

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held November 19

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 19, 2001, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Deputy-Mayor James Singer, and the Pledge of Allegiance to the Flag led by Boy Scout Troop 299 and 236, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
 Councilmembers Susan Lienesch
 Paul Gresham
 C. Mark Kingseed
 Roger Krass
 Douglas Cline
 Clerk of Council Marilyn McLaughlin
 Assistant to the Clerk of Council Debra James
 City Manager Gregory Horn
 Assistant City Manager Judith Gilleland
 City Engineer Norbert Hoffman
 City Planner Steve Feverston
 Municipal Attorney Robert Farquhar
 Assistant to the City Manager Jesse Lightle

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

Council Meetings - October 15, 2001.

- October 22, 2001.

- November 5, 2001.

Work Session Meetings - October 15, 2001.

- October 22, 2001.

- November 5, 2001.

- November 12, 2001.

Mr. Cline moved that the minutes of the foregoing meetings be approved, as distributed. Dr. Gresham seconded the motion. The motion passed by unanimous vote with Mr. Singer abstaining from the minutes of November 12, 2001 and Mr. Krass abstaining from the minutes of November 5, 2001.

Mr. Bradford Tillson, Cox Ohio Publishing and Chairman of Inventing Flight, Dayton 2003, accompanied by Madeline J. Iseli, Executive Director, were present at this meeting to outline some of the plans, program highlights, and financial needs for the Inventing Flight celebration in Dayton during the year 2003. Mr. Tillson listed the many legacies that this celebration will leave for the future. It is estimated that all the programming will cost \$40,000,000.00 of which they currently have in place approximately \$26,000,000.00. He asked for financial, advertising and volunteer support from the City of Centerville and City residents. Municipalities have been asked to pass a Resolution in support of Inventing Flight and for \$1.00 per capita between now and the year 2003.

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Washington Township Fire Chief Ken Parks was present to give an overview of accomplishments by the Fire Department during the past five years and plans for the future. Upon question of Mr. Krass, Chief Parks advised that a continuing levy will need to be looked at within the next few years.

Mayor Beals administered the Oath of Office to Centerville Arts Commission member Amy Krug.

Mayor Beals announced the following events which have taken place during the past month and will take place during the coming weeks.

Residents in the community were encouraged to volunteer to serve on City Boards, Commissions and for general services for the City of Centerville.

Two new businesses opened their doors in the City of Centerville: Creative Cut-ups in the Franklin Square shopping area on East Franklin Street, and Morning Sun Florist at the southwest corner of Main and Franklin Streets.

Two very successful events took place on November 11, 2001 in recognition of Veterans Day: a wreath was placed on the War Memorial in the Leonard E. Stubbs Memorial Park and a display was provided at the Centerville Library by the Centerville-Washington Township Historical Society.

The Christmas Tree Lighting ceremony was held on Sunday, November 18, 2001 at Benham's Grove.

The City of Centerville has a local disaster plan for residents in Centerville and Washington Township. This plan has been coordinated by employees of both entities. Joint services which would be available from neighboring communities at the time of a disaster were also outlined.

An Open House will be planned for the new Police Facility after the first of the year 2002. Mayor Beals wished all a Happy Thanksgiving.

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

All highway land acquisition for the widening of Alexandersville-Bellbrook Road has been obtained with two businesses, Rets Tech Center and Kimco Realty, donating their portion of needed right-of-way.

The City's 2002 Budget will be discussed by City Council during the following two Monday evenings.

Audio devices have been installed at specific intersections in the City of Centerville to assist visually impaired pedestrians when crossing the street.

Construction work on the new police facility is progressing well. Mr. Horn outlined the emergency components which will be contained in the new facility in need when a disaster would occur.

Miss Gilleland outlined code violations and resolutions for the month of September, 2001 as well as the community calendar for the coming month.

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DANIEL COBB MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning the Major Use Special Approval Application submitted by Daniel Cobb for the construction of a residential scale office park consisting of seven individual buildings at the southwest corner of Alexandersville-Bellbrook Road and Clys Road. Mr. Feverston located the subject property on a map consisting of a 5.324 acre parcel zoned O-PD, Office-Planned Development which permits this type of use. In accordance with the Centerville Zoning Ordinance, a 100 foot buffer strip will be required between this development and Whispering Oaks Condominiums. A full movement intersection is proposed at Ambridge and Clys Roads. Mr. Feverston explained how the roadway into the development off Clys Road will slightly encroach into the buffer strip. Some additional plantings will be necessary in the northern portion of the buffer strip. The plan includes a detention/retention area to be located behind the building pad areas with parking in the front of buildings to create less impact upon the adjacent residential neighborhoods. The parking will be approximately twenty feet back from the sidewalk and four to seven feet below the edge of curb along Clys Road. The buildings will be constructed of brick and E.I.F.S. materials with a shingled pitched roof and some will have a walkout on the rear elevation. The plan includes the location of two dumpsters on the property. Mr. Feverston identified how this project could be constructed in phases. The Planning Commission recommended that if this is developed in phases, that landscaping be required along Clys Road with the first phase. The Planning Commission, by a vote of 6-1, recommended approval of this Major Use Special Approval Application, subject to the following conditions:

