

# RECORD OF PROCEEDINGS

262

Minutes of

COUNCIL

Meeting

Held

July 19

19 99

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 19, 1999, 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, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	J. V. Stone
	James Reppert
	C. Mark Kingseed
	Douglas Cline
Clerk of Council	Marilyn McLaughlin
City Manager	Gregory Horn
Public Works Director	Steve Weaver
City Planner	Steve Feverston
City Engineer	Norbert Hoffman
Chief of Police	Steve Walker

Mayor Beals advised that Councilmember Susan Lienesch would not be present at this meeting, and Councilmember Douglas Cline would be late. Mr. Kingseed moved that Councilmembers Susan Lienesch and Douglas Cline be excused from this meeting. Mr. Reppert seconded the motion. The motion passed unanimously.

Mayor Beals recognized Chief of Police Steve Walker and the parents of fallen Centerville Police Officer John P. Kalaman. Chief Walker reviewed the establishment of the John P. Kalaman Memorial Scholarship Fund under the umbrella of The Dayton Foundation and explained the selection process of two recipients for the 1999 scholarships. Mrs. Kalaman thanked the City of Centerville and all contributors for deposits in this fund. Mr. Kalaman presented a Certificate of Congratulations to recipients Melanie Lai and Jennifer Mack.

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

- Council Meeting - June 21, 1999.
- Council Work Sessions - June 21, 1999.
- June 28, 1999.
- July 12, 1999.

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

Mrs. McLaughlin announced the receipt of a letter of resignation from Personnel Appeals Board member Paul Clark. Mr. Singer moved that the resignation of Paul Clark as a member of the Personnel Appeals Board be accepted. Mr. Stone seconded the motion. The motion passed by unanimous vote.

Mayor Beals administered the Oath of Office to Board of Architectural Review member Paul Clark.

DAYTON LEGAL BLANK CO., FORM NO. 10748

Held

July 19, 1999 continued

19

James Snyder, President of the Korean Veterans Memorial Association, along with other members of the Association, were present at this meeting to express appreciation to the City of Centerville for supporting the Ohio Korean War Memorial and the All Veterans Walkway in the Riverbend Park, Dayton, Ohio. Presented to the City were a United States Flag which has flown over the Capitol, a picture of the War Memorial and a plaque expressing appreciation to City Council.

Mayor Beals outlined the following events which took place during the past month and will take place during the coming weeks:

The 27<sup>th</sup> Annual Americana Festival was held on Monday, July 5, 1999. Appreciation was expressed to members of the Americana Committee for their time and endurance for this outstanding event.

On July 10, 1999 the "All The Woods A Stage" sculpture in the Leonard E. Stubbs Memorial Park was dedicated.

Mystery Night Out will be held on Tuesday evening, August 3, 1999 between 6:30 and 9:30 P.M. at the Amphitheater in Stubbs Park.

Mayor Beals encouraged residents of Centerville to become active as members of City Boards and Commissions.

Residents were reminded while walking their dogs to clean up after them.

Councilmember Douglas Cline entered the meeting at this time.

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

The Centerville Police Department is in the process of establishing a formal relationship with Boy Scouts to develop an Explorers Post program. Interested Boy Scouts are encouraged to contact their den leader or the Police Department.

On July 26, 1999, City Council will be provided with a final report on the NIKE Golf Tournament.

Compliments have been received relative to the flowers and tree beds located in various areas of the City of Centerville.

A study is currently underway between the City and Washington Township to analyze improvements to State Route 48, the area south of Whipp Road, to provide a safer environment.

The record at The Golf Club at Yankee Trace was broken the weekend of July 16, 1999 with a total of 303 golfers in one day.

Financial conditions at Yankee Trace are very positive.

A new computer system has been put in place in the Finance Department.

Ms. Fackel gave the community calendar for the following month.

#### YANKEE TRACE SECTION 20 RECORD PLAN

Mr. Feverston reported on the Planning Commission meeting held June 29, 1999. He reviewed the Record Plan for Yankee Trace, Section 20; property located as an extension of Yankee Trace Drive east of number 4 fairway in The Golf Club at Yankee Trace and Yankee Trace, Section 17. Proposed is the division of a 13.318 acre parcel of land, zoned R-1c, Single-Family Residential, into 31 lots. Mr. Feverston located the subject property on a map. The

Held

July 19, 1999 continued

19

Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council, subject to the following conditions;

1. 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.
2. The Record Plan shall be modified to prohibit lot 369 direct access to Yankee Trace Drive.

