

RECORD OF PROCEEDINGS

Minutes of *COUNCIL*

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held *November 18*20 *02*

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 18, 2002, 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 Cub Scout Pack 530, Den 11 with Mayor Sally Beals presiding. Scouts individually introduced themselves to the listening audience. Councilmembers and City Staff present were as follows:

Deputy-Mayor C. Mark Kingseed

Councilmembers James Singer
 Roger Krass
 Susan Lienesch
 Paul Gresham
 Douglas Cline

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Debra James
 City Manager Gregory Horn
 Planner Ryan Schrimplin
 Public Works Director Robert James
 Finance Director Mark Schlagheck
 Economic Development Administrator Chris Pozzuto
 Assistant to the City Manager Jesse Lightle
 Municipal Attorney Robert Farquhar

The minutes of the following meetings had been distributed prior to this meeting:

Council Meeting - October 21, 2002.
 Work Session Meetings - October 21, 2002.
 - October 28, 2002.
 - November 4, 2002
 - November 11, 2002.

Mr. Kingseed moved that the minutes of the foregoing meetings be approved, as distributed.

Mrs. Lienesch seconded the motion. The motion passed by unanimous vote with the following abstentions:

Mr. Cline from the October 28, 2002 Council Work Session.
 Mr. Krass from the November 11, 2002 Council Work Session.

Mr. Kingseed outlined the work of the Committee formed to study enhancing and improving the War Memorial in the Leonard E. Stubbs Memorial Park. The Committee sought input from design firms using the Charrette System to gather ideas for the Committee to consider. After the Charrette process, the Committee selected Earl Reeder Associates as the chief architect to enhance and design the new War Memorial. Mayor Beals presented to the following participants in the Charrette process a token of appreciation for their voluntary work in this endeavor: Virginia Krause Hess; Eric Sauer, Envision works; Eric Fogarty, Dodds Monuments; Bryan Choi, Architects Associated Inc.; and Earl Reeder, Earl Reeder Associates.

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Mr. Reeder outlined his experience serving on this Charrette group of architects. He showed slides of their concept which deals with three objectives: 1) to provide appropriate space for the veterans' ceremony, 2) to make it an educational event, and 3) to integrate features that are presently in Stubbs Park. Mr. Kingseed advised that additional meetings will be held to make this a broad based community effort. The project is being funded by the City of Centerville and Washington Township, each contributing \$50,000.00 and hopefully by private dollars.

Congratulations were extended to City employees for the following honors:

Finance Director Mark Schlagheck - Second CAFR award.

Assistant to the City Manager Jesse Lightle - Outstanding Wright State Alumnae.

Golf Professional Patrick Bayley - Southern Ohio PGA Merchandiser of the Year.

Congratulations were also extended to the Washington-Centerville Public Library for being chosen number 1 in its category for the third year.

Mayor Beals recognized the following new businesses who opened their doors in the City of Centerville:

Otto Bock Health Care, 84 Westpark Road

LaRosa's Pizzeria, 291 East Alexandersville-Bellbrook Road

Joli Boutique, 27 West Franklin Street

Members of Council will be attending the National League of Cities, 79th Congress of Cities and Expositions, in Salt Lake City, Utah, December 2-8, 2002.

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

The Montgomery County Solid Waste Financial Advisory Committee advertised for bids for landfill needs and received five bids, all are at or below the current levels. This means that the tipping fee should remain stable for the next five to six years.

At the recent Mayors and Managers Association meeting natural gas and electric aggregation was discussed. They encouraged government entities to place this item on the May election ballot to enable residents to make choices relative to gas and electric services in the future.

Condolences were expressed to the Stanley Bostic family upon the passing of Sharon, a former employee of the City of Centerville.

Miss Lightle outlined code violations and resolutions for the month of October, 2002, as well as the community calendar for the coming month.

During his Legislative update, Mr. Pozzuto reviewed the following two bills which impacts our community:

HR5005 - Establish a Department of Homeland Security.

HB258 - Prohibit Residency Requirements.

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YANKEE TRACE PARCEL THIRTY-ONE SPECIAL APPROVAL

The Public Hearing was held concerning the Planning Commission Special Approval Application submitted by Great Traditions Land and Development Company to permit the development of 25.778 acres of land, zoned R-1c, Single-Family Residential, into 108 units. City Council requested a review of this Special Approval Application. The property is located east of Paragon Road and west of Shawnee Trail in Rose Estates. Proposed is a residential cluster development consisting of 1 single family unit, 32 duplexes and 75 triplexes. Mr. Schrimplin located the subject property on a map being situated around new golf holes 6 and 7 of The Golf Club at Yankee Trace. The Planning Commission approved this Application subject to the following conditions:

1. A fire lane shall be constructed to connect Legendary Way to Shawnee Trail with the final design subject to approval by the Planning Department. The fire lane may be combined with the pedestrian path in this area.
2. The final design of all "skin" improvements, including street lights, hiker/biker paths, horse park fence, signs, decorative walls, and landscaping shall be subject to approval by the Planning Department.
3. The Sandwedge Court (labeled as Mackenzie Drive) cul-de-sac be designed in a manner similar to Section 9, subject to approval by the Engineering Department.
4. Mackenzie Drive shall be renamed to Mackenzie Court.
5. A final grading and stormwater drainage plan shall be approved by the 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.
6. A hard surface roadway capable of providing emergency vehicle access and support at all times shall be provided during construction.
7. A minimum of one (1) side entry garage shall be provided for every double or triple building unit.
8. The applicant shall work with the Planning Department to develop a material and color palette that varies throughout the project in a consistent pattern.

