

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held March 15,19 99

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 15, 1999, 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 Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
Councilmembers J. V. Stone
Susan Lienesch
Douglas Cline
Clerk of Council Marilyn McLaughlin
Assistant Clerk of Council Peggy Whisman
City Manager Gregory Horn
Assistant City Manager Judith Gilleland
Public Works Director Steve Weaver
City Planner Steve Feverston
Acting Municipal Attorney Scott Liberman
Assistant to the City Manager Kelly Fackel

Mayor Beals advised that Councilmember James Reppert was recuperating from surgery and Councilmember C. Mark Kingseed was detained in Columbus on a business matter. Mr. Singer moved that Mr. Reppert and Mr. Kingseed be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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

Council Meeting - February 15, 1999.
Council Work Sessions - February 15, 1999.
- March 1, 1999.

Mr. Stone moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

Chief of Police Stephen Walker presented the 1998 Annual Report for the Centerville Police Department. Outlined in the Report were the organization of the Police Department, their many achievements during 1998, activities performed by the various divisions, and statistical data.

Mayor Beals highlighted the following events which took place during the previous month and will take place during the following weeks:

On February 19 and 20, 1999, City Council met in Retreat at the Worthington Inn to discuss various aspects of the City which have not been discussed in detail in the past.

March 5-9, 1999, members of City Council attended the National League of Cities Conference in Washington, D.C.

A Mayor's Business Breakfast has been scheduled for March 17, 1999 to begin at 7:30 A.M. in the Gallery at Yankee Trace.

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~~Held~~

~~The Annual Volunteer Salute will be held in the Gallery at Yankee Trace on April 29,~~

1999. Mayor Beals invited people to become involved and volunteer on a City Board or Commission, to serve on one of the NIKE Dayton Open committees or to house a player participating in the tournament.

On March 25, 1999, the last of the three Local Issues Forum will be held at the Centerville Library beginning at 7:00 P.M.

Mayor Beals reminded residents to clean up residue from dogs. She demonstrated a way to remove the residue in a very appropriate manner.

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

A brochure has been sent to all Centerville residents along with ten complementary stickers to be placed on bags in excess of the five bag limit for waste collection. Extra stickers can be purchased at the Centerville Municipal Building at a cost of \$1.50 per sticker.

Additional playground equipment has been received by the City and will soon be installed in the Leonard E. Stubbs Memorial Park.

The City of Centerville is on top of the Y2K compliant issue.

A joint Centerville/Washington Township Emergency Readiness Program is being developed by a joint committee, chaired by Miss Gilleland..

Mr. Horn thanked all residents for their patience during the most recent snowfall.

Miss Gilleland gave the community calender for the coming weeks.

**ORDINANCE NUMBER 1-99 ZONING ORDINANCE AMENDMENT
THE FRANCISCAN AT SAINT LEONARD, CITY INITIATED REZONING REQUEST**

The Public Hearing was held concerning the City Initiated Rezoning Request for 70.328 acres of property owned by St. Elizabeth Corporation and more particularly known as The Franciscan at Saint Leonard, located at 8100 Clyo Road. Requested is a change from Washington Township Agriculture to Centerville R-PD, Residential-Planned Development zone classification. Mr. Feverston explained that this zone classification is requested in order to accommodate the future expansion and development of The Franciscan at St. Leonard. He located the subject property on a map being situated east of Clyo Road and north of Washington Creek Lane, and identified adjacent land uses and zone classifications. This is the property which was recently annexed to the City of Centerville and must now be given a Centerville zone classification. Mr. Feverston compared uses permitted under Centerville R-PD zone classification and uses permitted under Washington Township Agriculture zone classification. The overall maximum density for the total acreage is six dwelling units per acre. The zoning proposed is in accordance with the City's Comprehensive Plan. While evaluating this rezoning, the Planning Commission concluded that: 1) the proposed R-PD zoning classification permits the expansion of the St. Leonard campus in a manner that is consistent with the Comprehensive Plan, 2) the proposed R-PD zoning classification will not inherently create an adverse impact on the adjacent single-family neighborhoods, and 3) the Franciscan at St. Leonard is proposing to develop the parcel as cottages and cluster facilities. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Request to City Council. Mr. Singer sponsored Ordinance Number 1-99, An Ordinance Amending Ordinance Number 11-86 Dated July 21,