Mr. Feverston reviewed conditions recommended by the City Engineer:

1. Acceptable Subdivider's Agreement.
  2. Performance Bond to assure the completion of the public improvements (grading, drainage, curbs, pavement, etc.) in the amount of \$445,554.00 of which \$14,138.00 is for the Hiker Biker Trail.
  3. Inspection Fee in the amount of \$908.00.
- The estimated cost to complete public improvements (grading, drainage, curbs, pavement, etc.) excluded from the proposed SAF-3 funded improvements out for bid is \$141,000.00. If and when the SAF-3 funded improvements are under contract the Performance Bond may be reduced to \$141,000.00.
- A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

Mr. Singer moved that the Record Plan for Yankee Trace, Section 20, be approved as recommended by the Planning Commission, subject to all conditions stipulated by the Planning Commission and City Engineer. Mr. Stone seconded the motion. The motion passed unanimously.

#### YANKEE TRACE SECTIONS TWENTY ONE AND TWENTY TWO APPEAL FILED BY ANNE BROWN

The Public Hearing was held on an Appeal filed by Anne Brown against a decision rendered by the Planning Commission during their meeting on June 8, 1999, approving a Planning Commission Special Approval Application submitted by Yankee Trace Development, Inc. Approved was the Preliminary Plan and Setback Plan for Yankee Trace, Sections 21 and 22; property located west of Yankee Street and south of Silverlake Drive. Mr. Feverston identified the subject property on a map and defined the proposed development as neo-traditional by Ryan Homes. The Planning Commission approved these plans by unanimous vote subject to several conditions. Mr. Feverston addressed the following issues cited in the Appeal:

1. Row type houses with emphasis on the front of the two story homes, with rear vehicular access from a private drive, narrow lots and side setbacks of 10 feet. The Planning Commission found this concept to be in keeping with the character of the overall Lifestyle Community aspect of Yankee Trace.
2. Notification was not given to neighboring residents. Notification was not required. Notification was given when the Lifestyle Community Master Plan was considered by the Planning Commission and City Council.

DAYTON LEGAL BLANK CO., FORM NO. 10748

Held July 19, 1999 continued 19    

3. Density. The density was established when the Lifestyle Community Master Plan was approved. The density proposed in Sections 21 and 22 is less than that which is permitted.
4. Drainage affecting the Silvercreek residences. Drainage will flow to the south downhill to the Reserve Area and to the lake, away from the properties to the north.

Bill Kemp, 1615 Silverlake Drive, expressed concern with the following issues: the alley behind the homes in Section 21, the closeness of the homes, potential unsightly conditions in the rear of the residents which will be in view for Silvercreek Drive residents, the density, and the future degrading of their properties on Silvercreek Drive.

Tom Lorman, 1508 Haley Drive, stated his concern with the possible destruction of roadways in Silvercreek Estates due to use by construction traffic. He is also concerned for the safety of children in the area due to the increase of traffic at the time of construction and in the future. He cited the accumulation of construction debris in the creek from time to time. Mr. Lorman suggested that there not be two streets named Haley Drive.

Brian Doroh, 1564 Silverlake Drive, expressed his displeasure with the density of the row houses. He asked that a barrier of some kind be put in place so that Silverlake Drive residents will not have view of private drives and garages.

Mike Hook, builder and realtor, currently building a home on Haley Drive, expressed concern with future land values for the residents on Silverlake Drive due to the type of construction proposed in Yankee Trace, Section 21.

Mary Pat Lorman, questioned what the City and Washington Township propose for the future widening of Yankee Street.

Jim Kiefer, Director of Engineering for the Great Traditions Land and Development Group, advised that they considered in great length the builders to be chosen to construct the homes in Section 21 and Section 22. He explained how they have met all the guidelines set forth on the Lifestyle Community Master Plan. Proposed are 30 units less than permitted in the two Sections combined. A low buffer can be constructed along the north side of the private drive. Mr. Kiefer explained how catch basins will be installed and swales put in place to carry stormwater from the north to the lake. Initially, traffic will enter the construction site from Silverlake Drive. The Reserve Area is a very wooded area with a creek flowing through to the lake; it is their intent to preserve as much vegetation as possible in this area. Mr. Feverston showed elevations of the homes proposed by Ryan Homes. Upon question of Mr. Reppert, Mr. Kiefer advised that there will be no street lights along the private drive, coach lights will be mounted on the garages.

In answer to questions of Sylvia Gaddis, 1540 Silverlake Drive, Mr. Feverston explained that a green strip maintained by the Homeowners Association will exist between the private drive and the properties on Silverlake Drive; this green space will vary from 35 feet to 85 feet in width. Stormwater drainage will be channeled to the south downhill into the irrigation lake.

