

# RECORD OF PROCEEDINGS

Minutes of **COUNCIL MEETING**

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held April 21, 1997

19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 21, 1997, 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 with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor C. Mark Kingseed
- Councilmembers Brooks Compton
- J. V. Stone
- James Singer
- 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
- Assistant to the City Manager Judith Gilleland
- Economic Development Coordinator William Stamper
- Municipal Attorney Robert Farquhar

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

- Council Meetings - March 17, 1997.
- March 24, 1997.
- Council Work Sessions - March 15, 1997.
- March 17, 1997.
- March 24, 1997.
- April 7, 1997.

Mr. Compton moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Kingseed seconded the motion. The motion passed unanimously.

The minutes of the Joint City Council/Washington Township Trustees meeting held January 27, 1997 had been distributed prior to this meeting. Mr. Stone moved that the minutes of the joint meeting held January 27, 1997 be approved, as distributed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Planning Commission member Timothy M. Shroyer. Mr. Kingseed moved that the resignation of Timothy M. Shroyer as a member of the City Planning Commission be accepted with regret. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin advised that a letter of resignation had been received from City Planning Commission member Peter McMahan. Mr. Singer moved that the resignation of Peter McMahan as a member of the City Planning Commission be accepted, with regret. Mrs. Lienesch seconded the motion. The motion passed unanimously.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014E

Held April 21, 1997, continued

19

Mayor Beals introduced Centerville High School students present at this meeting who will participate in Youth in Government Day in the City on Tuesday, April 29, 1997.

Mayor Beals listed the following events which have taken place during the past month:  
Two Business Breakfasts held: one on March 20, 1997 and one on March 27, 1997, to better inform each other about the businesses and improvement projects in the City.

Ribbon cuttings held at Bob Evans on Wilmington Pike, The Kroger Store and a branch of the Fifth Third Bank in the Centerville Place Shopping Center.

CIVIC Volunteer Salute held Thursday, April 17, 1997. Paul Heintz was honored as Volunteer of the Year.

Arbor Day in the City of Centerville will be held at 10:00 A.M. on April 24, 1997 in front of the St. Francis of Assisi Church on Wilmington Pike.

Centerville was again named Tree City USA at a ceremony held in Troy, Ohio on April 18, 1997.

The following three Proclamations were issued:

Medical Laboratory Week in the City of Centerville - April 13 - 19, 1997.

Normandy United Methodist Church Day in Centerville - April 27, 1997.

Operation Clean Sweep in Centerville - May 12 - 15, 1997. Mr. Weaver outlined those items which can and cannot be picked up during the week of Operation Clean Sweep by the City Waste Collection Department.

Centerville Police Officer Donna Peacock was recently named Ohio Crime Prevention Officer of the Year by the Ohio Crime Prevention Association.

Clerk of Council Marilyn McLaughlin has been honored by the Ohio Municipal Clerks Association as Clerk of the Year in the State of Ohio.

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

The Bicentennial sculpture "The Record" is being put in place in front of the Centerville Library on West Spring Valley Road. A formal dedication will be held on May 18, 1997 at 1:00 P.M.

Bids have been received and are under estimate for the City's street resurfacing program for 1997.

Bids for the East Franklin Street improvement project were submitted with costs less than anticipated.

The Police Facility Planning Committee continues their work relative to a new facility for the Centerville Police Department and the Washington Township Fire Department. RFP's have been received from Architectural firms to prepare a Needs Assessment and Facilities Study. Focus is currently being placed on the acceptance of the proposal received from Horne & King. The study will take approximately six months and will be paid for jointly by the City and Washington Township.

The Golf Club at Yankee Trace is open for the season. A no medal spike policy will be put in place on June 1, 1997. Carts will be permitted off cart paths.

