrow with the City in an amount equal to the cost of these improvements for the future improvement of Alex-Bell Road subject to approval by the City Engineer. The City Engineer may require the developer to make temporary improvements to Alex-Bell Road, which at this time is expected to include a temporary left-turn lane at the proposed public street into the development and a concrete sidewalk. The applicant shall submit an estimated cost of both permanent and temporary improvements. The cost of all temporary improvements shall be subtracted from the required escrow amount. The design of any required temporary improvements shall be subject to approval by the City Engineering Department.
3. Final design and alignment of the proposed public street within phase one of this development shall be subject to approval by the city Engineering Department. Additional right-of-way may be required to align the intersection with the Planet Ford driveway to provide safe ingress/egress.
4. The proposed public streets south of the Whites corner Tributary, including the bridge over the stream, shall be constructed in their entirety when the second parcel develops south of the creek.
5. All street names shall be approved by the City Planning Department.
6. All private streets shall be constructed to City standards excepting street width as shown on the Major Use Plan subject to approval by the City Engineering Department. Additional curb cuts onto Alex-Bell Road shall be prohibited.
7. A sidewalk shall be constructed from the southern portion of the future Springbrooke Condominiums to connect with the proposed cul-de-sac subject to approval by the City Planning Department.
8. All turning radii on the site plan shall conform to the WB-50 engineering template

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held April 18

20 05

- for emergency fire apparatus access, subject to approval by the City Engineering Department.
9. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
 10. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance. In-lieu-of constructing the permanent linear detention basin along the north side of the Whites Corner Tributary, a temporary detention basin may be constructed to accept stormwater run-off from the public street proposed in phase 1 of this development. The permanent basin shall be constructed in its entirety at the time when a second lot is developed within the B-PD zoning district.
 11. The proposed detention basins shall be constructed in a manner to minimize disturbance of any significant trees, subject to approval by the City Engineering Department.
 12. A flood plain development permit shall be provided to the City prior to issuance of any building permit subject to approval by the City Engineering Department.
 13. An easement shall be recorded to allow for emergency access to the detention basins by the City.
 14. Covenants shall be recorded to provide for the future private maintenance of all private streets, detention basins, and common areas subject to approval by the City Attorney.
 15. A final screening and landscaping plan shall be submitted for each development parcel at the time approval is sought, subject to approval by the Planning Department. The bufferyard adjacent to the R-PD zoned land shall be installed at the time the public street is constructed. The plans shall conform to the landscape, screening, and bufferyard requirements contained in the Zoning Ordinance. The plan shall identify existing trees to be preserved and a grading limit shall be established at the drip line of those trees. Trees preserved on site may be credited towards satisfying the landscape and screening requirement of the Zoning Ordinance.
 16. A performance bond or other construction guarantee shall be posted by the developer for all landscaping and screening improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
 17. The future development of the Springbrooke Condominiums shall be developed in accordance with all conditions of the original Major Use Plan approved by City Council on October 24, 1994.
 18. The proposed day care building shall be flipped on the site, north to south, so all outdoor play areas are located out of the front yard subject to approval by the Planning Department.
 19. The dumpster for the proposed daycare shall be located out of view from the

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *April 18*20 *05*

public right-of-way and screened using brick and/or stone to match the materials of the building subject to approval by the City Planning Department.

20. The final design of the fencing for the proposed daycare shall be subject to approval by the Planning Department.
21. A final exterior lighting plan for the proposed daycare shall be subject to approval by the City Planner.

John Koverman, Attorney for the Karras Group, advised that the curb cuts of private streets may be changed depending upon uses. He stated their concurrence with all conditions recommended by the Planning Commission. In answer to a question of Mr. Singer, Mr. Koverman identified public and private streets proposed in the development.

Jim Alt, Architect for the Primrose Daycare Center, stated their concurrence with the 21 conditions. He identified the detention which will be provided on property owned by the Day-care Center.

Mr. Cline moved that the revised Major Use Special Approval Application submitted by Terry Karras for property located south of Alexandersville-Bellbrook Road and west of Wilmington Pike be approved as recommended by the Planning Commission including the 21 conditions as stated previously. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 01-05 CODE RECODIFIED

The Public Hearing was held concerning Ordinance Number 01-05. Mr. Horn advised that the Clerk of Council works closely with a Codification Company to keep the Centerville Municipal Code up to date with City Ordinances, Resolutions and State Code. Dr. Gresham sponsored Ordinance Number 01-05, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinance, Providing For the Adoption And Publication of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Joseph Koussa, 1537 Beaver creek Lane, asked that troops come home safely and urged motorists to conserve on the use of gasoline. He also reminded the public to vote on May 3, 2005.

There being no further business, the meeting was adjourned.

Approved: *C. Mark Kinsred*
Mayor

ATTEST: *Marilyn J. McLaughlin*
Clerk of Council