

RECORD OF PROCEEDINGS

Minutes of

COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held November 18, 199619

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 18, 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 led by Cub Scout Pack 516, and an Invocation given by Reverend Thomas Kuhn, 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

Clerk of Council Marilyn McLaughlin

Assistant Clerk of Council Peggy Whisman

City Manager Gregory Horn

Assistant City Manager Michael Haverland

City Planner Steve Feverston

Public Works Director Steve Weaver

Assistant to the City Manager Judith Gilleland

Municipal Attorney Robert Farquhar

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

Council Meeting - October 21, 1996.

Council Work Sessions -October 21, 1996.

-October 28, 1996.

-November 4, 1996.

-November 11, 1996.

Mr. Compton moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Reppert seconded the motion. The motion passed by unanimous vote. However, Mr. Kingseed abstained from the minutes of the meeting held October 28, 1996.

Mayor Beals introduced members of Cub Scout Pack 516 and Den Leaders Tami Smith and Diane Feverston.

Mayor Beals administered the Oath of Office to Sister City Committee member Lucia Kunst.

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Mayor Beals presented congratulations to Centerville's Town Crier Editor Sarah Rickman, Design and Layout Artists Marcia Rajkovich and Brenda Mullins, Prepress Manager Dennis Riggs, and Contributing Editor Michael Haverland for Centerville's recent honor, the "Savvy Award" presented by the City and County Marketing and Communication Association for the production of the Town Crier. This award recognizes local communities for creativity, production excellence, and outstanding achievement in marketing and communication. The Town Crier was chosen as the best newsletter in the United States in the 40,000 and under population category.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Dotty Brown. Mr. Singer moved that the resignation of Dotty Brown as a member of the City Beautiful Commission be accepted, with regret. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

Mayor Beals reported the following:

On November 3, 1996, the Safe and Drug Free Schools Committee conducted a very successful rally at Magsig Middle School.

On November 11, 1996, the Veterans of Foreign Wars were honored in a ceremony held at the War Memorial located in the Leonard E. Stubbs Memorial Park.

Centerville's Christmas Lighting Ceremony will be held on Sunday, November 24, 1996 at Benham's Grove at 5:00 P.M.

The City's Christmas Walk will be held on Sunday, December 8, 1996 between 1:00 and 5:00 P.M.

Between December 6 - 11, 1996 several members of City Council will attend the National League of Cities Conference in San Antonio, Texas.

November is the anniversary month of recycling in the City of Centerville beginning in the year 1989. Today, through recycling, 9% is being taken out of Centerville's waste stream. She announced the fact that aerosol cans can now be recycled.

Mayor Beals listed the many ground breakings and ribbon cuttings occurring in the Centerville-Washington Township Community.

Mayor Beals advised that she has had contact with Airborne Express relative to fly overs affecting Centerville residents. A FAA edict has caused these planes to fly a course over Centerville. Equipment has been installed to quiet the sounds of the airplanes. She encouraged affected residents to contact the FAA with complaints.

Mayor Beals wished all a happy Thanksgiving day.

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

Phone numbers for complaints relative to fly overs are as follows:

Airborne Express - Rita Carey 1-513-382-5591,

FAA, Dayton International Airport - Dick Petersen 454-7300,

Affected residents are encouraged to register complaints at the time inconveniences occur.

Steve Feverston was introduced as City Planner, said appointment made on November 11, 1996.

The Finance Department is being renovated and will be temporarily located in the west wing of the Centerville Municipal Building.

The South Metro Chamber of Commerce will host a luncheon on November 26, 1996 at the Gallery at Yankee Trace. The luncheon will begin at 12:15 P.M. Guest speaker Dr. David Ponitz, President of Sinclair Community College, will talk about the future of education and work force challenges. The cost of said luncheon is \$15.00.

The Inspection and Engineering Departments have relocated into the City's South Suburban facility.

Public Work Director Steve Weaver provided the following information:

Leaf collection in Centerville is nearing completion. Estimated completion is December 5, 1996 provided all leaves have fallen.

The widening portion of the Spring Valley Improvement Project should be complete by December 1, 1996. The project will continue through the winter months with final grading and seeding occurring in 1997.

The Yankee Street underpass is well underway; by December 1, 1996 pavement sections should be back in place, weather permitting.

Mr. Horn advised that the City has closed on the purchase of property located at the northwest corner of Spring Valley Road and Virginia Avenue. This purchase has been made in anticipation of expansion of the Leonard E. Stubbs Memorial Park and the location of a new police facility.