Centerville's Tax Returns are due April 30, 1997.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held April 21, 1997, continued19

## YANKEE TRACE SECTION ELEVEN RECORD PLAN

Mr. Feverston reported on the Planning Commission meeting held March 25, 1997. He reviewed a Record Plan for Yankee Trace, Section Eleven, property situated on the east side of Yankee Street, north of Charter Place. The zoning of this 5.56 acre parcel is R-1c, Single-Family Residential. Proposed is the division of this acreage into 9 lots and the extension and completion of existing Lantern Way in the Yankee Trace residential development. Mr. Feverston located the subject property on a map and identified adjacent land uses as being all Single-Family Residential. The Planning Commission, by a vote of 5-0, recommended approval of this Record Plan to City Council subject to the following conditions:

1. The minimum building setback shall be in accordance with the Residential Cluster Development Plan approved by the Planning Commission.
2. A final grading plan shall be subject to approval by the City Engineer.
3. Driveway approaches for lots 203/204 and lots 207/208 shall be combined, subject to approval by the City Engineer.
4. The dimensions and final design of the cul-de-sac for Lantern Way be subject to approval by the City Engineer.
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.

Mr. Feverston reviewed the following recommendations for approval 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 \$44,000 of which no sidewalks were required in this section.
3. Inspection fee in the amount of \$157.00.  
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.

Upon question of Mr. Compton, Mr. Feverston indicated on the plan the lots which will have common driveways. Easements for these driveways will be included on the Record Plan. Mr. Stone moved that the Record Plan for Yankee Trace, Section Eleven, be approved in accordance with the recommendations of the Planning Commission and the City Engineer. Mr. Kingseed seconded the motion. The motion passed unanimously.

## FORD LEASING DEVELOPMENT GROUP (STENGERS FORD) RECORD PLAN

Mr. Feverston reviewed a Record Plan for Ford Leasing Development Group (Stengers Ford) for property located along Alexandersville-Bellbrook Road and west of Whites Corner Road. He located this 9.182 acre parcel, zoned B-2, General Business, on a map and explained the fact that the purpose of this Record Plan is to create a single 9.182 acre parcel, to dedicate the required 60 foot right-of-way along Alexandersville-Bellbrook Road, and to establish utility and stormwater drainage easements for said property. The Planning Commission, by a 5-0 vote, recommended approval of this Record Plan to City Council, as submitted. Mr. Reppert moved that the Record Plan for Ford Leasing Development Group be approved as recommended by the

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10548

Held April 21, 1997, continued19

Planning Commission. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Singer, speaking as Chairman of the Stormwater Drainage Task Force, reviewed a meeting held on April 10, 1997 at which time the Task Force discussed the Major Use Special Approval Application submitted by Tom Harrigan for property located on Loop Road, projects included in the Master Plan prepared in 1991 which the City has addressed, and projects to be addressed during the year 1997.

#### TOM HARRIGAN MAJOR USE SPECIAL APPROVAL APPLICATION

Mr. Kingseed moved that the Major Use Special Approval Application submitted by Tom Harrigan for property located on the north side of Loop Road, across from the existing Acura/Infiniti Car Dealership at 299 Loop Road, be removed from the table. Mr. Reppert seconded the motion. The motion passed unanimously.

The Public Hearing was held concerning the Major Use Special Approval Application submitted by Tom Harrigan and J. S. Davis. Mr. Feverston located the subject property on a map consisting of 11 acres of land, zoned B-PD, Business Planned Development. Proposed is the construction of an automobile facility consisting of up to five 2 or 3 story buildings. Accompanying this application was a front yard parking and paving variance to allow for a 5 to 9 foot setback instead of the required 10 foot setback, and approval for the site plan for Phase 1 which includes one building and related improvements. Mr. Feverston identified adjacent land uses and reviewed the topography and characteristics of the land in question. He pointed out the fact that while the plan for Phase 1 was being considered by the Planning Commission, the profile of the building was reduced to one story in the front facing Loop Road and two stories in the rear. The Major Use Plan considered by the Planning Commission included a 100 foot buffer zone along the east and north property lines, identified the wet land area, included a detention basin adequate to serve the entire development, and included all the area to be developed to be outside the 100 foot buffer zone. The plan also included the construction of retaining walls to keep slopes and any fill that would develop out of the buffer zone. As an alternate to the plan under consideration by the Planning Commission, the applicant submitted a plan to construct a regional detention basin to accept water run-off from adjacent properties as well as the property in question. The Planning Commission approved the variance for the front yard parking and paving setback as requested by the applicant. The Planning Commission, by unanimous vote, recommended approval of the Major Use Special Approval Application to City Council, subject to the following conditions:

