

RECORD OF PROCEEDINGS

Minutes of

COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 15148

Held October 21, 199619

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 21, 1996, at 8:00 p.m. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag and an Invocation given by Reverend Kenneth Schartz, Assistant Pastor of the Church of the Incarnation, 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

Assistant Clerk of Council Peggy Whisman

City Manager Gregory Horn

Assistant to the City Manager Judith Gilleland

Public Works Director Steve Weaver

Acting City Planner Steve Feverston

Municipal Attorney Robert Farquhar

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

Council Meetings - September 16, 1996.

- September 23, 1996.

Council Work Sessions -September 16, 1996.

-September 23, 1996.

-October 3, 1996.

-October 7, 1996.

Mr. Compton moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Reppert seconded the motion. The passed by unanimous vote. However, Mr. Compton abstained from the minutes of both meetings held September 16, 1996.

Mayor Beals introduced Dr. Brian Forschner, Ph.D, Executive Director of The Franciscan at St. Leonard, and welcomed Croatian visitors to Centerville as part of the Franciscan Health System/Croatian partnership. This three year exchange program will result in improved community awareness relative to the prevention of cardiovascular and oncology conditions, and to enhance the health status of the population located in the Zadar region.

Mayor Beals introduced City Beautiful Commission Chairman, Michael Battaglia, to assist in the presentation of the following City Beautiful Awards for 1996:

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Jeff and Eileen Plummer	5514 Red Coach Road
Anne and Ed Griffith	7825 John Elwood Drive
David and Deborah Samples	1605 Langdon Drive
Sue McDanel and Ruth Lee	300 Alston Woods Court
Ann and John Drayer	209 Pleasant Hill Court
Mike and Melanie Gillaugh	2012 Indigo Trail
Ken and Chris Hays	9153 Stephanie Street

June

Ken and Carol Echols	1165 Kentshire Drive
Jean Hensley	21 Glencroft Place
Frank and Lyn McGee	93 Carmel Court
Paul and Marilyn Pazitney	171 Joy Elizabeth Drive
Ken and Jene Curell	6512 Atterbury Court
Bob and Jan Pangburn	1325 Brainard Woods Drive
Norma and Howard Gorsuch	150 Bethel Road

July

Dave and Judi Hetzer	760 Kentshire Drive
Thomas and Linda Blome	511 Willowhurst Street
Tom and Janet Lasley	7800 Stanley Mill Drive
Paul and Frances Dabbelt	140 Cloverwood Drive
Greg Brown and Gayle Havert	6796 Twin Fork Court
Harry and Susan Stiller	920 Deer Run Road
Robert and Olga Mahlstedt	267 Monarch Road

August

Sonja and Fritz Treiber	1480 Ambridge Road
Pam and Drew Parramore	8045 Brainard Woods Drive
Brain and Susan Fenner	56 Weller Avenue
Judy M. Wenzler	255 East Franklin Street
Dorothy and Chuck Gastineau	235 Tauber Drive
Ernest and Delia Cerutis	264 Blackstone Drive

Mayor Beals presented awards to the Centerville Bicentennial Garden Tour
Participants:

Mike and Mary Higgins	1350 Brainard Woods Drive
Dick and Marilyn Welch	222 Pleasant Hill Courts

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Mrs. Whisman announced the receipt of a letter of resignation from Board of Architectural Review Commission member Thomas J. Walsh. Mr. Kingseed moved that the resignation of Board of Architectural Review Commission member Thomas J. Walsh be accepted, with regret. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

Mayor Beals outlined the highlights of the Ohio Municipal League Conference held in Akron, Ohio, which she attended from October 1-3, 1996.

Mayor Beals announced the following events scheduled in Centerville:

October 23 - 31, 1996 is Red Ribbon Week in the City of Centerville. During this week we will recognize all of our efforts for the Drug Awareness, and Just Say No To Drugs Programs.

The Leaf Collection Program in the City of Centerville has begun and the schedule is published in the Town Crier.

November 11, 1996 is Veterans Day, and the ceremony will be held on that day at 11:00 a.m. at the Leonard E. Stubbs Memorial Park. In case of inclement weather the ceremony will be held at Benham's Grove.

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

The Red Ribbon Connection sponsored by the Safe and Drug Free Schools Committee is hosting an event on November 3, 1996. The event will take place at Magsig Middle School. Students, families, community officials, and local businesses have been asked to participate in a red ribbon chain. The chain contains links with messages for a healthy life and will be connected starting at Magsig Middle School and will continue west down State Route 725. Other events that day will include a balloon launch, parade, community mural, etc.

