

RECORD OF PROCEEDINGS

Minutes of **COUNCIL MEETING**

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10188

Held February 16, 1998

19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 16, 1998 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, Pastor of the Church of the Incarnation and City Chaplain, and the Pledge of Allegiance to the Flag led by Junior Girl Scout Troop 112, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	George Smith
	J. V. Stone
	Susan Lienesch
	James Reppert

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Peggy Whisman
 City Manager Gregory Horn
 City Planner Steve Feverston
 Public Works Director Steve Weaver
 Municipal Attorney Robert Farquhar
 Chief of Police Steve Walker
 Assistant City Manager Judith Gilleland
 Assistant to the City Manager Kelly Fackel

Members of Scout Troop 112 introduced themselves; Co-leader Holly Clark advised that the girls are working toward their Junior Citizen badge.

Mayor Beals advised that Councilmember C. Mark Kingseed would not be present at this meeting due to a business commitment. Mrs. Lienesch moved that Mr. Kingseed be excused from this meeting. Mr. Stone seconded the motion. The motion passed unanimously.

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

Council Meeting -	January 26, 1998.
Council Work Session Meetings -	January 26, 1998.
	February 2, 1998.
	February 9, 1998.

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

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Arts Commission member Kimberly Kayler Izenon. Mrs. Lienesch moved that the letter of resignation from Kimberly Kayler Izenon be accepted with regret. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

Mayor Beals administered the Oath of Office to Centerville Arts Commission members Cheri L. Williams-Alvarado and Michael R. Haase.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held February 16, 1998, continued

19

Chief Steve Walker gave the Annual Report for the Centerville Police Department outlining the many activities and accomplishments made by the Department during the past year. He expressed appreciation to the Miami Valley Cable Council for their assistance in the production of a video, and to Officer Donna Peacock for assisting in the delivery of the video. He introduced Lieutenant Bruce Robertson and Lieutenant David Williams and identified their role within the Department. He introduced personnel occupying new positions and new employees of the Centerville Police Department. Mayor Beals administered the Oath of Office to the following police personnel:

- Communications Records Supervisor Judy Kuhns.
- Communications Records Specialist Cathy Burke.
- Police Officer Chad Eckenrode.
- Police Officer Doug Gaudette.
- Police Cadet Mike Green.

Mayor Beals announced the following events which took place during the past month or will take place in coming months:

On February 13 and 14, 1998, City Council met in a Retreat to review 1997 and make plans for 1998.

The Sister City Committee has put together a trip to Centerville's Sister City Bad Zwischenahn, Germany. For those interested, there remains openings.

On Thursday, February 19, 1998, at the Centerville Library, a National Issues Forum will be held beginning at 7:00 P.M.

On Thursday, February 26, 1998, awards will be presented for the Erma Bombeck Essay Contest.

City Council will be attending the National League of Cities Congressional City Conference on March 6-10, 1998 in Washington, D.C.

On Thursday, March 12, 1998, the City will host a Business Breakfast at the Gallery at Yankee Trace, beginning at 7:30 A.M.

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

Recently retired Assistant to the Finance Director Lee Aring passed away suddenly during the past week.

The Master Plan for the Leonard E. Stubbs Memorial Park is receiving its final touches.

The services of the Computer Consultant is well underway.

The Gallery at Yankee Trace continues to be closed on Monday until March 16, 1998.

The Golf Course at Yankee Trace remains open for special occasions and on good weather days.

The City continues to provide on-going training programs for employees of the City of Centerville.