Upon question by Anne Brown, 1580 Silverlake Drive, Mr. Hoffman explained how the property to be developed will be graded and engineered to carry water through the stormwater system into the lake.

George Beyer, 1557 Silverlake Drive, asked that a bridge be constructed across the Reserve Area first so that access off Heritage Lake Drive can be utilized by construction traffic rather than Silverlake Drive.

Held

July 19, 1999 continued

19

Gary Gardner, 1524 Silverlake Drive, located his property on a map and defined a drainage problem he has had for the past several years. He believes his lot will be most impacted by the proposed development.

In answer to a question of Laverne Pearson, 1516 Silverlake Drive, Mr. Hoffman advised that the developer must do some flood zone analysis; some grading will be required. The developer is required to submit an application to the Federal Emergency Management Agency (FEMA) to guarantee that grading will be above flood zone elevations.

Mr. Kingseed, recognizing that the development of Yankee Trace, Sections 21 and 22, will not negatively impact the drainage of neighboring properties, asked City Staff for comments. Mr. Horn explained how the drainage system in the entire area has been improved by the development of Yankee Trace. Mr. Hoffman advised that attention must be given by the developer to the current drainage situation.

Upon request of Mayor Beals, Mr. Horn reported that the City plans to widen and improve Yankee Street perhaps in the next 5-7 years depending upon improvements made to Yankee Street north of Spring Valley Road.

Mr. Reppert moved that the decision rendered by the Planning Commission to approve a Special Approval Application submitted by Yankee Trace Development, Inc., for the Preliminary Plan and Setback Plan for Yankee Trace, Sections 21 and 22 be ratified. Mr. Kingseed seconded the motion. Mr. Singer pointed out that the density proposed is not unreasonable, other very nice areas in the City have a higher density than what is being proposed in these Sections of Yankee Trace. He has full confidence that drainage will be adequately addressed by City Staff. Mr. Kingseed pointed out that properties in these Sections will be maintained by a Homeowners Association. The motion passed unanimously.

Kevin and Cindy Stafford, 922 E. Rahn Road, were present at this meeting to express their desire for sidewalk on the south side of E. Rahn Road. Mr. Stafford stated his disagreement with City Staff that sidewalk should be installed along the north side of Rahn Road between the City of Kettering Corporation Line and Marshall Road. As a result of an informal survey of 23 homes on the south side, 11 residents were in favor of sidewalks, 4 were opposed, 1 didn't care, and 7 were unable to be contacted. Mr. Stafford asked to discuss this matter with City Council during a future Council Work Session meeting. He pointed out that all bus stops are located on the south side of Rahn Road.

Mr. Horn outlined his complete review of the placement of sidewalks on Rahn Road, north side vs south side, and came to the conclusion that the correct decision was made by City Staff. Mr. Weaver located the sidewalk to be installed on the north side on a slide presentation, and defined the point system used to rate streets taking into consideration the number of neighbors to be served, the disturbance of property, field conditions and observations. All streets rated on the point system for sidewalks refers to sidewalk on only one side of the street. The north side was selected in this case to provide a connecting network with other sidewalks in the area.

Mayor Beals outlined the history relative to the construction of sidewalks through the years. She pointed out the fact that City Council has established a policy for the installation of sidewalks upon petition by residents.

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held

July 19, 1999 continued

19

RESOLUTION NUMBER 26-99 GRANT APPLICATION  
OHIO ATTORNEY GENERAL'S OFFICE FOR DARE OFFICER

Mr. Horn advised that Chief Walker has put together a grant application for salary funding for a DARE officer from the Ohio Attorney General's Office. This grant would provide approximately 25% of an officer's salary and benefits. Mr. Reppert sponsored Resolution Number 26-99, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Make Application To The Ohio Attorney General's Office For Salary Funding Of A DARE Officer, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

PERSONNEL APPEALS BOARD APPOINT JAMES E. BRUNNER

Mr. Cline moved that James E. Brunner be appointed as a member of the Personnel Appeals Board for the City of Centerville to the term vacated by Paul Clark. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

PLANNING COMMISSION REAPPOINTMENTS  
CHERI WILLIAMS AND RICHARD PLUCKEBAUM

Mr. Singer moved that Cheri Williams and Richard Pluckebaum be reappointed as members of the Planning Commission for the City of Centerville. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

Councilmember J. V. Stone announced his decision not to run for reelection on November 2, 1999.

There being no further business, the meeting was adjourned.

Approved: Sally P. Buds  
Mayor

ATTEST:

Wanda M. Saughel  
Clerk of Council