The Leaf Collection Program in the City of Centerville began October 14, 1996, and will continue until December 5, 1996. There will be four (4) passes made through the entire Community. Please refer to the Town Crier for a schedule.

A request has been received from Hills Building and Construction, Inc., the developer of Piper Landing on Bigger Road, north of I-675, concerning an easement for a small piece of land owned by the City of Centerville on the Kettering corporation line. Mr. Horn recommended that this 1/6 of an acre of parcel be deeded to the City of Kettering at the same time the parkland dedication from Hills Building and Construction, Inc., occurs. The necessary documents will be prepared and brought before Council.

Mr. Horn attended the International City Manager Association Conference in Washington, D.C. While in Washington, the City and County Communication Association Conference was also being held. 3CMA is an organization composed of community and county marketing and communication professionals from across the United States. Michael Haverland attended this conference representing Centerville. The Town Crier won the Savvy Award for the best newsletter in United States in communities under 40,000. Mr. Haverland has been very involved with this publication

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and Sarah Rickman is the editor. A formal presentation will be scheduled for our next Council Meeting.

Great Traditions Land and Development Company, the master developer for Yankee Trace, has purchased an additional fifteen (15) acres of property. The swim and tennis project is under construction with a junior olympic size pool, a child's pool, two (2) tennis courts, volleyball courts, etc.

Yankee Trace Golf activity remains high throughout the fall, along with the Gallery food service.

Mr. Horn received a notice from the Ohio Municipal League concerning HB 36. Governor Voinovich, the Senate Rules Committee, and the Department of Development are working to write a workable bill. As soon as a rewritten bill is available, we will receive copies for Council.

Ohio State Representative Robert Corbin was present at this meeting and commented on the status of HB 36. Mr. Corbin feels as though the bill has had so many amendments while in the Senate Rules Committee that it should be dropped and a new bill produced that would level the playing field for townships and municipalities, and possibly reach a compromise that would satisfy all interested parties.

ORDINANCE NUMBER 9-96 ZONING ORDINANCE TEXT AMENDMENT RESTRICTIONS FOR PARKING IN RESIDENTIAL DISTRICTS

The Public Hearing was held concerning Ordinance Number 9-96, An Ordinance adding restrictions for the parking of vehicles in residential districts. Mr. Horn reported that the most significant change was restricting the maximum number of non-recreational and/or non-commercial vehicles permitted in the rear yard of a residence to three (3). Mr. Reppert sponsored Ordinance Number 9-96, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Adding Restrictions For The Parking Of Vehicles In Residential Districts, and move that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Stephen Swope, 300 Shirley Ann Drive, representing Voters Organized for Intelligent Community Expansion (V.O.I.C.E.) expressed to Council concern surrounding the prospect of commercial development of land on SR 48, between Sheehan Road and Hibberd Drive. Five weeks ago the V.O.I.C.E. group was organized. At the first meeting of the V.O.I.C.E., the major concern was a rumor that Meijer was wanting to purchase the subject property. The only fact that was known at that time was that Heritage Realty was in an annexation battle and should it be annexed to the City, it would make the subject property contiguous with the City leaving it open for annexation and rezoning. The group developed and circulated a petition opposing commercial development in that area. At a recent Washington Township Trustee Meeting, the Trustees agreed that the development of a Meijer store would be a bad idea, and the

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current zoning was appropriate as is. The group has received information stating that Meijer is not interested in the property, that Heritage is not selling their property and the property owner is not interested in selling his land.

Dr. Michael White, 10008 Arn Drive, distributed a packet to Council containing the most recent communications with Meijer, a copy of the Heritage news release, Washington Township letter, the V.O.I.C.E. mission statement and a copy of the petition.

Patricia Drake, 220 Kimbary Drive, presented the 6,000 signature petition to Mayor Beals.

Mayor Beals commented that in regards to rezoning and annexation issues, it is illegal for the City to make deals with anybody. The City is required to rezone land that is annexed to the City in accordance with Centerville's zone classifications. When plans come before City Council, we deal with them based on our Zoning Ordinance, the merits of the plan, and what impact their plans would have on the City. Mayor Beals stressed that Meijer is an outstanding company with an excellent reputation and that Heritage Realtors has an outstanding reputation in our Community.