Mayor Beals announced the passing of former Mayor of Centerville Paul Hoy.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10748

Held February 16, 1998, continued

19

ZONING ORDINANCE AMENDMENT SIMMS REZONING WELLER FARM

Mr. Feverston reviewed the Planning Commission meeting held January 27, 1998. During that meeting the Planning Commission, by a vote of 6-1, recommended approval of a Rezoning Request to City Council; said application being submitted by Charles Simms Development Corporation for a change of 9.53 acres located at 7520 Clyo Road from R-1c, Single-Family Residential to R-PD, Residential Planned Development. Mr. Stone moved that An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 9.53 Acres, More Or Less, From R-1C, Single Family Residential Classification, To R-PD, Residential Planned Development Classification, be set for Public Hearing on April 20, 1998. Mr. Smith seconded the motion. The motion passed by unanimous vote. Upon question of Mr. Singer, Mr. Feverston advised that Public Hearings for the Major Use Special Approval Application for the construction of condominiums on this same property and the Appeal filed against a decision rendered by the Planning Commission approving a Special Approval Application for the construction of single family dwellings on property immediately to the east will be held on April 20, 1998 along with the Rezoning Application.

WOODBROOKE LAKES SECTION ONE RECORD PLAN

Mr. Feverston reviewed a Record Plan for Section One of Woodbrooke Lakes, property located north of Alexandersville-Bellbrook Road and east of Loop Road, consisting of the division of 7.961 acres zoned R-PD, Residential Planned Development, into 26 single family residential lots. The plan includes existing homes located within the Chardonnay Valley development. Mr. Feverston located the subject property on a map and identified adjacent land uses and zone classifications. Also included on the plan is a retention basin and reserve areas which will be maintained by the Homeowners Association. All streets will be constructed according to the City's construction standards and will become public streets. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Lots 23 through 26 shall be reconfigured subject to approval by the City Engineer to:
 - a. Eliminate the small looped drive as a public right-of-way,
 - b. Extend all lots to abut Woodbrooke Trail,
 - c. Permit lot 23 and 24 direct access to Woodbrooke Trail, and
 - d. Provide a shared driveway for the remaining lots.
2. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
3. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basins.
4. The description of Reserve "A" on the record plan shall include the 10 foot wide maintenance easement situated on the east side of the retention basin.
5. Reserve "A" shall also be described as a stormwater drainage easement to allow

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1048

Held February 16, 1998, continued

19

6. The walkway situated in the ten foot wide maintenance easement and approved with the Major Use Special Approval Plan shall be constructed as a part of this plat. This walkway shall be either asphalt or concrete and have a minimum width of 4 feet. Installation of the portion of the walk east of the retention basin may be deferred until such time when the walk shall have a logical terminus subject to approval by the City Engineer.
7. Reserve "A" shall extend as a 10 foot wide strip of land between lot 22 and lot 23 westward to abut Woodbrooke Trail to contain the walkway between those lots.
8. A sidewalk shall be constructed along the east side of Woodbrooke Trail instead of the west side as shown on the Major Use Special Approval Plan subject to approval by the City Engineer.
9. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
10. All street names shall be subject to approval by the Planning Department. The name Linden Terrace and Woodbrooke Trail are duplicate or conflicting names in Montgomery County.
11. 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.
12. The Developer shall place monies in escrow to the City, in an amount necessary to construct a full width improvement to Alex-Bell Road including an additional lane of pavement, sidewalks, curb, and storm sewers, less the cost of construction of any temporary improvements deemed necessary by the City Engineer. The escrow amount shall be subject to approval by the City Engineer.
13. Lots 13 through 17 shall have a 6 foot wide utility easement along Woodbrooke Trail.
14. The 10 foot wide utility easement located on the southern portion of lot 16 shall be widened to the south lot line.

Mr. Feverston reviewed the following recommendations for approval submitted by City Engineer Norbert Hoffman:

1. Acceptable Subdivider's Agreements.
2. Performance Bond to assure the completion of the public improvements (reconstruction of existing street, modification of storm drainage, installation of curbs and sidewalks as required, etc.) in the amount of \$72,615.00 of which \$2,080.00 is for walk.
3. In lieu of thoroughfare widening improvements to Alex-Bell Road frontage, the developer should pay the City \$3,200.00 which represents the monetary difference between the estimated costs for one full lane of widening, storm, curbs and the cost of the temporary left turn lane improvement previously constructed with the Chardonnay construction. A temporary walk along Alex-Bell Road currently exists.
4. Inspection fee in the amount of \$414.00.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held February 16, 1998, continued19

5. The City be permitted to replace the paver bricks with asphalt in the road right-of-way, at a time repair is deemed necessary. If the Homeowners desire the paver bricks to remain, they will be responsible for any additional costs associated with replacement or repairing of pavers.