1. The areas designated as future buildings and future parking lot are approved in concept. The final design of these improvements shall be subject to approval by the Planning Commission.
2. Stormwater Drainage, Erosion Control:
  - A. Prior to any construction, grading or adding fill material on this property, a silt fence shall be installed by the developer at the construction limits, be maintained in a workmanlike condition at all times, and shall remain in place until all construction is complete, the slopes are established, seeded and mulched. Additionally, existing brush shall be wind-rowed behind the silt fence to provide additional erosion control. Wire fencing and either

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held April 21, 1997, continued19

- No. 2 stone or type "C" rip-rap shall be installed with the straw bails for reinforcement and to further protect the site from wash-out. A rock check shall be installed in-lieu-of the straw bale dyke located at the two final discharge points shown on the plan subject to approval by the City Engineer. The silt fence shall be placed a minimum of fifteen feet from the 100 foot buffer zone as shown on the construction drawings.
- B. The stormwater detention basin shall be constructed in its entirety, seeded and mulched with the Phase 1 portion of this project.
  - C. A second silt fence shall be installed along the southern edge of the detention basin after the basin is constructed to further control site erosion and prevent sedimentation of the detention basin.
  - D. An easement, approved by the City Attorney, shall be recorded to specifically permit emergency maintenance and access by the City. The property owner shall be responsible for the maintenance of the detention basin.
3. The proposed retaining walls shall be segmented retaining walls such as a Keystone or Allen Block wall with the final design subject to approval by the City Engineer and located at least 10 feet from the buffer area.
  4. Bufferyard, Landscaping and Tree Preservation:
    - A. The required 100 foot buffer strip along the north and east property lines abutting the Village South Neighborhood, Village South Park and Centerville Kindergarten Village shall be maintained in its natural state and left undisturbed.
    - B. The 100 foot buffer strip and any wooded area that is located between the buffer strip and the construction limits as established on the revised grading plan shall be clearly marked in the field with brightly colored plastic tape and/or flags to designate these areas as protected. This marking shall remain in place until construction of the detention basin, and Phase 1 is complete. The marking of the buffer area shall be made before any construction begins and shall remain in place until Phase 1 is completed.
    - C. The double, staggered row of evergreen trees shown on the landscape plan planted along the edge of the parking lot shall be spaced a maximum of 10 feet on-center as shown on the landscape plan and shall have a minimum planting height of 5 to 6 feet.
    - D. The privacy fence shown on the site plan shall be a solid board fence that has no visible gaps and shall have a height of 7 feet.
    - E. The detention basin and those slopes established by this project shall be seeded with fescue and other grasses that provide a deep root system and grow 2 to 3 feet in height, subject to approval by the City Horticulturalist. Additionally, seedlings of Maple, Ash, Elm and other hardwood trees shall be planted on these slopes to reforest this area.
    - F. All the time the retaining wall is built, a temporary construction fence shall be installed to protect the buffer strip from encroachment during construction.
  5. An exterior lighting plan shall be subject to approval by the City Planner. This plan shall include the type of fixtures, bulk types and wattage, mounting height,

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1048

Held April 21, 1997, continued19

photo metrics and a light plot. All light fixtures shall focus light downward and have a sharp cut-off to the north and east where this property abuts residentially zoned land. Wall-packs shall not be permitted. The level of illumination on this property, particularly the northern parking lot, shall be low to present a soft and subdued appearance.

6. An outdoor speaker system shall be prohibited.
7. The Planning Commission must specifically approve the use of an exterior finish insulation system (dryvit) proposed to cover the exterior walls of the proposed building.
8. Dumpster location and required screening shall be approved by the City Planning Department.
9. The final grading plan shall be subject to approval by the City Engineering Department.
10. A minimum of 5 percent of the proposed parking area shall be landscaped subject to approval by the Planning Department.
11. The final design and alignment of the driveway to Loop Road shall be subject to approval by the City Engineer.
12. A temporary vehicular turn-around shall be provided around the east side of the first building and subsequent buildings until the development is complete, subject to approval by the City Engineer.