YANKEE TRACE SECTION SEVEN RECORD PLAN

Mr. Feverston reviewed the Planning Commission meetings held September 24, 1996 and November 12, 1996. He reviewed a Record Plan for Yankee Trace, Section Seven, property located north of Yankee Trace Drive, south of golf course hole numbers 12 and 14, and north of hole number 15. Proposed is the division of 3.32 acres of land into 11 single family residential lots. The zoning of the property is R-1c, Single Family Residential. Mr. Feverston located the subject property on a map and described the inclusion of 4 reserve areas, 3 of which will be located in the center of 3 "eyebrow" streets. The eyebrow streets will be dedicated and will provide access to the individual

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lots in this section of Yankee Trace. The plan includes a hiker/biker path which will meander through and between the eyebrow streets. Upon request of City Staff, Great Traditions Land and Development Company has agreed to expand the eyebrow streets to provide better reserve areas, separations, and vehicular sight distances. Mr. Feverston reviewed Planning Commission's unanimous recommendation for approval to City Council of this Record Plan subject to the following conditions:

1. Vehicular sight distance shall be maintained for all intersections to Yankee Trace Drive and the hiker/biker path shown in this plat shall be in accordance with the standards contained in the Zoning Ordinance. The Record Plat shall be amended to show graphically those areas where clear sight must be maintained.
2. The public right-of-ways on this Record Plan for Yankee Trace Drive and the access (eyebrow) streets shall be shown as a single, continuous right-of-way.
3. All lots shall be addressed to Yankee Trace Drive.
4. The hiker/biker path shall be extended along the north side of Yankee Trace Drive and constructed as a continuous path along the entire frontage.
5. The center (eyebrow) street that accesses lots 168-170 shall be redesigned to create an opposing curve to Yankee Trace Drive subject to approval by the City Engineer.
6. 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 recommendation received from City Engineer Norbert Hoffman relative to approval of this Record Plan:

The Record Plan for Yankee Trace, Section Seven, be approved subject to receipt of the following:

1. Acceptable Subdivider's Agreements.
2. Performance Bond to assure the completion of the public improvements (grading, drainage, curbs, pavement and hiker/biker path, etc.) In the amount of \$52,093 of which \$7,920 is for walks or hiker/biker path.
3. Inspection fee in the amount of \$316.00.

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

Mr. Reppert moved that the Record Plan for Yankee Trace, Section Seven, be approved, subject to all conditions recommended by the Planning Commission and City Engineer. Mr. Kingseed seconded the motion. The motion passed unanimously.

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YANKEE TRACE SECTION EIGHT RECORD PLAN

Mr. Feverston reviewed a Record Plan for Yankee Trace, Section Eight, property located east of Yankee Street at the dead end of Waters Edge Drive. Proposed is the division of 7.324 acres of land into 10 single family residential lots. The zoning of the property is R-1c, Single Family Residential. Mr. Feverston located the subject property on a map, being the continuation and termination of the cul-de-sac street (Waters Edge Drive), just north of golf course hole number 5 and south of hole number 6. He brought attention to the fact that this Record Plan includes a public utility and driveway easement which will provide access to 2 driveways which do not have direct access to Waters Edge Drive and to 1 even though it does have direct access. Mr. Feverston reviewed Planning Commission's unanimous recommendation for approval to City Council of this Record Plan subject to the following conditions:

1. The easement extending to the east from the cul-de-sac of Waters Edge Drive shall be labeled on the Record Plan as a public utility and private driveway easement and subject to the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements as recorded for this development.
2. Detailed design of the stormwater drainage system for this plat including grading shall be approved by the City Engineer.
3. 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. The private drive within this plat shall be required to be part of the Performance Bond and Subdivider's Agreement because of the frontage and direct access it provides to individual platted lots.

Mr. Feverston reviewed the following recommendation received from City Engineer Norbert Hoffman relative to approval of this Record Plan:

The Record Plan for Yankee Trace, Section Eight, be approved subject to receipt of 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 \$61,595.
3. Inspection fee in the amount of \$264.00.

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. Singer, Mr. Feverston advised that the area designated as a public utility and driveway easement will be maintained by the Homeowners Association.

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Mr. Stone moved that the Record Plan for Yankee Trace, Section Eight, be approved, subject to the conditions recommended by the Planning Commission and City Engineer. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 10-96 MUNICIPAL CODE RECODIFICATION

The Public Hearing was held concerning Ordinance Number 10-96. Mr. Horn reviewed this proposed Ordinance which updates and revises Centerville's Municipal Code to include appropriate Ordinances and Resolutions passed by City Council since the last revision and to bring the Code into conformance with the Ohio Revised Code where applicable. Mr. Compton sponsored 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 Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 11-96 AUTHORIZE 0.700 ANNEXATION

The Public Hearing was held concerning Ordinance Number 11-96. Mr. Horn reviewed this proposed Ordinance to authorize the annexation of 0.700 acres of land which is the northern half of vacated Social Row Road. This old portion of Social Row Road has been vacated by the Board of County Commissioners, Montgomery County: half to the adjacent property owner to the south and the northern half to the City of Centerville. Mr. Singer sponsored Ordinance Number 11-96, An Ordinance To Authorize The Annexation Of Certain Territory To The City Of Centerville, Ohio, Pursuant To Revised Code Section 709.14, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

Mr. Kenneth Hahn, 311 South Village Drive, representing the Village South Neighborhood Association, presented to City Council and the City Planning Commission a petition signed by 553 persons, representing 91% of the residents in the Village South Subdivision, stating their concerns relative to a proposed development for the property owned by the J. S. Davis Company on the north side of Loop Road, which overlooks the Village South area. They stated their opposition to the current Major Use Special Approval Application submitted by Tom Harrigan, and requested that any development plan for said property not have an adverse or damaging effect upon the Village South neighborhood, the residents, and their property values. Mayor Beals advised that a letter has been received from Morgan Davis requesting an extension of time past the 60 day

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Planning Commission action requirement contained in the Centerville Zoning Ordinance. This provides adequate time to gather information so that all issues can be addressed and all protected. Mr. Horn advised that Mr. Feverston, Mr. Weaver and City Engineer Norbert Hoffman are working closely with Tom Harrigan to make sure that all issues and questions relative to the development of the property in question are addressed and answered in a satisfactory manner. Additional information and calculations will be solicited from a professional contractor and will be completely analyzed before the matter comes again before the Planning Commission.

