

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held September 18, 2000

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 18, 2000, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Thomas Kuhn, City Chaplain and Pastor of the Church of the Incarnation, and the Pledge of Allegiance to the Flag with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer

Councilmembers Douglas Cline
Susan Lienesch
Paul Gresham
Roger Krass
C. Mark Kingseed

Clerk of Council Marilyn McLaughlin
Assistant to the Clerk of Council Debra James
Assistant City Manager Judith Gilleland
Public Works Director Steve Weaver
City Planner Steve Feverston
City Engineer Norbert Hoffman
Director of Finance Mark Schlagheck
Municipal Attorney Robert Farquhar

Mayor Beals advised that Councilmember Roger Krass will arrive at this meeting a little later. Dr. Gresham moved that Mr. Krass be excused from this meeting until his arrival. Mr. Singer seconded the motion. The motion passed unanimously.

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

Council Meetings - August 21, 2000.
- September 11, 2000.
Work Session Meetings - August 21, 2000.
- August 29, 2000.
- September 11, 2000.

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.

Mayor Beals administered the Oath of Office to Sister City Committee members Carolyn Basford and John A. Moraites. She listed the various opportunities for volunteers to serve the City of Centerville.

Mayor Beals reported the following points of interest covering the past month and coming weeks:

Three new businesses have opened their doors in the City of Centerville: Maggie Moos and Stitching Post in the Cross Pointe Shopping Center and Morris Furniture on Wilmington Pike.

Congratulations were extended to The Church of the Incarnation on the church's 50th anniversary.

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Mayor Beals asked motorists to drive carefully now that school is in session.

Beggars Night in the City of Centerville will be on Tuesday, October 31, 2000 from 6:00 to 8:00 P.M.

The leaf pick-up schedule for Centerville residents will be published in the next issue of the Town Crier.

The Miami Valley Cable Council is celebrating its 25th Anniversary.

On this day, September 18, 2000, the John P. Kalamon Golf Tournament was held at The Golf Club at Yankee Trace. This event has raised in excess of \$17,000.00 for the Scholarship Fund.

Two Proclamations have been issued: September 18 through 22, 2000 as Lawsuit Abuse Awareness Week and November 8, 2000 as National Young Reader's Day in the City of Centerville.

The Christmas Tree Lighting ceremony at Benham's Grove will be held on Sunday, November 19, 2000 at 5:30 P.M.

Flu shots will be administered by the Combined Health District of Montgomery County in the Council Chambers on Monday, November 27, 2000 between the hours of 12:00 noon to 2:30 P.M.

The City of Centerville has again won the Savvy Award from the 3CMA organization in the category of TV & Video-employee "Golf Club at Yankee Trace" in population group 0-1,200,000.

Mayor Beals and Dr. Gresham attended the Ohio Municipal League Conference held in Columbus September 12 and 13, 2000.

Miss Gilleland gave the code enforcement review for the past month and the community calendar for the coming weeks.

BLACK OAK ESTATES RECORD PLAN REPLAT

Mr. Feverston reviewed the Planning Commission meetings held August 29, 2000 and September 12, 2000. He reviewed a Record Plan Replat for Black Oak Estates involving lots 218 and 231 situated north of Langdon Drive and east of Rolling Oak Drive. The purpose of the replat is to correct an error that occurred in the 1960's when the original Record Plans were recorded for Black Oak Estates, Sections One and Two. Mr. Feverston located the subject property on a map and explained how the current lot line bisects the existing driveway and garage on one of the lots and has become an issue due to the sale of one of the properties. Both owners have agreed to the replat. The Planning Commission, by unanimous vote, recommended approval of this Record Plan Replat to City Council. Dr. Gresham moved that the Record Plan Replat for Black Oak Estates be approved as recommended by the Planning Commission. Mr. Cline seconded the motion. The motion passed unanimously.

FOREST WALK, SECTION TWO RECORD PLAN

Mr. Feverston reviewed the Record Plan for Forest Walk, Section Two, which involves the division of 9.361 acres, zoned R-1c, Single-Family Residential, into 25 single-family lots. He located the property on a map being situated along the east side of Clyo Road north of Black

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Oak Drive and more particularly known as the Weller Farm. Parkland dedication required for this Section was dedicated with the recording of Section One for Forest Walk. The Record Plan for Section Two contains a cul-de-sac street off Forest Walk Drive. It is identical to the overall plan for Forest Walk previously approved by City Council. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. The side and rear yard building setbacks shall be in accordance with the Residential Cluster Development Plan approved by the Planning Commission.
2. The final grading and stormwater drainage plan shall be subject to approval by the City Engineer.
3. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
4. Prior to any construction, grading or adding fill material on this property, a silt fence or other construction barrier shall be installed by the developer at the drip line of the tree canopy and maintained in a workmanlike condition at all times and remain in place until all construction is complete, the slopes are established, seeded and mulched.
5. 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.
6. The final landscaping and screening plan for Reserve Area "E" shall be subject to approval by the City.
7. 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.