Mr. Schrimplin explained how the southwestern portion of this development has been reconfigured in order to provide that most driveways in this area have access to the public street. In order to provide a connection between walkways and bikeways in this Parcel 31, City staff recommended the addition of the following two conditions:

9. Should a sidewalk be incorporated into the plan for this development, the setbacks for the units along hole number 6 may be modified subject to approval by the City.
10. All units shall have a minimum driveway length of twenty (20) feet. If a sidewalk is present, the 20 foot distance shall be from the back of the sidewalk to the garage door.

In answer to a question of Mr. Singer, Mr. Schrimplin advised that City staff and the developer have been discussing the possibility of a sidewalk in the area of hole number 6. Mr. Horn advised that some issues must be addressed by the City, the developer and the builder, prior to a decision being made on this issue. The sidewalk can be incorporated into the Record Plan.

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As questioned by Mrs. Lienesch, Mr. Horn explained that there has been excellent communication with residents in Rose Estates relative to this Preliminary Plan; changes have been made to satisfy the concerns of these residents. Look-a-like electric lights will be put in place in this Parcel instead of gas lights. Mr. Kiefer pointed out that only four units will not have side entry garages, these units are specified on the revised Preliminary Plan. Mr. Horn explained the importance of the two sidewalks in this plat for safety reasons.

Mr. Kingseed moved that the Preliminary Plan for Yankee Trace, Parcel 31, be approved subject to the conditions required by the Planning Commission and added to and amended by City Council as follows:

9. Should a sidewalk be incorporated into the plan for this development, the setbacks for the units along Hole Number 6 may be modified subject to approval by the City.
10. All units shall have a minimum driveway length of twenty (20) feet from the curb to the garage door. If a sidewalk is present, the 20 foot distance shall be from the back of the sidewalk to the garage door.
11. That condition number 7 required by the Planning Commission be modified to permit 4 building units, as identified by the developer, to be constructed without side entry garages.

Mr. Krass seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 14-02 APPROPRIATION ADJUSTMENT

The Public Hearing was held concerning Ordinance Number 14-02. Mr. Schlagheck reviewed this proposed Ordinance which amends the City's 2002 budget appropriations, it affects seven different funds, and includes a reduction in appropriations by approximately 1.7 million dollars due to capital programs being eliminated or extended to the year 2003. Mr. Singer sponsored Ordinance Number 14-02, An Ordinance To Amend Ordinance 35-01 To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2002, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

Jack Kindler, 9719 Greenside Court, expressed appreciation to City Council and Staff for their support over the past year and one half concerning the development of Yankee Trace and the requirement of a second swimming pool in the Yankee Trace development. He also thanked Great Traditions Land and Development Company for their cooperation.

ORDINANCE NUMBER 15-02 GOLF FEES

Mr. Horn reviewed a proposed Ordinance to make a few and very minor fee adjustments for the year 2003 at The Golf Club at Yankee Trace. Miss Lightle outlined adjustments to be made and pointed out that the Ordinance does not include any changes in green fees or cart fees. Mr. Cline sponsored Ordinance Number 15-02, An Emergency Ordinance To Amend Ordinance Number 30-01, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 16-02 GOLF FEES

Mr. Singer moved that Ordinance Number 16-02, An Ordinance To Amend Ordinance Number 30-01, Adopting All Fees Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, be set for Public Hearing on December 16, 2002. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 46-02 0.128 ANNEXATION

Mr. Horn reviewed a proposed Resolution to accept the annexation of a sliver of right-of-way located just north of the entrance off Paragon Road to The Golf Course of Yankee Trace. Mrs. Lienesch sponsored Resolution Number 46-02, A Resolution Accepting The Annexation Of Property Owned By The City Of Centerville Which Is Contiguous To The Corporate Limits Of The City And Which Is Located In The Unincorporated Area Of Washington Township, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 47-02 LEASE AGREEMENT WITH CRICKET

Mr. Horn reviewed a proposed lease agreement with the Cricket Ohio Property Company to co-locate their facilities on the new communications tower located at the new Centerville police facility. The agreement provides for an annual fee of \$19,200.00 for an initial five year contract renewal with four five year options with a three percent increase per renewal. The limit for Cricket is twelve antennae on the tower. Mr. Horn pointed out that this is a way to recover some of the cost of the communications tower. Mrs. Lienesch sponsored Resolution Number 47-02, A Resolution Authorizing The City Manager To Enter Into A Lease Agreement Between The City Of Centerville And The Cricket Ohio Property Company, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 48-02 PROSECUTION SERVICES

Mr. Horn advised that the City of Centerville has contracted independently with City of Kettering employees for Municipal Court Prosecution Services. The City of Kettering now requests that these services be supplied through the City by agreement between both entities. The annual fee of \$23,000.00 paid independently by the City of Centerville will now be increased to \$64,000.00. The agreement includes a thirty day cancellation clause. Discussion followed relative to various inclusions in the agreement. City Staff will continue to look at other options. Mr. Kingseed sponsored Resolution Number 48-02, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement Between The City Of Centerville And The City Of Kettering For Municipal Court Prosecution Services, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 49-02 CHEMICALS FOR GOLF COURSE

Mr. Horn reviewed a memorandum received from Golf Course Superintendent John Miller relative to the purchase of chemicals for The Golf Club at Yankee Trace. Bids were received from four suppliers and opened on this date. Mr. Miller recommended acceptance of part of the bid submitted by ProSource One in the amount of \$83,980.39 and part of the bid submitted by Turfgrass South in the amount of \$2,880.00. Mr. Krass sponsored Resolution Number 49-02, A Resolution Accepting The Bids Submitted By ProSource One and Turfgrass For The Purchase Of Chemicals For The Golf Course At Yankee Trace And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Mayor Beals wished all a Happy Thanksgiving.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals
Mayor

ATTEST: Marilyn J. Sandage
Clerk of Council