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.

Attorney John Chambers, representing the applicant, concurred with all recommendations as defined by Mr. Feverston. Mr. Reppert moved that the Record Plan for Woodbrooke Lakes, Section One, be approved subject to all recommendations of the Planning Commission and the City Engineer. Mr. Smith seconded the motion. The motion passed unanimously.

H.R. OFFICE PARK SECTION THREE RECORD PLAN

Mr. Feverston reviewed a Record Plan for H. R. Office Park, Section Three, property located west of the Dayton-Lebanon Pike and south of Sheehan Road. The plan includes the development of 6.143 acres zoned B-1, Neighborhood Business, into three office-service lots. Mr. Feverston located the subject property on a map and identified adjacent zone classifications and land uses. Also included on the plan is one access onto State Route 48 and one traversing north and south in the rear of the proposed lots as well as behind the lot included on a Record Plan previously approved, in order to provide access onto Sheehan Road. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council with the following conditions:

1. A covenant shall be placed on this plat, subject to approval by the City Attorney, that limits vehicular access to State Route 48 to the single location labeled "Proposed Access Easement" on the Record Plan unless specifically modified by the City of Centerville.
2. A covenant shall be placed on the Record Plan requiring that all access easements, including the easement connecting to Lot 2 of H. R. Office Park, Section 2 must be improved by the property owner. This improvement shall, provide at a minimum, a two-way, hard surface drive and left-turn lane. The installation of the improvements shall be required when the first lot is developed. The final design and engineering shall be subject to approval by the City Engineer.
3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
4. In lieu of completion of the required improvements to State Route 48 prior to recording of this plat, the applicant shall pay a lump sum fee in the amount of \$35,000 to the City of Centerville for the future widening of State Route 48.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Dept.

Mr. Feverston reviewed the following conditions for approval recommended by the City Engineer:

1. Acceptable Subdivider's Agreement.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 00148

Held

February 16, 1998, continued

19

2. In lieu of thoroughfare widening improvements for State Route 48 frontage, an amount of \$35,000.00 shall be paid to the City of Centerville for STATE ROUTE 48 thoroughfare improvements contemplated by the City later this year.

NOTE: Right-of-way according to the thoroughfare plan (60' from centerline) is being dedicated in conjunction with this plating.

Mr. Feverston advised that City Council has requested that Planning Commission's condition number 4 be amended to read as follows: In lieu of completion of the required improvements to State Route 48, prior to recording of this plat, the applicant shall pay a lump sum fee in the amount of \$35,000.00 to the City of Centerville for the future widening of State Route 48. Additionally, upon written request by the applicant and submission of a letter of commitment that guarantees payment shall be same, City Council may delay payment of this impact fee until such time when construction documents are ready to be signed by the City. The letter of commitment shall be subject to approval by the City Attorney.

Upon question of Mrs. Lienesch, Mr. Feverston advised that storm water drainage can be handled either for the three lots combined or each lot separately. Mrs. Lienesch requested the scenario on the storm water drainage for these lots. Mr. Singer moved that the Record Plan for the H.R. Office Park be approved subject to all conditions as outlined by Mr. Feverston. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

Mrs. Lienesch announced a Fish Fry Fund Raiser scheduled at the Hithergreen Senior Center for Friday, March 20, 1998 from 5:00 to 7:00 P.M.