Mr. Hoffman recommended approval of this Record Plan subject to receipt of the following:

1. Acceptable Subdividers Agreement.
2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc.) in the amount of \$187,563.00 of which \$8,420.00 is for public sidewalks.
3. Inspection Fee in the amount of \$520.00.

Mr. Singer moved that the Record Plan for Forest Walk, Section Two, be approved as recommended by the Planning Commission and City Engineer including all conditions. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

YANKEE TRACE SECTION NINETEEN REPLAT

Mr. Feverston reviewed a Replat for Yankee Trace, Section Nineteen for old lot number 335 to new lot number 591 which was approved with a 50 foot front setback as part of the Residential Cluster Development Plan for Yankee Trace. The purpose of the Replat is to correct an error made by the builder when the house was sited on the lot. Mr. Feverston located the

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subject property on a map, situated in the homestead section of Yankee Trace at the end of the cul-de-sac of Dinwiddie Court. Most of the lots in this section of Yankee Trace were approved with a front yard setback of 25 feet except for three lots at the end of the cul-de-sac. Due to the shape of these three lots the front setback was moved back in order to accommodate homes with side entry garages. Two of these were approved with a front yard setback of 45 feet while lot number 335 was approved with a 50 foot setback. The house on this lot is under construction and near completion. The builder is requesting a 40 foot front setback to accommodate the home buyer in order that he will have the ability to add a third garage sometime in the future. As recommended by City Staff, the Planning Commission recommended to City Council a front yard setback for lot 335 of 45 feet to correspond with the other two adjacent lots. Great Traditions Land and Development Company have indicated their support for a 40 foot front yard setback. Mr. Krass moved that the front yard setback as requested be granted. Mr. Kingseed seconded the motion. As a result for clarification of the motion, Mr. Krass amended his motion to approve a front yard setback of 45 feet as recommended by the Planning Commission. Mr. Kingseed agreed with the amendment.

Don Dunnington, President of Dunnington-Koepfer Builders, Inc., explained that this is the first house they are building in the homestead section for which they were quoted a setback of 25 feet. The foundation for the house was already in place by the time the error was found and now encroaches into the setback. Mr. Dunnington asked that the front yard setback be modified to 40 feet to accommodate the existing house plus additional space for a future garage addition. He explained that a 45 foot setback accomplishes nothing for the customer and will probably cause the buyer to back away from the purchase. Mr. Dunnington advised that if the customer is lost, this house will become a speck house costing the builder thousands of dollars. In answer to a question of Mayor Beals, Mr. Dunnington explained that the only way a third car garage can be added to the house is in the front, thus the necessity for a 40 foot front setback; the house and the side entry two car garage are already under roof. Mr. Krass amended his previous motion to approve a front yard setback of 40 feet instead of a setback of 45 feet. Mr. Kingseed accepted the amendment. The motion passed unanimously.

Mr. Krass briefly reviewed the swearing-in ceremony for six Washington Township fire fighters during the Trustees meeting this date. He also made a presentation to the Washington Township Trustees regarding some annexation issues. The Trustees denied stating opposition to the 7.132 acre annexation during their August 7, 2000 meeting. They expressed interest in cooperating with the City on the annexations filed with Montgomery County and with future annexation petitions, however they will continue to oppose the .028 acre annexation. Mayor Beals and Mr. Kingseed outlined the needs and many benefits that the annexations currently filed with Montgomery County will provide to the entire Centerville-Washington Township community.

ORDINANCE NUMBER 16-00 1999 FIRE CODE

The Public Hearing was held concerning Ordinance Number 16-00. Washington Township Deputy Fire Chief Lee Hieronymus was present to answer questions relative to a proposed Ordinance to provide a fire code for the City of Centerville. The Ordinance adopts the 1999 Unified Fire Code which is based on the 1993 BOCA National Fire Prevention Code and

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includes amendments from the Southwest Fire Safety Council. This fire code replaces the Unified Fire Code which was adopted by Council in 1995. Mr. Krass sponsored Ordinance Number 16-00, An Ordinance Repealing Chapter 1611, Centerville Municipal Code, and Adopting New Chapter 1611, The Unified Fire Code By Reference, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mack Van Allen, 220 Kimbary Drive, was present at this meeting to invite members of City Council to the Fullbright Japanese reception planned for Wednesday, September 20, 2000 at Yankee Trace during the hours of 4:30 to 6:30 P.M.