Kenneth Hahn, 311 South Village Drive, speaking on behalf of the Village South Neighborhood Association, advised that 91 percent of Village South residents and homeowners, by petition, have asked City Council to reject the Major Use Special Approval Application submitted by Tom Harrigan. Mr. Hahn outlined the following concerns:

Stormwater run-off and drainage issues are a major concern, he asked Council to consider a regional pond if approval is given.

Close scrutiny is needed of the development process and the construction management plan for the project. He asked that the entire lot be graded prior to the construction of any building.

Sanitary sewer problems exist in the Village South area. He asked that all sanitary sewer permits be obtained prior to the beginning of any work on this project.

In consideration of visual impact, all buildings should be limited to 2 stories facing the Village South neighborhood and one story facing Loop Road.

Adequate landscaping is important in consideration of visual impact and erosion control.

Light intensity upon the adjacent residential neighborhood is a concern.

The attractiveness of this perceived nuisance to children attending the Kindergarten Village. He asked that the developer be required to construct and maintain a 10 foot high chain link fence at the edge of the buffer zone facing his property to separate the development from small children.

Mr. Hahn asked for public guarantee from Council that this over intense development will not have an adverse effect upon the residents and homeowners in Village South. Adequate bonds, insurances, escrows, contracts, and the like should be required of the developer to cover developer's liability to deflect any financial obligations the City might incur in the approval process and to cover damages resulting from the abandonment of this project should it be abandoned before completion. Bringing Council's attention to a section in the Centerville Zoning Ordinance entitled "Control of Potentially Adverse Effects Generally", Mr. Hahn asked Council

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10746

Held April 21, 1997, continued19

to reject this Major Use Special Approval Application for an overly intensive commercial development on a unique and complex property adjacent to a residential neighborhood historically with problems, and a kindergarten village.

Jay Stevens, 410 North Village Drive, asked that the quality of life in Centerville be insured and enhanced, don't sacrifice this quality of life by approving this commercial development. He asked City Council to look at the negative impact this development will have on the Village South neighborhood and the community of Centerville.

Bruce Sing, 330 Whittington Drive, detailed sanitary back-up problems in basements experienced in Village South during recent 100 year storms.

Pete Flaherty, 170 South Village Drive, speaking on the physical characteristics of the property in question, explained how the existing wooded area creates a pleasing barrier between commercial on Loop Road and the Village South area. Because of the topography of the Village South subdivision, the buildings proposed will become very visible to residents to the north as well as residents in Village South if the vegetation is removed. Mr. Flaherty asked City Council to consider the following:

To reject the proposal based upon the impact to neighboring residents.

Is the use appropriate given its impact upon the surrounding neighborhood, the park, and children attending school?

If City Council cannot find reason to reject this proposal, he asked that consideration be given to the following:

Limit the number of buildings to be constructed to less than 5.

Limit the height of all buildings to 2 stories.

Architecture be compatible with neighborhood.

The outdoor lighting plan be subject to approval by the City Planner.

No outdoor speaker system be permitted.

Regis Lekan, 321 South Village Drive, expressed concern with sanitary flow from 5 additional buildings and a car wash into an already overloaded sanitary sewer system. He identified current problems which occur during wet conditions.

Ann Meyer, 9775 Pawnee Pass, stated her objection to this type business being adjacent to a kindergarten school and her concern with the type customers generated by this type business. She asked that a fence be required between the school and the detention basin.

Michael O'Bryan, 200 South Village Drive, expressed concern with what will happen in their development if heavy rains occur during construction of the Harrigan project.

David Dean, 1550 Ambridge Road, expressed concern with increased traffic flow on Loop Road. He asked that a traffic count be taken prior to a vote on this proposal. He is concerned that with increased traffic generated by new construction on Loop Road, the bridge over I-675 will become obsolete. He questioned who would pay the cost for new bridge construction.

Margie Foley, 351 Whittington Drive, sees this type business as being in direct conflict with a residential, park, kindergarten neighborhood. She views this as a loose, loose situation. She does not believe the buffer zone required will provide the separation needed between commercial and the kindergarten school.

Rick Tittsler, Director, representing the Centerville-Washington Park District, thanked City Staff and the City Planning Commission for revisiting this Major Use Special Approval Application. Not being excited about this type development being above park land, asked that regional stormwater detention be required, that delineation into the wet land area not occur in consideration of its habitat for wild life, and a fence be put in place to separate this commercial development from the Village South area.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held April 21, 1997, continued19

Shirley Walser, 6405 Rosa Linda Drive, encouraged the erection of a fence prior to construction.