1. Clys Road shall be improved by the developer to provide a left-turn lane subject to approval by the City Engineering Department.
2. The final design and alignment of the driveways to Alex-Bell and Clys Roads shall be subject to approval by the City Engineering Department.
3. The two (2) southeastern parking spaces shall be eliminated from the buffer yard.
4. A five (5) foot wide sidewalk shall be constructed to connect with the public sidewalk near the intersection of Alex-Bell Road and Clys Road subject to approval by the City Planner.
5. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
6. The Planning Commission shall approve the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and shall be visually compatible with surrounding buildings. Specifically, the Planning Commission must approve the use of E.I.F.S. (Dryvit) as an exterior siding material. The final design of all future buildings shall be subject to approval by the Planning Commission.
7. 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. The developer shall work with the City Engineering Department to increase the retention/detention capacity on the property, if practical, with any additional cost as a result of oversizing to be paid by the City.

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8. A final landscape and bufferyard plan shall be subject to approval by the City Planner. The required 100 foot bufferyard shall be maintained in its natural state and left undisturbed except to allow the access drive to connect with Clyo Road at Ambridge Road including necessary grading for this drive. Grading for the detention basin may also encroach only where the bufferyard is void of significant trees. The bufferyard shall be more intensively screened with trees in these areas and where there are gaps in the natural screening subject to approval by the City Planner.
9. A Performance Bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard 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.
10. A final exterior lighting plan shall be subject to approval by the City Planner.
11. The final design, location, and screening of the dumpsters shall be subject to approval by the City Planner.

Mr. Frank Wright, Reinke and Associates and engineer for the project, explained how the proposed buildings are clustered around the driveway that connects Alexandersville-Bellbrook Road and Clyo Road to keep them as far as possible from the streets and to prevent the parking area from butting up against existing buildings in Whispering Oaks. Due to the fact that the construction of only one building is proposed at this time, the developer does not wish to construct the driveway system along both frontages with this first phase. Mr. Wright explained that it would be possible to provide the necessary landscaping along Clyo Road with the first phase, but expressed concern that damage could occur when curb and gutter are put in place.

Mr. William Schoenfeld, 7076 Fallen Oak Trace, expressed concern with increase in traffic and changes in traffic patterns which he anticipates with this proposed development. He also questioned whether the detention basin and stream will be sufficient to keep the flow of water under control.

In answer to a question of Mr. Joseph Medsker 7056 Fallen Oak Trace, Mr. Wright advised that the construction of only one building is anticipated at this time, the purchase of additional buildings will dictate the length of time this project will be under construction. Mr. Wright advised that the two access points: one on Clyo Road and one on Alexandersville-Bellbrook Road are the only logical places to exit traffic from this property. The detention basin will be engineered with the final development plans; it is large enough and is away from the stream.

Upon question of Mayor Beals, Mr. Hoffman advised that the final details relative to the design of the detention basin have not been made; they will be developed and approved prior to the beginning of construction on the site. He will encourage the developer to construct the entire basin at one time.

Ms. Joyce Baumaster, 7137 Fallen Oak Trace, expressed concern with water shedding from the corner of Alexandersville-Bellbrook and Clyo Roads as well as from properties and parking lots to the west. Mr. Hoffman advised that a consultant has reviewed the Alexandersville-Bellbrook construction operation; their study does not estimate a large increase of water at peak flows. The businesses to the west were required to install detention basins to

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control their water run off when their property was developed. Mr. Hoffman advised that with this development in place there will be better control of water run off through this tributary area.

Mrs. Susan Medsker, 7056 Fallen Oak Trace, expressed concern with the amount and type of vegetation which will be required in the 100 foot buffer strip and the location of the dumpsters. Mr. Feverston advised that the Zoning Ordinances addresses the type of trees and shrubs to be planted in the buffer strip.

Upon question of Mr. Kingseed, Mr. Feverston explained that the dumpsters will be screened with a physical barrier and extensive landscaping, a combination of shrubbery and trees.

In answer to a question of Mrs. Lienesch, Mr. Feverston advised that constructing the entire detention basin with the first phase of development makes good sense.

Mr. Kingseed moved that the Major Use Special Approval Application submitted by Daniel Cobb for the development of an office park at the southwest corner of Alexandersville-Bellbrook Road and Clyo Road be approved as recommended by the Planning Commission subject to all recommended conditions, plus the following conditions:

1. The project be permitted to be constructed in phases.
2. Screening along Clyo Road and Alexandersville-Bellbrook Road be put in immediately.
3. The dumpsters be screened on full year basis.
4. The undeveloped area of phase two be seeded so that it will be grassed and not just left in a vacant state.
5. As part of phase one, a full detention basin capable of catching water for the entire development be put in place.