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1986, The Zoning Ordinance By Rezoning 70.328 Acres, More Or Less, From Washington Township Agriculture Classification To Centerville R-PD, Residential-Planned Development Classification, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

THE FRANCISCAN AT ST. LEONARD MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning a Major Use Special Approval Application submitted by The Franciscan at St. Leonard for approval of a revised Master Plan for the entire 240 acres located at 8100 Clyo Road, including existing developments and future expansion. Mr. Feverston located the subject property on a map, being situated east of Clyo Road, south of Centerville Station Road and north of Washington Creek Lane; and identified adjacent land uses and zone classifications. The zoning of this property R-PD, Residential-Planned Development, permits the retirement community use. Mr. Feverston identified existing facilities on the subject property which were permitted on a previously approved Master Plan and which are now included on the Master Plan being considered at this time. The Master Plan includes the following developments: 1) the wooded area surrounding the Sugar Creek stream will remain intact with the addition of some walking trails, 2) a community service area is proposed on the northwest corner of the site to provide service type uses for the convenience of the residents in the development, 3) garden homes are proposed for the northeast corner at a density of 4 dwelling units per acre, 4) along Clyo Road on the western boundary, cottages are proposed at a density of 8 dwelling units per acre on a nine acre tract, 5) proposed on the northwest corner of the anticipated southern access to Clyo Road is two-story senior congregate housing on a ten acre parcel at a density of 12 dwelling units per acre, 6) the southwest corner of the access, cottage-type units are proposed at a density of 8 units per acre on an eleven acre site, and 7) the approximate forty-six acre tract located in the southeastern portion of the property will be developed with garden homes and cottages at a density of 4 dwelling units per acre. Mr. Feverston located the proposed southern access from the subject property onto Clyo Road. The dedication of parkland is required with the new developments. The Planning Commission, by unanimous vote, recommended approval of this Major Use Special Approval Application to City Council, subject to the following conditions:

1. Prior to the approval of this Major Use Special Approval Plan by the City Council, the lower 70.238 acres proposed for this development must be rezoned to R-PD, Residential-Planned Development, by the City Council. This land is currently zoned WT-A, Washington Township Agriculture.
2. The proposed housing types and densities, as indicated on the Master Plan, are approved as requested.
3. The final development plans for each of the future development parcels and the expansion of existing buildings shall be subject to approval by the Planning Commission.
4. The Community Service Parcel shall be limited to office or small retail uses which primarily serve or complement the needs of the residents within the development. This parcel shall be subject to all applicable requirements for non-residential uses per the Zoning Ordinance. The scale, proportion, massing, and architectural design of all buildings located on this parcel shall be visually compatible with the non-residential buildings directly north of the parcel, and with

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- the St. Joseph's Center.
5. The development parcels to the south shall have a minimum building setback of 50 feet along the south and east property lines.
 6. No proposed signs are approved as part of this application. All proposed signs, including directional signs, shall be subject to approval by the City.
 7. A landscaping plan shall be submitted for each future development parcel at the time approval is sought, subject to approval by the Planning Commission. The plans shall conform to the landscape, screening, and bufferyard requirements contained in the Zoning Ordinance. Where practical, existing mature tree lines shall be preserved and may count toward landscape, screening, and bufferyard requirements.
 8. The applicant shall either dedicate parkland or pay a fee-in-lieu of parkland dedication. The acreage or fee amounts shall be determined at the time final approval is sought for each development parcel. It is the recommendation of the Planning Commission that Council take into consideration the preference of the Centerville Washington Park District.
 9. A pedestrian path shall be constructed to connect to the Bill Yeck Park hiking trails and Mill Trace Lane sidewalk. The final material for the hiking trails shall be approved by staff.
 10. A detailed stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
 11. A detailed, exterior lighting plan shall be submitted and subject to the approval of the City Planner.
 12. The access points shown on the Master Plan are approved as requested, with the final design subject to approval by the City Engineer. Additional curb cuts shall be prohibited.
 13. Clys Road and Centerville Station Road shall be widened to include an additional lane of pavement, curb, gutter, storm sewer, and the hiker/biker trail, subject to approval by the City Engineer. In lieu of constructing these improvements, the applicant may place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Clys Road and Centerville Station Road. The City Engineer may require the developer to make temporary improvements to Clys Road and Centerville Station Road, which at this time is expected to include a temporary left-turn lane at the entrance driveways into the development and temporary sidewalk. The estimated cost of any 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.
 14. Forty-five (45) feet of right-of-way shall be dedicated along Clys Road from the Centerline, subject to approval by the City Engineer.