Thomas Pease, 6133 Marshall Road, explained how the only visual and sound barriers residents on Marshall Road have from commercial development on Loop Road are the trees which are proposed to be removed. He expressed concern with the effect additional lighting will have on neighboring areas.

Larry King, CESO Professional Engineers, was present at this meeting representing Tom Harrigan. He outlined how, from the beginning, concerns of residents have been addressed. The plan now includes a regional detention basin that will reduce the rate of water run-off from the subject property as well as adjacent properties along Loop Road. Many precautions have been included on the plan and have been agreed to during construction by the developer to avoid erosion. The developer is opposed to grading the entire parcel at one time due to the fact that much fill will be required which will be very costly due to the configuration of the property in question. Mr. King advised that information received from the Montgomery County Sanitary Department has indicated that sewer problems in the Village South subdivision are caused partially by illegal taps into the sanitary system. He advised that all permits will be in place before any construction takes place. Mr. King pointed out the fact that the facility will not be in use at peak periods of the day relative to impact on the sanitary sewer. Mr. King made the following points:

The height of the first building has been reduced to 2 stories in the rear.

The landscaping plan as shown is in excess of that required by the City.

The developer has worked with the City relative to lighting in order to preserve the integrity of the neighborhood.

A 7 foot buffer fence will be constructed at the rear of the parking lot and staggered rows of trees will buffer the development from the Village South neighborhood.

Mr. King pointed out that the property is zoned for this type development, all requirements have been met, proposed is low intensity use of the land with more than 6 acres in landscaping, the development will be visible but not intrusive. He emphasized the fact that this is a dry basin and during wet conditions it will reduce the flow of water into the existing stream through the park area.

Mr. Singer explained that this matter comes before City Council for approval so that the neighborhood can be protected from potential adverse conditions. Upon his request, Mr. Feverston outlined the following conditions resulting from a recent Work Session of City Council relative to this matter:

1. Construction Plan: The applicant shall incorporate into the Erosion Control Plan the recommendations from Camp, Dresser & McKee for management and control of the construction process, subject to the approval of the City Manager.
2. Subsequent Site Plan Approvals: All subsequent Site Plan Approvals for this development will be brought before City Council for review and approval automatically and not on an exception basis.
3. Sanitary Sewer: No actual development work, including the movement of any dirt shall begin until proper permitting for the connection to an adequate sanitary sewer facility is approved by Montgomery County. This condition will provide the Montgomery County Sanitary Engineer's office additional time to review the increased storm water volume generated by the proposed development as well as time to properly evaluate any potential impact of additional inflow and/or infiltration into the surrounding sanitary sewer system.



# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held April 21, 1997, continued 19

4. Signage: No signage will be permitted atop the building(s) or on other than the front face of the building(s). Such signage and free-standing sign(s) in front of the building(s) shall be subject to the sign ordinance.
5. Fence: A plastic fence shall be installed to serve as a barrier to prevent intrusion into the 100 foot buffer zone during construction.

Mr. Singer moved that these conditions be adopted as part of the application being considered during this meeting. The motion died for want of a second.

Mr. Kingseed thanked all citizens for their contact relative to this issue. Recognizing the need to be fair to everyone, he is not convinced that five buildings on this site will not have a detrimental effect upon the neighborhood. He emphasized the fact that legally Mr. Harrigan cannot be told that he cannot develop this property.

Upon question of Mayor Beals, Mr. King advised that the detention basin is designed to accommodate a 100 year storm. The depth during this period would vary over a period of 24 hours with a peak depth of approximately 8 feet. During smaller storms the basin will serve as a pass through for stormwater run-off into the stream. The depth of water in the stream is 3-4 feet at the deepest point during storm periods with a width of 30-35 feet, this width and rate of flow would be reduced by the detention pond.

In answer to questions of Mr. Compton, Mr. King advised that the regional basin would receive all discharge from other properties along Loop Road. The building pad for the first building is 42 x 120 feet.

