

RECORD OF PROCEEDINGS

288

Minutes of

COUNCIL

Meeting

Held October 18

19 99

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 18, 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 Dan Meyer, Assistant Pastor at 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	J. V. Stone
	James Reppert
	C. Mark Kingseed
	Douglas Cline
	Susan Lienesch
Clerk of Council	Marilyn McLaughlin
Public Works Director	Steve Weaver
City Engineer	Norbert Hoffman
City Planner	Steve Feverston
Director of Finance	William Bettcher
Municipal Attorney	Robert Farquhar
Assistant to the City Manager	Kelly Fackel
Assistant in the Clerk's Office	Debra James

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

Council Meetings - September 20, 1999.

- September 27, 1999.

Council Work Sessions - September 20, 1999.

- September 22, 1999.

- September 27, 1999.

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

Linda Meily, Chairman of the City Beautiful Commission, outlined activities of the Commission throughout the year and the criteria followed for the selection of City Beautiful awards. Mrs. Meily along with Mayor Beals presented awards to the following:

Amy and Tony Licata, 1789 Weathered Wood Trail
Julie and Geoff Darr, 7860 Raintree Drive
William and Sandy Demoray, 8240 Rhine Way
The Wheeler Family, 476 Shirley Ann Drive
Georgia and Bill Gillespie, 814 Deer Run Road
Gregory Brown and Gayle Havert, 6796 Twin Fork Court
Karla, Ken and Susan Jansen, 8098 Brainard Woods Drive
Thomas and Linda Blome, 511 Willowhurst Street
Cliff and Pat Purdin, 9875 Winding Green Way
Rosie and Darryl Ward, 5275 Applecreek Road
Patricia Galvin, 134 Martha Drive
Robert Hammons, 9712 Stonerock Court
Walton House, 89 West Franklin Street

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Richard and Ginny Bieser, 6120 Marshall Road
Marlene and Dale Nelson, 7755 Bigger Road
Teri and Joe Willhoite, 225 Linden Drive
Lonnie and Sue Ellen Fry, 9811 Winding Green Way
Dave and Cindy Ginger, 7860 Stonehouse Court
Judy Stang, 85 South Johanna Drive
Mr. and Mrs. Lamport, 9713 Rose Arbor Drive
Centerville Shell, 899 South Main Street

Mrs. Meily introduced all members of the City Beautiful Commission present at this meeting. Mayor Beals thanked members of the City Beautiful Commission and the award recipients for their participation in this program.

Mrs. McLaughlin announced the receipt of an appeal filed by Scott Jones from the decision rendered by the Centerville Property Review Commission on September 16, 1999 to an interim order to make repairs on the property located at 7155 Wilmington Pike. Mr. Kingseed moved that the appeal of K & S Enterprises from the decision of the Centerville Property Review Commission rendered on September 16, 1999 be denied. Among the reasons for denial is the fact that the order appealed from is only an interim order to repair and not final action by the Commission. Mr. Stone seconded the motion. The motion passed unanimously.

Elaine Johnson was present at this meeting to present to the City of Centerville the Silver Circular Award for excellence in video programing. This award, which is part of the Savvy Award Program, was presented for Centerville Reports during the recent meeting of 3CMA (City-County-Communications and Marketing Awards).

Mayor Beals reviewed the following events which took place during the past month and will take place in weeks to come:

The Washington-Centerville Public Library was recently ranked first in the nation among libraries the same size.

A group of 50+ people traveled to Centerville's Sister City Waterloo, Ontario, Canada, the weekend of Friday, October 8, 1999 to enjoy the Waterloo-Kitchner Oktoberfest and Canada's Thanksgiving.

Beggars Night in Centerville has been set for Saturday, October 30, 1999 between 6:00 and 8:00 P.M.

The Centerville Police Department has received a National Award from the National Association of Town Watch for extraordinary participation at Mystery Night Out.

October is Crime Prevention Month in the City of Centerville.

Red Ribbon Week is October 23 - 31, 1999.