ORDINANCE NUMBER 4-98 STORAGE OF UNLICENCED VEHICLES

The Public Hearing was held concerning Ordinance Number 4-98. Mr. Horn reviewed this proposed Ordinance which changes the language in the Centerville Municipal Code to provide better control over the deposit and storage of unlicensed, inoperative, abandoned and junk motor vehicles upon ones' property. It does not apply to auto related businesses and it does not prohibit one from performing major overhaul of a motor vehicle; however this must be done within an enclosure. Mr. Reppert sponsored Ordinance Number 4-98, An Ordinance Amending The Centerville Municipal Code By Changing The Definition Of Certain Motor Vehicles, Changing The Time Limitation For Removal Of Certain Motor Vehicles And Revising The Regulation Of Unregistered Motor Vehicles, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 5-98 RECOVERY OF COST FOR REMOVAL OF JUNK

The Public Hearing was held concerning Ordinance Number 5-98. Mr. Horn reviewed this proposed Ordinance to provide for the recovery of costs by the City for the removal of garbage, rubbish or junk from private property. Mr. Stone sponsored Ordinance Number 5-98, An Ordinance Amending The Centerville Municipal Code By Providing The Recovery Of The City's Cost of Removing Garbage, Rubbish Or Junk From Private Property, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held February 16, 1998, continued19

Lee Althen, 325 Annette Drive, was present at this meeting seeking clarification relative to the Master Plan for the Leonard E. Stubbs Memorial Park and the extension of Virginia Avenue from Bristol Drive to Spring Valley Road. Mr. Reppert, speaking as Chairman of the Streets and Highways Council Committee, advised that his Committee has been charged with the task of reviewing and recommending to City Council the future for Virginia Avenue. He advised that future meetings of the Streets and Highways Committee will be advertised. Mayor Beals pointed out that a Master Plan is being prepared for Stubbs Park to provide an orderly guide for future plans and developments. The extension of Virginia Avenue has been discussed in conjunction with this Master Plan in consideration of providing better access to the Centerville Library and the proposed Police and Fire facility if the site for its location is selected at the southwest corner of the Park. Mr. Horn explained that City Staff will be gathering traffic statistics relative to Virginia Avenue for study by the consultants preparing the Master Plan for the Park and the consultants preparing a needs facility study for Police and Fire, as well for the Streets and Highways Council Committee.

Kevin Lavoie, 9339 Stephanie Street, asked City Council to examine a drainage problem that exists in the neighborhood adjacent to the Centerville Municipal Building, a problem that greatly impacts his property. Mr. Weaver reviewed previous communications with Mr. Lavoie relative to this matter. Mr. Horn advised that City Staff will prepare a report and recommendation to Council.

ORDINANCE NUMBER 6-98 YANKEE STREET SPEED LIMIT REDUCED

Mrs. Lienesch moved that Ordinance Number 6-98, An Ordinance Enacting A Speed Limit Of 45 Miles Per Hour On Yankee Street Within The Corporate Limits Of The City Of Centerville, be set for Public Hearing on March 16, 1998. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 7-98 DESIGNATE LANDMARK HENRY OPDYKE-ELEAZER WILLIAMSON HOUSE

Mr. Reppert moved that Ordinance Number 7-98, An Ordinance To Designate The Building Addressed As 7155 Wilmington Pike And Known By Local Historians As The Henry Opdyke-Eleazer Williamson House, As A Landmark Within The City of Centerville, Ohio, And Amending Ordinance Number 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, or Places As Landmarks Within The City of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, be set for Public Hearing on March 16, 1998. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

February 16, 1998, continued

19

RESOLUTION NUMBER 7-98 AUTHORITY TO PURCHASE PATROL CARS

Mr. Horn reviewed a proposed Resolution to correct the authority for the City of Centerville to purchase patrol cars at the same purchase price as obtained through the State of Ohio, Department of Administrative Services, Office of State Purchasing from a local dealer. Authority by the Ohio Revised Code was erroneous as stated in Resolution Number 2-98. The authority to make this purchase from a local supplier is provided the City of Centerville by exercising its Home Rule powers. Mr. Stone sponsored Resolution Number 7-98, A Resolution Correcting Resolution 2-98 Passed On January 26, 1998 By Citing The Correct Legal Authority For Council's Action, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 8-98 WATER MAIN EASEMENT YANKEE TRACE