Mr. King explained that a car wash will be included in the first building to be constructed. Water from this car wash will flow into the current sanitary sewer system as required by the Montgomery County Health Department.

Mr. King clarified the fact that water in the basin over a period of 24 hours would only be the same depth as the stream itself.

Mr. Compton moved that the Major Use Special Approval Application submitted by Tom Harrigan for property located on the north side of Loop Road across from the Acura/Infiniti Car Dealership be approved as recommended by the Planning Commission, subject to all conditions outlined by the Planning Commission and the five conditions as a result of a Council Work Session as previously outlined by Mr. Feverston. Mr. Reppert seconded the motion.

Mr. Horn clarified the fact that the regional detention basin included on the plan is that which includes City participation.

Mr. Singer stated the fact that he does not find the five additional conditions sufficient in consideration of the intensity and unique topography of the property.

Mr. Compton recognized that Mr. Harrigan has been as cooperative as anyone over a long period of time. He has made a solid effort to address concerns of residents. However, he expressed concern with a negative impact upon the neighborhood.

A roll call vote on the motion resulted as follows:

Mr. Compton voted no.

Mr. Reppert, expressing concern with a negative impact upon the sanitary sewer system, voted no.

Mrs. Lienesch being concerned with the threat of water run-off, voted no.

Mr. Stone, not being satisfied that there will be a detrimental effect upon the water system in the Village South area and in consideration of the concessions made by Mr. Harrigan, voted yes.

Mr. Singer voted no.

Mr. Kingseed voted no.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held *April 21, 1997, continued*

19

Mayor Beals, recognizing that Mr. Harrigan has been most cooperative to do all things to improve the situation that now exists, voted yes.

## ORDINANCE NUMBER 4-97 PERSONNEL

The Public Hearing was held concerning Ordinance Number 4-97. Mr. Horn reviewed this proposed Ordinance which establishes the position of Municipal Attorney at a rate of \$95.00 per hour; the same rate which the City is currently paying for legal services under Contract. Mr. Stone sponsored Ordinance Number 4-97, An Ordinance To Amend Ordinance Number 41-95, To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, The Italicized Portions To Be Added, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Robert Looper, 50 Zengel Drive, presented to Council a Petition signed by residents of the Zengel Plat requesting that monies be allocated to install a traffic light at the intersection of Zengel Drive and North Main Street. With the completion of I-675, traffic has increased on North Main Street making it very dangerous to attempt to turn left onto Main Street from Zengel Drive. The only exit from Star Bank and two medical buildings is onto Zengel Drive. Mayor Beals pointed out that other requests have been made for traffic signalization in other parts of the City; moneys must be budgeted for the installation of traffic signals. Mr. Horn advised that monies have been budgeted in 1997 for the installation of one traffic signal, all areas must be considered. Mr. Reppert encouraged the installation of a traffic signal at this intersection; he asked the City Manager to establish a goal for said installation.

## ORDINANCE NUMBER 5-97 DESIGNATE NEWSPAPER GENERAL CIRCULATION

Mr. Singer moved that Ordinance Number 5-97, An Ordinance Establishing A Procedure For Competitive Bidding For Public Contracts By Designating The Wednesday Edition Of The Centerville-Bellbrook Times As A Newspaper Of General Circulation, be set for Public Hearing on May 19, 1997. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 30-97 GOENNER ANNEXATION

Mrs. McLaughlin presented to City Council the original transcript of the proceedings of the Board of County Commissioners of Montgomery County, Ohio, in the matter of the proposed annexation of 10.957 acres, more or less, situated in Section 34, Town 3, Range 5 M.R.s., Washington Township, Montgomery County, Ohio, to the City of Centerville, Ohio, Montgomery County, Ohio. Mr. Horn located said property on a map. Through a compromise between the City of Centerville and Washington Township, the Township Trustees chose not to appeal this annexation. Mr. Kingseed, expressing his gratitude to the Trustees for taking a broader look at this issue, sponsored Resolution Number 30-97, A Resolution Accepting The Application Of Ronald And Mary Jo Goenner For The Annexation Of Territory, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held April 21, 1997, continued19