As requested by the Centerville-Washington Park District, Mr. Feverston recommended that parkland be dedicated rather than a fee in lieu of being required, and that the amount of parkland required with the construction of the St. Bernardin Center and the recent Garden Cottages constructed south of the St. Bernardin Center be required with the approval of this

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Master Plan. Parkland to be dedicated for the overall development is approximately 4 1/2 - 5 acres. Mr. Feverston reviewed the following conditions recommended by City Staff relative to roadway improvements and stormwater drainage:

1. The City of Centerville agrees to share (50%) in the cost of the pedestrian bridge along Clyo if that is constructed solely for the purpose of the hiker/biker trail.
2. The City of Centerville will assume the widening costs for Clyo Road south of the corporation line in order to provide for the turn lane at the top of the hill. St. Leonard's will assume responsibility for the costs of the turn lane at their property, similar to other developments, including widening, curb, drainage, etc.
3. As the development starts in the south of the property, the hiker/biker trail should be installed from the main entrance on Clyo, south to the corporation line along Clyo Road. The hiker/biker trail to the north from the entrance would be installed when the property is developed or as defined below.
4. As the areas defined on the master plan are developed to the extent that at least fifty percent (50%) of total area is developed, then St. Leonard's will be responsible for completing the frontage improvements for that particular section. It is further understood that all improvements to Clyo Road and Centerville Station Road will be completed within a five year period, regardless of the status of the balance of the development.
5. The City of Centerville will assume the installation of the storm drainage along Centerville Station Road and provide outlet points for the future development. All future development will be required to provide for stormwater management. St. Leonard's will be responsible for the drainage features needed to complete the roadway improvement, i.e., catch basins, inlets, etc.

Linda Menerey, NBBJ Engineers, representing The Franciscan at St. Leonard, outlined plans for the future development as previously identified by Mr. Feverston, and explained how green space has been integrated into the development.

Lana Ellinger, 8731 Parkhaven Court, asked for a guarantee that density to the southeast will be held at 4 dwelling units per acre and that Mill Trace Lane will not become a through street. She also requested a 100 foot buffer instead of 50 feet between the Franciscan property and the residences to the south.

David Estep, 8723 Clyo Road, expressed concern with density proposed for the southern portion of the property, with potential increase in traffic on Clyo Road, and the location of the proposed southern access off Clyo Road into the Franciscan property.

Dr. Larry Isaacs, 8811 Sugarcreek Point, questioned the erection of a multi-level structure being located along Clyo Road to the south of the green space. He suggested that an Architecture Review Board be consulted relative to the development of the southeastern portion of the property. Dr. Isaacs does not believe the architecture proposed fits in aesthetically with that of neighboring properties.

Mike Link, 1711 Washington Creek Lane, expressed concern with only a 50 foot setback in consideration of the size of the lots abutting the south property line of the Franciscan development.

Mr. Feverston advised that contained on the Master Plan is the maximum density permitted for each parcel. Any differential from this density as parcels are developed would require an amendment to this Master Plan and approval by the Planning Commission and City Council. He outlined the maximum densities for each parcel and emphasized the fact that the overall density for the entire community cannot exceed 6 dwelling units per acre. Mr. Feverston

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located the open green space, the community greens and the dedicated parkland on the Master Plan. Upon question of Mayor Beals, Mr. Feverston advised that the community greens and the open green space are for the enjoyment of the residents of The Franciscan at St. Leonard, while the parkland is for public use. Relative to the height of the proposed two story building, the maximum height permitted in R-PD zone classification is 45 feet. Mr. Feverston pointed out that the 50 foot setback, which is required by the Centerville Zoning Ordinance is the same as would have been required according to Washington Township zoning. He explained how the hedge along the south and east property lines will be augmented in order that adequate screening is provided between the two different land uses. Included on the Master Plan is no vehicular access into the Washington Creek neighborhood.