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

RESOLUTION NUMBER 83-01 DISPOSAL OF WILDLIFE

Mr. Horn reviewed a proposed agreement between the City of Centerville and the Board of Commissioners of Montgomery County for the disposal of wildlife delivered to the Animal Shelter by the City of Centerville. This is an annual agreement for wildlife which is generally road kill. The cost for this service is \$30.00 per wildlife disposed. Upon question by Mr. Krass, Mr. Horn advised that this only deals with dead wildlife, not domestic animals. Dr. Gresham sponsored Resolution Number 83-01, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Board Of Commissioners Of Montgomery County For The Disposition Of Wildlife Delivered To The Montgomery County Animal Shelter By The City Of Centerville, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 84-01 EASEMENT FROM MANORCARE

Mr. Horn advised that a very small easement was needed from Manorcare Health Services, Inc., located at the intersection of Norwich Lane and Clyo Road, in order that a bus stop gazebo could be installed by the City of Centerville. This 0.006 acre tract of land was donated to the City by Manorcare and the gazebo is currently under construction. Mrs. Lienesch sponsored Resolution Number 84-01, A Resolution Accepting An Easement For A Bus Stop Gazebo From Manorcare Health Services, Inc., and moved that it be passed. Dr. Gresham

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seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 85-01 CLYO ROAD RESURFACING

Mr. Horn reviewed a proposed Resolution endorsing an Application to the Miami Valley Regional Planning Commission for federal funds for the resurfacing of Clyo Road from Alexandersville-Bellbrook Road to Centerville Station Road. Certain roadways in the community are eligible for state and federal funding. Mr. Horn outlined the repairs which are needed for this section of Clyo Road. The total estimated cost of this project is \$564,000.00 of which \$435,200.00 would be federal dollars. Construction is anticipated in the year 2005. Mr. Cline sponsored Resolution Number 85-01, A Resolution Endorsing An Application To The Miami Valley Regional Planning Commission For Federal Funds For The Resurfacing Of Clyo Road From Alexandersville-Bellbrook Road To Centerville Station Road, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 86-01 SERVICES FOR 33.686 ACRE ANNEXATION

Mr. Horn reviewed a proposed Resolution committing the City of Centerville to provide all services currently being provided in the incorporated area to the 33.686 acres of land which is subject of an annexation petition. Mr. Feverston located the subject property on a map being situated west of State Route 48 and south of Sheehan Road. Mr. Krass sponsored Resolution Number 86-01, A Resolution In Support Of The Proposed Annexation Of Property Containing 33.686 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements Of Revised Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 87-01 SERVICES FOR 10.640 ACRE ANNEXATION

Mr. Feverston located 10.640 acres of land which is the subject of an annexation petition on a map, situated west of State Route 48, south of I-675 and north of West Alexandersville-Bellbrook Road. This annexation petition involves three property owners. Mr. Krass questioned why this annexation does not include I-675. Mr. Feverston explained that it was the intent of the petitioners to annex only their boundaries and enough right-of-way to the centerline of State Route 48 and Alexandersville-Bellbrook Road as well as the access drive in order to provide access to their property. The State of Ohio is not signatory to this annexation petition. Mr. Krass sponsored Resolution Number 87-01, A Resolution In Support Of The Proposed Annexation Of Property Containing 10.640 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements Of Revised Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 88-01 TREATMENT OF ALCOHOLISM

Mr. Horn reviewed a proposed agreement entered into annually between the City of Centerville and the Combined Health District of Montgomery County for the implementation, operation and maintenance of a program for the prevention and treatment of alcoholism and chemical dependency. This agreement provides for the City of Centerville to contribute ten percent of the funds received from the State of Ohio for liquor permit fees to the Combined Health District. The cost of the program to the City of Centerville is between \$1,700.00 and \$2,000.00. Dr. Gresham sponsored Resolution Number 88-01, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Combined Health District Of Montgomery County For The Implementation, Operation And Maintenance Of A Program For The Prevention And Treatment of Alcoholism And Chemical Dependency And Providing For The Payment Of Fees, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION APPOINT W. STEVEN WOLFF

Mrs. Lienesch moved that W. Steven Wolff be appointed as a member of the City Beautiful Commission for a period of three years. Mr. Cline seconded the motion. The motion passed by unanimous vote.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT LAVERNE STEBBINS

Mr. Krass moved that Laverne Stebbins be reappointed as a member of the Board of Architectural Review. Mr. Kingseed seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals
Mayor

ATTEST:

Maile The Laugh
Clerk of Council