Flu shots will be offered in the Council Chambers of the Centerville Municipal Building on Tuesday, November 9, 1999 between 2:00 and 3:45 P.M.

City offices have been preparing the last several months for Y2K. Employees will be on alert over the weekend of New Years to deal with any problems that may arise.

Two new businesses were welcomed to Centerville in the Cross Pointe Center: Bellagio and Elegant Clutter.

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Election Day is Tuesday, November 2, 1999. Interviews can be viewed of the Council candidates on TV channel 10.

Veteran's Day is November 11, 1999. A celebration will be held at the War Memorial in the Leonard E. Stubbs Memorial Park at 11:11 A.M.

Ms. Fackel reported the following during the City Manager's Report:
 Fall rates at The Golf Club at Yankee Trace have been put into effect.
 City Staff continues to be trained in preparation for Y2K.

Ms. Fackel outlined improvements and new equipment installed at the Leonard E. Stubbs Memorial Park.

Mr. Weaver gave the Community Calendar for the coming month.

YANKEE TRACE SECTION TWENTY TWO RECORD PLAN

Mr. Feverston reviewed the Planning Commission meetings held September 14 and September 28, 1999. He explained the Record Plan for Yankee Trace, Section Twenty Two, the division of a 13.159 acre parcel of land located as an extension of Heritage Lake Drive on the west side of Yankee Street, south and east of Holes Creek, into 27 single-family residential lots. The zoning is R-1c, Single-Family Residential. Mr. Feverston located the subject property on a map. He pointed out the fact that there is a small portion of land adjacent to this section which has not been included in any section of Yankee Trace; the Planning Commission recommended to City Council that this small portion of land be included in this section and be designated as Reserve Area. The Planning Commission, by unanimous vote, recommended to City Council that this Record Plan for Yankee Trace, Section Twenty Two, be approved subject to the following conditions:

1. The Record Plat or the declaration of covenants for this plat shall be modified to show the minimum side yard building setback of 5 feet and a minimum separation of 20 feet between buildings that was approved by the Planning Commission subject to approval by the City Attorney.
2. The remnant parcels situated north of Heritage Lake Drive and west of the irrigation lake shall be incorporated into this Record Plan as a reserve area subject to approval by the City Planner. A covenant shall be placed on the Record Plan that grants the City of Centerville the right of access through this reserve area for the purpose of maintaining the main irrigation lake subject to approval by the City Attorney.
3. The private drainage easements shown on the Record Plan shall be re-labeled to depict the grading limits and 100 year flood boundary subject to approval by the City Engineer and City Attorney.
4. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
5. An intersection sight distance easement shall be shown on Lot No. 433 subject to approval by the City Engineering Department.

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6. The hiker/biker path shall be constructed as a part of this section to connect to the existing path in Section 3 to the path to be constructed as a part of Section 21 subject to approval by the City Engineering Department.
7. Street "A" on the Record Plan shall be renamed subject to approval by the City Planner.
8. 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.

Mr. Feverston reviewed the recommendation submitted by the City Engineer that this Record Plan be approved, conditioned upon the following:

1. Acceptable Subdivider's Agreements.
2. Performance Bond to assure the completion of the public improvements (grading, drainage, curbs, pavement, etc.) in the amount of \$470,000.00 of which \$33,000.00 is for Hiker/Biker Trail/concrete walk installation.
3. Inspection Fee of \$1,070.00.
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. The Performance Bond may be reduced to \$44,000.00 (representing some site clearing, grading and preparation for and placement of surface course of asphalt pavement) if and when a construction contract utilizing SAF funding is executed.