ORDINANCE NUMBER 18-00 0.363 ACRE ANNEXATION

Miss Gilleland reviewed proposed Ordinance Number 18-00 to correct the acreage included in the annexation of City owned right-of-way from Washington Township to the City of Centerville. Mr. Kingseed sponsored Ordinance Number 18-00, An Emergency Ordinance To Repeal Ordinance Number 14-00 In Its Entirety, And To Authorize The Annexation Of Contiguous Territory And Direct The Municipal Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 19-00 0.363 ACRE ANNEXATION

Mr. Cline moved that Ordinance Number 19-00, An Ordinance Authorizing The Annexation Of Contiguous Territory And Directing The Municipal Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation, be set for Public Hearing on October 16, 2000. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 20-00 DUI CODE REVISION

Mr. Farquhar reviewed a proposed Ordinance to incorporate changes in the Centerville Municipal Code relative to driving under the influence of alcohol. The Ohio General Assembly has enacted these changes to the Ohio Revised Code DUI statute. This Ordinance has been prepared as an emergency in order to bring the City's Code in conformance with the State Code immediately. Dr. Gresham sponsored Ordinance Number 20-00, An Emergency Ordinance Repealing Existing Chapter 434 Of The Centerville Municipal Code And Enacting New Chapter 434 In Order To Comply With New Legislative Amendments To The State Of Ohio's Statute On Driving Under The Influence Of Alcohol, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 21-00 DUI CODE REVISION

Mrs. Lienesch moved that Ordinance Number 21-00, An Emergency Ordinance Repealing Existing Chapter 434 Of The Centerville Municipal Code And Enacting New Chapter 434 In Order To Comply With New Legislative Amendments To The State Of Ohio's Statute On Driving Under The Influence Of Alcohol, be set for Public Hearing on October 16, 2000. Dr.

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Gresham seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 34-00 PUBLIC DEPOSITORY FIFTH THIRD BANK

Mr. Schlagheck reviewed a proposed Resolution to designate Fifth Third Bank, Western Ohio, as a Public Depository for the City of Centerville. As a result of a complete review of the cost for services and earnings potential of the seven banks that responded to a "Request for Proposal" Fifth Third Bank, Western Ohio was determined to be the best offer for the City of Centerville. Mr. Cline sponsored Resolution Number 34-00, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 35-00 CERTIFY TAX LEVIES

Mr. Schlagheck reviewed a proposed Resolution to certify the City's tax levies to the County Auditor. The 2.35 inside the 10 mill limitation will generate for the City approximately 1.3 million dollars. Mr. Singer sponsored Resolution Number 35-00, Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mr. Krass seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 36-00 ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY

Miss Gilleland reviewed a proposed Resolution authorizing the City Manager to enter into an agreement between the City of Centerville and Montgomery County for the City's participation in the Economic Development/Government Equity program for the period between 2001-2010. Mayor Beals pointed out that the City is guaranteed to receive at least the amount of money it puts into the program; monies are used for areawide programs. Mrs. Lienesch sponsored Resolution Number 36-00, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement Between The County Of Montgomery And The City Of Centerville For The City's Participation In The Economic Development/Government Equity (ED/GE) Program Established By Montgomery County, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

FOREST WALK SECTION ONE BOND REDUCTION

Mr. Hoffman recommended that the Performance Bonds posted on Forest Walk, Section One, be reduced as follows: for streets from \$312,274.20 to \$45,000.00 and for sidewalks \$15,440.00 to \$6,000.00. Grading, storm drainage, curbs, pavement except the final course of asphalt, sidewalks and miscellaneous items have been completed. Upon question of Mrs. Lienesch, Mr. Hoffman advised that the \$45,000.00 will provide monies for the completion of seeding certain areas. Mr. Singer moved that the Performance Bonds posted on Forest Walk, Section One, be reduced as recommended by Mr. Hoffman. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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YANKEE TRACE SECTIONS ONE, THREE, FIVE, SEVEN, EIGHT, THIRTEEN BOND RELEASES

Mr. Hoffman recommended that the Performance Bonds/Letters of Credit be released for Sections One, Three, Five, Seven, Eight and Thirteen in Yankee Trace. Mr. Cline moved that the Performance Bonds/Letters of Credit posted on Sections One, Three, Five, Seven, Eight and Thirteen in Yankee Trace be released as recommended by the City Engineer. Mr. Singer seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals Mayor

ATTEST:

Mary Jo Saylor Clerk of Council