Mr. Horn feels that there are a number of reasons why people would annex to this community, none of which are negative or in anyway would harmfully impact surrounding properties. Land owners wanting to annex into the City are looked at, case by case, and most often are welcomed. Mr. Horn does not feel that the City has been a bad neighbor to the surrounding communities. Members of the V.O.I.C.E. emphasized school children concerns. Mr. Horn pointed out that local dollars are spent by Centerville to signalize intersections and put in pedestrian crosswalks to protect children in school areas. Mr. Horn asks that the City be judged on what it has done, not what someone is rumoring or perceiving it to do. Improvements have been made to areas which involve both the City and Township which have increased property values, and have been a tremendous improvement to the Community, and has enhanced the whole area.

The Heritage annexation has been in the works for over two years. A handful of business owners running a real estate company came to the City to annex their property for a number of reasons, i.e. improvements to SR 48 and an address change to South Main Street in Centerville. Mr. Horn asked that the opposition to commercial development not be tied into annexation issues such as HB36.

Mayor Beals further commented that when land is annexed into the City, property owners are not leaving the Township they are simply opting for another form of government. We cooperate with the Township when we can, we do have a comprehensive plan that was developed in 1968, upgraded in 1986 and we are looking to upgrade it again.

Mr. Reppert pointed out that every time there is an annexation, there is a rezoning.

Mr. Kingseed explained how the City works very closely with the Township in many aspects. There seems to be an underlying feeling that if land is annexed into the City, the City would automatically grant the rezoning. We have a legal obligation that we take very, very seriously to listen to all the evidence. We listen to what the property owners want, we listen to what the neighbors want. We examine the zoning ordinances,

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collect input from the staff and then we make a decision. I believe our record speaks for itself.

Mr. Singer commented that he always appreciates getting citizen input, whether it is a citizen from the City or the Township, because it is one community. He stressed the need for better communication between citizens and City Council.

Mr. Compton identified this as one community, with 2 governments. We all have the same concerns, which impact everyone in the community

Mrs. Lienesch feels that this just might be the catalyst that brings a merger vote to the ballot.

Mr. Stone commented that although sometimes the Township and the City argue, they shake hands and go forward, but let someone attack the Township, and Centerville will be right there behind them, because we are all Township residents, same community, and the same side.

Ms. Mary Brahm, 262 Walnut Grove Drive, asked about the plans for the development of land west of the Social Row Road area that has been proposed for annexation. Ms. Brahm understands that there may be an access developed for I-75 near Austin Road. Mayor Beals responded that no plans have been presented to City Council for that area of land, and that the decision for an I-75 access near Austin Road would be made by the Miami Valley Regional Planning Commission.

ORDINANCE NUMBER 10-96, MUNICIPAL CODE AMENDMENTS

Mr. Singer moved that Ordinance Number 10-96, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, be set for Public Hearing on November 18, 1996. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 11-96, AUTHORIZE ANNEXATION OF 0.700 ACRES

Mr. Stone moved that Ordinance 11-96, An Ordinance To Authorize The Annexation Of Certain Territory To The City Of Centerville, Ohio Pursuant To Revised Code Section 709.14, be set for Public Hearing on November 18, 1996. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 53-96 SERVICES FOR ANNEXED PROPERTY

Mr. Horn reviewed a proposed Resolution identifying the level of services to be

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provided the 89.2634 acres of land located from the eastern border of the Yankee Trace area to the western edge of Sheehan Road, which is the subject of an annexation petition currently before the Board of County Commissioners, Montgomery County. Mr. Reppert sponsored Resolution Number 53-96, A Resolution In Support Of The Proposed Annexation Of Property Containing 89.2634 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements Of Revised Code Section 709.031 (b) Ohio Revised Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 54-96 SERVICES FOR ANNEXED PROPERTY

Mr. Horn reviewed a proposed Resolution identifying the level of services to be provided the 168.9674 acres of land located on the eastern boundaries of the Yankee Trace area and through Sheehan Road, which is the subject of an annexation petition currently before the Board of County Commissioners, Montgomery County. Mrs. Lienesch sponsored Resolution Number 54-96, A Resolution In Support Of The Proposed Annexation Of Property Containing 168.9674 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements Of Revised Code Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 55-96 RIGHT OF WAY AND EASEMENT TO DP&L FOR YANKEE TRACE, SECTION FIVE

Mr. Horn reviewed a proposed Resolution to grant to the Dayton Power & Light Company a Right of Way and Easement in order to install gas and electric utilities to the Yankee Trace Section Five development, located just off of the Social Row Road spine entry. Mr. Stone sponsored Resolution Number 55-96, 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 Extend Electric And Gas Facilities To Service A New Development Known As Yankee Trace, Section Five, and move that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 56-96 AGREEMENT WITH KARSTEN MANUFACTURING FOR PING DISPLAY AT YANKEE TRACE