Mr. Reppert moved that the Record Plan for Yankee Trace, Section Twenty Two, be approved subject to all conditions recommended by the Planning Commission and the City Engineer. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 16-99 ZONING ORDINANCE AMENDMENT NEW ZONING MAP

Mr. Feverston briefly reviewed a new zoning map for the City of Centerville to replace the current map. The proposed map includes no zone changes. Mrs. Lienesch moved that Ordinance Number 16-99, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of Centerville, Ohio, To Adopt A New Official Zoning Map To Replace The Official Zoning Map Adopted July 21, 1986, And All Amendments Thereto, be set for Public Hearing on December 20, 1999. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mr. Reppert, speaking as Chairman of the Streets and Highways Council Committee, reported on their meeting held Monday, October 11, 1999. The Committee reviewed sidewalk criteria and the extent of sidewalk repairs made in 1998 and 1999. City Staff will develop a sidewalk maintenance needs assessment study of the entire City by quadrant. This study is to be completed by the end of December 1999. The Committee also reviewed recommendations made by City Staff on sidewalk installation and discussed budgetary limitations. Also discussed was the maintenance of tree lawns on downtown City streets. Mr. Cline moved that the report received on behalf of the Streets and Highways Council Committee be accepted. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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Mr. Singer, speaking as Chairman of the Stormwater Drainage Task Force, reviewed their meeting held September 30, 1999. Discussed were projects completed during 1999 and the preparation to begin stormwater drainage improvements in front of The Franciscan at St. Leonard, along the south side of Centerville Station Road. The project will consist of the installation of storm sewer in the side ditch to provide an outlet for East Franklin Street water flow and the future development at St. Leonard. This will be the first phase of the Centerville Station Road future reconstruction project. Mr. Reppert moved that the report from the Stormwater Drainage Task Force be accepted. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 13-99 1999 APPROPRIATIONS ADJUSTMENT

The Public Hearing was held concerning Ordinance Number 13-99. Mr. Bettcher reviewed this proposed Ordinance to adjust appropriations in certain funds for 1999. The State Auditor has requested that this procedure take place when individual funds are overspent or will be overspent before year end. Mr. Bettcher outlined the funds overspent and explained the reason for their overage. Mr. Singer sponsored Ordinance Number 13-99, An Ordinance To Amend Ordinance 37-98 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, 1999, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 17-99 PERSONNEL MANUAL

Mrs. Lienesch moved that Ordinance Number 17-99, An Ordinance To Adopt The City Of Centerville Personnel Manual For Employees Of The City Of Centerville, be set for Public Hearing on November 15, 1999. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 18-99 PERSONNEL MANUAL

Mr. Reppert moved that Ordinance Number 18-99, An Ordinance To Adopt The City Of Centerville Personnel Manual For Employees At Yankee Trace, be set for Public Hearing on November 15, 1999. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 19-99 PERSONNEL

Mrs. Lienesch moved that Ordinance Number 19-99, An Ordinance To Repeal Ordinance Number 39-98 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, be set for Public Hearing on November 15, 1999. Mr. Kingseed seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 20-99 PERSONNEL

Mr. Singer moved that Ordinance Number 20-99, An Ordinance To Repeal Ordinance Number 41-98 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on November 15, 1999. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 21-99 WASTE COLLECTION HARDSHIP EXEMPTIONS

Mr. Bettcher reviewed a proposed Ordinance which makes changes to Section 1060.07 of the Centerville Municipal Code relative to waste collection hardship exemptions. The Ordinance as drafted eliminates the reference to age, bases the percentage of exemption upon the poverty level, and requires the applicant to submit proof of income annually. Mr. Singer moved that Ordinance Number 21-99, An Ordinance Amending Section 1060.07 Of The Centerville Municipal Code Relating To Hardship Exemptions, be set for Public Hearing on November 15, 1999. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 52-99
FIRE INVESTIGATION MEMORANDUM OF UNDERSTANDING

Chief Walker reviewed a proposed Resolution to authorize the City of Centerville to participate in a Memorandum of Understanding between Montgomery County, Greene County and Warren County Fire and Police Departments. The purpose of this Memorandum of Understanding is to provide joint cooperation between fire and police departments, particularly in the case of a disaster. Cooperation in this venture will also give Centerville a voice on the Board of Directors and the opportunity to appoint a liaison to the Regional Fire Investigation Unit. Mr. Reppert sponsored Resolution Number 52-99, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville, To Enter Into A Fire Investigation Memorandum Of Understanding Between Montgomery County, Greene County & Warren County Fire & Police Departments, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 53-99 GRANT PARCEL OF LAND TO KETTERING