Mr. Horn reviewed a proposed Resolution for the City to grant unto the Montgomery County Sanitary Engineer's Office an easement across City owned property in Yankee Trace for the installation of a water line loop between number five green and number six tee at The Golf Course at Yankee Trace and to further loop to the next section of the Yankee Trace Residential Development. Mr. Singer sponsored Resolution Number 8-98, A Resolution Authorizing The City Manager To Grant An Easement, On Behalf Of The City of Centerville, To The Board Of County Commissioners Of Montgomery County, Ohio, For The Installation Of A Water Main Between Yankee Trace, Section 8 And Yankee Trace, Section 15, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 9-98 UTILITY EASEMENT DAYTON POWER & LIGHT

Mr. Horn reviewed a proposed Resolution for the City to grant unto the Dayton Power & Light Company an easement to extend underground electric service from the north end of the driving range at The Golf Club at Yankee Trace to east of hole number nine. Mr. Reppert sponsored Resolution Number 9-98, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power & Light Company To Install Underground Electric Facilities to Service The Golf Club At Yankee Trace, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 10-98 REFUSE PACKERS

Mr. Weaver reviewed the following bids received for the purchase of refuse packers for the City of Centerville:

S&S Volvo & GMC Truck	\$104,627.00	E-Z Pack Goliath Packer Body + 2,800.00 Dual Steering
Miami Valley International Trucks	\$107,450.00	E-Z Pack Goliath Packer Body + 1,500.00 Dual Steering

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10748

Held February 16, 1998, continued19

Crane Carrier Company	\$110,557.00 E-Z Pack Goliath Packer Body + 1,500.00 Dual Steering
Crane Carrier Company	\$111,345.00 Dempster Packer Body + 1,500.00 Dual Steering

He recommended acceptance of the bid received from the Crane Carrier Company for the purchase of a 25 cubic yard, high compaction refuse packer, complete with chassis and Dempster packer body plus dual steering for the cab and chassis at a cost of \$112,845.00 per unit, less trade in. Mr. Stone sponsored Resolution Number 10-98, A Resolution Accepting The Bid Submitted By Crane Carrier Company For The Purchase Of A 25 Cubic Yard, High Compaction, Refuse Packer(s) 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. Reppert seconded the motion. The motion passed unanimously.

YANKEE TRACE SECTIONS TEN, ELEVEN, THIRTEEN, FOURTEEN PERFORMANCE BOND/LETTER OF CREDIT REDUCTION

Mr. Horn reviewed a recommendation from the City Engineer that the following Letters of Credit be reduced on the following sections of Yankee Trace:

Section Ten: Letter of Credit be reduced from \$68,000 to \$9,000.

Section Eleven: Letter of Credit be reduced from \$44,000 to \$9,500.

Section Thirteen: Letter of Credit be reduced from \$148,440 to \$19,000.

Section Fourteen: Letter of Credit be reduced from \$105,000 to \$14,000.

Mr. Singer moved that the Letters of Credit submitted to the City of Centerville for sections of Yankee Trace be reduced as recommended by the City Engineer. Mr. Smith seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE HISTORICAL COMMISSION APPOINT ROBERT DALEY

Mrs. Lienesch moved that Robert E. Daley be appointed as a member of the Centerville Historical Commission. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

CITY BEAUTIFUL COMMISSION APPOINT GENEVIEVE K. HARVEY

Mr. Stone moved that Genevieve K. Harvey be appointed as a member of the City Beautiful Commission for the City of Centerville. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held February 16, 1998, continued

19

CITY BEAUTIFUL COMMISSION REAPPOINT MICHAEL BATTAGLIA

Mr. Singer moved that Michael Battaglia be reappointed as a member of the City Beautiful Commission. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Marilyn J. McLaughlin
Marilyn J. McLaughlin
Clerk of Council

Approved: *Sally D. Burt*
Mayor