## RESOLUTION NUMBER 31-97 DESARO ANNEXATION

Mrs. McLaughlin presented to City Council the original transcript of the proceedings of the Board of County Commissioners of Montgomery County, Ohio, in the matter of the proposed annexation of 4.273 acres, more or less, situated in Section 5, Town 2, Range 5 M.R.s., Washington Township, Montgomery County, Ohio, to the City of Centerville, Ohio, Montgomery County, Ohio. Mr. Horn located this subject property on a map. Washington Township also agreed not to appeal this annexation. Mr. Compton sponsored Resolution Number 31-97, A Resolution Accepting The Application Of Joseph V. DeSaro, Sr. And Mary F. DeSaro For The Annexation Of Territory, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 32-97 DISPOSE OF SURPLUS PROPERTY

Mr. Horn asked that two vehicles utilized by the Centerville Police Department and no longer needed be declared as surplus to be sold at public auction. The two vehicles being Pontiac Bonneville's, one with 106,000 miles and the other with 155,000 miles. Mr. Stone sponsored Resolution Number 32-97, A Resolution Declaring Specific Equipment No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 33-97 SALE OF VAC-ALL STREET SWEEPER

Mr. Horn advised that the City of Centerville advertised for sale one 1985 Vac-All Street Sweeper no longer being utilized, in the Ohio Municipal League Classified Section of the Legislative Bulletin. The Village of Mount Sterling submitted a bid to purchase this equipment at a price of \$4,100.00. Mr. Horn recommended that this bid be accepted. Mrs. Lienesch sponsored Resolution Number 33-97, A Resolution Accepting The Bid Submitted By The Village Of Mount Sterling For The Purchase Of A 1985 Vac-All Street Sweeper From The City Of Centerville And To Authorize The City Manager To Do All Things Necessary To Effectuate The Sale Of Said Equipment, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 34-97 E9-1-1 EQUIPMENT

Mr. Horn reviewed information received from Police Lieutenant Bruce Robertson that the City's E9-1-1 emergency service equipment is 8 years old and has become obsolete. He recommended that the City purchase new equipment from Ameritech at a cost not to exceed \$41,804.84. The amount of \$42,000.00 was included in the 1997 budget for said purchase. Mr. Compton sponsored Resolution Number 34-97, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Purchase One E9-1-1 Dual Station For The Centerville Police Department From Ameritech In Accordance With Ohio Revised Code 4931.41 (f), and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10448

Held April 21, 1997, continued19

## RESOLUTION NUMBER 35-97 1997 STREET RESURFACING PROGRAM

Mr. Weaver advised that 3 bids had been received for the City of Centerville's 1997 concrete and asphalt resurfacing road improvement project. He recommended that the low bid of \$525,495.16 submitted by the John R. Jurgensen Company be accepted with the stipulation that the City Manager be authorized to expend up to the budgeted amount of \$575,000.00 to provide for additional work and contingency items as deemed necessary. Mr. Stone sponsored Resolution Number 35-97, A Resolution Accepting The Bid Submitted By The John R. Jurgensen Company For The 1997 Concrete And Asphalt Resurfacing Road Improvement Project In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 36-97 EAST FRANKLIN STREET IMPROVEMENT

Mr. Weaver advised that 5 bids were received for the East Franklin Street improvement project by the City of Centerville. He recommended that the low bid of \$419,269.50 submitted by the TdM Construction Company be accepted with authorization that the City Manager expend up to the budgeted amount of \$442,000.00 for any contingencies or overruns in quantities as a result of field adjustments during the construction process. This improvement includes reconstruction, widening, curb and sidewalk installation, stormwater drainage, turn lanes and traffic storage capabilities from the east exit from the Centerville High School to Clio Road. Mr. Kingseed sponsored Resolution Number 36-97, Resolution Accepting The Bid Submitted By The TdM Construction Company For The East Franklin Street Road Widening Project In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE CITY SCHOOL DISTRICT PERSONNEL APPEALS BOARD  
REAPPOINT JUDY STANG

Mayor Beals advised that the term of Judy Stang as a member of the Centerville City School District Personnel Appeals Board will soon expire. Mrs. Lienesch moved that Judy Stang be reappointed as a member of the Centerville City School District Personnel Appeals Board. Mr. Reppert seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals

Mayor

ATTEST: Marie J. Sanghera

Clerk of Council