Dr. Brian Forschner, Vice President of Aging Services at The Franciscan at St. Leonard, pointed out that the Master Plan being considered at this time covers a period of fifteen years. As plans are developed for the different parcels, approvals must be obtained from the City of Centerville. He further advised that open green spaces are currently being used by the public and will probably continue to be used in the same manner

Mr. Singer clarified the fact that the overall density permitted is 6 dwelling units per acre. The density proposed for the southern parcels: 392 units on 67 acres of land is less than the maximum density permitted.

Upon question by Mr. Estep, Mr. Feverston explained how the density can vary on different parcels under the residential development plan; however, the overall density cannot exceed 6 units per acre.

Mr. Singer moved that the Major Use Special Approval Application submitted by The Franciscan at St. Leonard for an overall Master Plan, be approved, subject to all conditions recommended by the Planning Commission, Mr. Feverston and the City Staff. Mrs. Lienesch seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Upon question of Adrian Rose, 104 Cushwa Drive, Mr. Horn advised that the City had no standing in the civil suit involving the new Rite Aid facility located on the northeast corner of South Main Street and Spring Valley Road. This is a property dispute between a property owner and a leasee.

ORDINANCE NUMBER 5-99 ADOPT 1999 NATIONAL ELECTRIC CODE

Mr. Horn reviewed a proposed Ordinance for the City of Centerville to adopt the 1999 edition of the National Electric Code. Mr. Singer moved that Ordinance Number 5-99, An Ordinance Amending The Centerville Municipal Code, Part 14 Building And Housing Code, Chapter 1424 National Electrical Code, And Adopting The 1999 Electric Code-NFPA 70-1999 By Reference, be set for Public Hearing on April 19, 1999. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 4-99 ACCEPT BID FOR LEAF VACUUM

Mr. Weaver reviewed the one bid received for the purchase of a leaf vacuum for the City of Centerville. Due to the fact that the equipment bid by the Old Dominion Brush Company is considerably less expensive than other manufacturers, surrounding Municipalities as well as Centerville are only receiving one bid. Mr. Weaver recommended acceptance of the bid submitted by ODB in the amount of \$15,285.00. Mr. Stone sponsored Resolution Number 4-99,

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A Resolution Accepting The Bid Submitted By The Old Dominion Brush Company For The Purchase Of A Trailer Mounted Vacuum Leaf Loader For The City Of Centerville And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 5-99 ACCEPT BID FOR TUB GRINDER

Mr. Weaver reviewed the one bid received for the purchase of a tub grinder for the City of Centerville. This equipment will be used throughout the community to collect brush, grind it, and use as a mulch in the City's landscape program. Specifications were sent to several suppliers, but only one bid was received. Mr. Weaver recommended acceptance of the bid submitted by the Environmental Machinery Company for the bid price of \$60,275.00. Mr. Cline sponsored Resolution Number 5-99, A Resolution Accepting The Bid Submitted By The Environmental Machinery Company For The Purchase Of A Tub Grinder For The City Of Centerville And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 6-99 ACCEPT BID FOR DUMP TRUCK

Mr. Weaver reviewed the following bids received for the purchase of a dump truck for the City of Centerville:

White Allen Chevrolet	\$54,409.00
Bob McDorman Chevrolet	54,951.00
	64,551.00
Miami Valley International Trucks	56,768.24
Bob Ross Buick/GMC	57,739.00
Les Wenning Motors	59,174.00

Mr. Weaver pointed out that at the bid opening, dealers listed a long lead-time for delivery of trucks due to the type of automatic electronic transmission that appears to be the choice at this time, and has been the City's choice for the last four trucks purchased. In consideration of this, Mr. Weaver recommended that the City purchase one truck from White Allen Chevrolet for the bid price of \$54,409.00 and that the City pursue the purchase of a second truck from the same dealer at this time. The delivery date for these two dump trucks would be June, 2000. Upon question of Mr. Singer, Mr. Weaver doubted that the price per vehicle would have been less if two were bid at the same time. Mr. Horn explained that going to bid again could cause another two month delay which could cause some problems in the City's fleet at a very small savings. Mrs. Lienesch sponsored Resolution Number 6-99, A Resolution Accepting The Bid Submitted By White Allen Chevrolet For the Purchase Of One Dump Truck For The City Of Centerville And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 7-99 PURCHASE SECOND DUMP TRUCK