Mr. Feverston outlined a proposed Resolution to grant by quit claim deed a parcel of land owned by the City of Centerville to the City of Kettering. This 0.133 acre parcel is no longer of use to the City of Centerville and will provide the City of Kettering with an access to Pond View Park. Mr. Cline sponsored Resolution Number 53-99, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Grant By Quit Claim Deed A Parcel Of Land To The City Of Kettering, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

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RESOLUTION NUMBER 54-99 DISPOSITION OF WILD ANIMALS

Ms. Fackel reviewed a proposed Resolution to authorize the execution of an Agreement with the Board of County Commissioners of Montgomery County for the disposition of wildlife killed on roadways in the City of Centerville and delivered to the Montgomery County Animal Shelter. The cost to the City of Centerville for this service is \$30.00 per wildlife disposed. Mr. Stone sponsored Resolution Number 54-99, 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 unanimously.

RESOLUTION NUMBER 55-99 PURCHASE OF PORTABLE RADIOS

Police Chief Walker outlined the need to replace portable radios currently being used by Police Officers. These radios are 13-14 years old. The Police Department has been notified that Motorola will no longer be furnishing parts for these radios nor will maintenance be available. Motorola has offered a trade in allowance if new radios are purchased prior to December 21, 1999. It is necessary to purchase these radios without competitive bidding for the reason that Motorola is the sole source of radio equipment which is compatible with the existing radio equipment owned by the Centerville Police Department. Mr. Kingseed sponsored Resolution Number 55-99, A Resolution Authorizing The Purchase Of Thirty-Nine Replacement Motorola Portable Radios Without Competitive Bidding, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

YANKEE TRACE SECTION TWENTY PERFORMANCE BOND REDUCTION

Mr. Hoffman reviewed his recommendation that the Performance Bond/Letter of Credit posted with the City of Centerville for Yankee Trace, Section Twenty, in the amount of \$445,554.00 be reduced to \$60,000.00. Public improvements in this section are under contract utilizing SAF funds. The \$60,000.00 is sufficient to complete the non-SAF funded work which consists of 10 percent repair of curb work, remaining site grading, temporary seeding and final asphalt paving including the spine road segment. Mr. Stone moved that the Performance Bond/Letter of Credit posted on Yankee Trace, Section Twenty, be reduced to \$60,000.00 as recommended by the City Engineer. Mr. Cline seconded the motion. The motion passed unanimously.

YANKEE TRACE SECTION TWENTY ONE PERFORMANCE BOND REDUCTION

Mr. Hoffman reviewed his recommendation that the Performance Bond/Letter of Credit posted by the developer with the City of Centerville for Yankee Trace, Section Twenty One, in the amount of \$311,000.00 be reduced to \$66,000.00. This reduction recognizes the work completed under SAF contract for completion. Of the \$66,000.00, \$19,730.00 is for sidewalks and the Hiker/Biker Trail. It also includes the private access drive being constructed by the developer, 10 percent repair of curb work, remaining site grading, temporary seeding and final asphalt paving.

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Mr. Reppert moved that the Performance Bond/Letter of Credit for Yankee Trace, Section Twenty One be reduced as recommended by the City Engineer. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE ARTS COMMISSION APPOINT TOM BRADRICK

Mr. Cline moved that Tom Bradrick be appointed as a member of the Centerville Arts Commission. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mayor Beals expressed appreciation to the members of the City Beautiful Commission for their devotion and the reception held during this meeting for the award winners, the Sister City Committee for the recent Sister City exchange and to all volunteers involved with City government.

There being no further business, the meeting was adjourned.

Approved: Sally D Beals
Mayor

ATTEST:

Maile Jane Laughlin
Clerk of Council