Mr. Horn reviewed a proposed Resolution to enter into an agreement with Karsten Manufacturing. The Golf Club at Yankee Trace is one of four clubs in this region that has been chosen as a Ping Custom Fitting Center. A \$2000.00 payment is necessary

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which includes all of the fitting equipment, all materials on site, as well as training for two individuals. Mr. Stone inquired about a cancellation provision favorable to the City that is lacking in the agreement. Mr. Horn assured him that a cancellation provision will be added before the agreement is executed. Mr. Singer sponsored Resolution Number 56-96, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement Between The City Of Centerville And The Karsten Manufacturing Company For A Demo Cart Program At The Golf Club At Yankee Trace, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of Council.

RESOLUTION NUMBER 57-96 PURCHASE
SIX POLICE INTERCEPTORS

Mr. Horn reviewed a proposed Resolution to utilize the State of Ohio Purchasing Program to purchase six 1996 Crown Victoria Police Interceptors for the Police Department. Mr. Stone sponsored Resolution Number 57-96, A Resolution Authorizing The City Manager To Participate In A Contract With The Department Of Administrative Services, Office Of State Purchasing, For The Purchase Of Six 1996 Crown Victoria Police Interceptors For The City Of Centerville In Accordance With Ordinance Number 19-88, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 58-96 CONTRACT WITH DAYTON POWER
AND LIGHT FOR GAS LIGHT SERVICE

Mr. Horn reviewed a proposed Resolution to enter into a contract with the Dayton Power & Light Company for gas taps and lateral lines needed to serve gas lights for the Yankee Trace Community Development. Dayton Power & Light is the sole provider of this particular service. Mr. Compton sponsored Resolution 58-96, A Resolution Authorizing And Directing The City Manager To Execute A Contract With The Dayton Power And Light Company For The Installation Of Gas Taps And Lateral Lines To Serve Gas Lights To Serve The Yankee Trace Community Development, and move that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 59-96 PURCHASE
HIGHWAY ROCK SALT FROM AKZO, INC.

Mr. Horn reviewed a proposed Resolution accepting the bid from Akzo, Inc., for highway rock salt. The bids are solicited regionally through the Southwest Ohio Purchasers For Government, which saves the City the expense of the bidding process. Mrs. Lienesch sponsored Resolution Number 59-96, A Resolution Accepting The Bid

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From Akzo Salt, Inc., And Authorizing The City Manager To Enter Into An Agreement With Akzo Salt, Inc., For The Purchase Of Highway Rock Salt For Snow And Ice Control For 1997 For The City Of Centerville, Ohio, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 60-96 PUBLIC WORKS PARKING LOT
IMPROVEMENT PROJECT L.J. DEWEESE

Mr. Weaver reviewed the following bids received for the Public Works Center - Parking Lot Improvement Project for the City of Centerville:

L. J. DeWeese Company, Inc. Tip City	\$52,869.00
TdM Construction Company Centerville, Ohio	\$61,470.50 Alt. Pipe \$7800.00
Excel Construction Company Enon, Ohio	\$55,995.00 Alt. Pipe \$7410.00
Allied Fence Builders Dayton, Ohio	\$58,753.74 Alt. Pipe \$2683.20
Barrett Paving Materials Dayton, Ohio	\$61,119.50 Alt. Pipe \$6825.00

He recommended acceptance of the low and best bid received from L.J. DeWeese Company, Inc. Mr. Weaver explained that this project would not begin until the spring of 1997. Mr. Reppert sponsored Resolution Number 60-96, A Resolution Accepting The Bid Submitted By L.J. DeWeese Company, Inc., For The Public Works Center - Parking Lot Improvement Project 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. Kingseed seconded the motion. The motion passed by unanimous vote.

SISTER CITY COMMITTEE APPOINT LUCIA KUNST

Mr. Singer moved that Lucia Kunst be appointed as a member of the Sister City Committee for the City of Centerville to the unexpired term of Robert Sattem. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

CITY BEAUTIFUL COMMISSION REAPPOINT DR. CADANCE LOWELL

Mrs. Lienesch moved that Dr. Cadance Lowell be reappointed as a member of the

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Centerville City Beautiful Commission. Mr. Compton seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Best
Mayor

ATTEST:

Penny S. Whisner
Assistant Clerk of Council