Mr. Stone sponsored Resolution Number 7-99, A Resolution Authorizing And Directing The City Manager To Execute A Contract For The Purchase Of A Second Dump Truck Based Upon The Price And Delivery Schedule For A Dump Truck Based Upon The Bid Of White Allen Chevrolet Co. For A Truck Similar To That Which Has Already Been Authorized For Purchase

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By Resolution Number 6-99 And Recognizing That The Decision To Purchase A Second Dump Truck Was Necessitated By The Extended Delivery Schedule Quoted By The Low Bidder Which The Council Finds Creates A Real And Present Emergency By Virtue Of The Fact That If An Additional Dump Truck Is Not Ordered At This Time The City's Schedule For The Purchase Of A Second Dump Truck Can Not Be Met, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 8-99 ACCEPT LAWN CARE BIDS

Mr. Weaver reviewed the one bid received from Buckeye Ecocare to provide lawn care services: fertilizer, weed and bug killer to public right-of-ways, the Leonard E. Stubbs Memorial Park and Benham's Grove. Specifications were mailed to several lawn care providers but only one bid was received. This work has been performed by City Staff in the past. This is a new program to build up the lawn areas and to enhance the entryways into the Centerville community as well as the parks. Mr. Singer sponsored Resolution Number 8-99, A Resolution Accepting The Bid Submitted By Buckeye Ecocare For Lawn Care Services For Certain Specified City Properties During 1999 Throughout The Community And To Authorize The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 9-99 LAWN MOWING BIDS

Mr. Weaver reviewed bids received from four companies which provide lawn mowing services. He recommended that the bid submitted by Michael's Lawn and Mulch for parcels 4, 5, 6, 7, 8, 9, 11, 14, 15 and 16 a and b for a total of \$53,650.00 be accepted; that the bid submitted by White Water Lawn and Service Company for parcel 17 in the amount of \$2,520.00 be accepted; and the bid submitted by Rettich for parcel 18 in the amount of \$5,446.00 be accepted. He advised that M & S Lawn Service withdrew their bid from consideration. Mr. Cline sponsored Resolution Number 9-99, A Resolution Accepting The Bids Submitted by Michaels Lawn and Mulch, White Water Lawn And Service Company And Rettich For The Maintenance Of Certain Specified City Properties During 1999 Throughout The Community 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.

RESOLUTION NUMBER 10-99 YANKEE TRACE IMPROVEMENTS

Mr. Weaver reviewed bids received from the following contractors for improvements in Yankee Trace - Gatekeeper Way and Dinwiddie Court. These improvements will be paid from Special Assessment Funds:

Pyper Construction Company	\$235,322.90
Excel Contracting, Inc.	285,519.00
Mainline Road and Bridge	288,092.00
R. B. Jergens Contractors	292,962.90
Demmy Construction Company	301,248.32
Dyno Construction Company	312,647.00
SK Construction Company	349,468.00

Mr. Weaver recommended acceptance of the low bid submitted by Pyper Construction Company in the amount of \$235,322.90. Mr. Stone sponsored Resolution Number 10-99, A

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Resolution Accepting The Bid Submitted Pyper Construction Company For The Yankee Trace Improvements For The City Of Centerville And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

PLANNING COMMISSION APPOINT CHERI L. WILLIAMS - ALVARADO

Mr. Singer moved that Cheri L. Williams - Alvarado be appointed to fill the seat on the City Planning Commission vacated by Douglas Cline. Mrs. Lienesch seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION APPOINT LINDA MEILY

Mrs. Lienesch moved that Linda Meily be appointed as a member of the City Beautiful Commission for the City of Centerville. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE ARTS COMMISSION APPOINT ROBERT M. CAHILL

Mr. Cline moved that Robert M. Cahill be appointed as a member of the Centerville Arts Commission. Mr. Stone seconded the motion. The motion passed by unanimous vote.

BOARD OF TAX APPEALS REAPPOINT LOWELL STEBBINS

Mrs. Lienesch moved that Lowell Stebbins be reappointed to an additional term as a member of the Board of Tax Appeals for the City of Centerville. Mr. Cline seconded the motion. The motion passed unanimously.

There being no further business the meeting was adjourned.

Approved: Sally D. Beck
Mayor

ATTEST:

Maile Ann Saugel
Clerk of Council