Mr. Mack Van Allen, 220 Kimbary Drive, asked that Mr. Petersen be invited to a meeting of Council to address the fly overs affecting residents in the Centerville area.

ORDINANCE NUMBER 12-96 INCOME TAX

Mr. Horn explained an attempt by member Cities of the Miami Valley Cable Council to standardize the enactment and reporting of Income Tax returns. He reviewed proposed Ordinance Number 12-96 which brings Centerville's procedures more in line with other member Cities. Mr. Singer moved that Ordinance Number 12-96, An Ordinance Amending Chapter 880, Centerville Municipal Code Relating To The Earned Income Tax, be set for Public Hearing on December 16, 1996. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 53-96 PREVENTION OF ALCOHOLISM

Mr. Horn reviewed an Agreement between the City of Centerville and the Combined Health District of Montgomery County for the implementation, operation and maintenance of a program for the prevention and treatment of alcoholism. The cost to the City for this program is approximately \$2,000.00. Mr. Reppert sponsored Resolution Number 53-96, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville To Enter Into An Agreement With The Combined Health District Of Montgomery County For The Implementation, Operation And Maintenance Of A Program For The Prevention And Treatment Of Alcoholism And Chemical Dependency And Providing For The Payment Of Fees, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 54-96 PUBLIC DEFENDER

Mr. Horn reviewed a proposed Contract between the City of Centerville and the Montgomery County Public Defender Commission to provide legal counsel for indigent persons charged with violations of Centerville Ordinances. Requested from the City for 1997 is \$3,000.00. Unused funds are returned at the end of the fiscal year. Mr. Singer sponsored Resolution Number 54-96, A Resolution Authorizing And Directing The City

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Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons; Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1997, And Terminating On December 31, 1997, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 55-96 YANKEE TRACE CLUBHOUSE

Mr. Horn reviewed a proposed Agreement between the City of Centerville and Joe Becks & Associates, Inc. to settle all claims in connection with the construction of the Clubhouse at Yankee Trace. Since the delivery of the Clubhouse by Joe Becks & Associates, Inc. to the City of Centerville on June 23, 1995, punch list items have been completed. Mr. Kingseed sponsored Resolution Number 55-96, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With Joe Becks & Associates, Inc., To Settle All Claims Between Parties In Connection With The Construction Of The Centerville Yankee Trace Clubhouse And Providing For Payments Thereto, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 56-96 EASEMENT TO DAYTON POWER & LIGHT COMPANY

Mr. Horn reviewed a request received from the Dayton Power & Light Company for a right of way and easement across the abandoned railroad right-of-way purchased and now owned by the City of Centerville. This purchase was done in cooperation with the Centerville-Washington Park District and the City of Kettering for the potential development of a bikeway system. This right of way and easement is necessary in order that the Dayton Power & Light Company can transmit and distribute gas service to adjacent residents. Mr. Compton sponsored Resolution Number 56-96, 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 For The Installation Of Pipelines To Transmit And Distribute Natural, Artificial And/Or Liquefied Petroleum Gas Across Railroad Right-Of-Way Purchased By The City Of Centerville, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 57-96 EASEMENT TO MONTGOMERY COUNTY COMMISSIONERS

Mr. Horn advised that correspondence has been received from the City of Kettering offering their acceptance of a small strip of property owned by the City of Centerville, said property being acreage deeded to the City of Centerville when I-675 right-of-way was being acquired. The subject property is located at the dead end of Pondview Drive and is the subject of a request for right of way and easement by the Montgomery County Commissioners for the installation of sanitary/water lines. The property will be deeded to the City of Kettering after the right of way and easement is granted. Mr. Compton sponsored Resolution Number 57-96, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville To The Board Of County Commissioners Of Montgomery, Ohio, For The Installation Of Sanitary/Water Lines Across The City Owned Property At The Stub End Of Pondview Drive, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 58-96 APPRECIATION TO AIR FORCE BAND OF FLIGHT

Mayor Beals outlined the outstanding performance by the Air Force Band of Flight in conjunction with the Bicentennial Community Picnic on September 21, 1996. Mr. Singer sponsored Resolution Number 58-96, A Resolution Expressing Appreciation To The Air Force Band Of Flight For Their Outstanding Participation In The Bicentennial Community Picnic, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 59-96 FINANCE OFFICE IMPROVEMENTS

Mr. Horn reviewed the following bids received for the following Finance Office Improvements Project:

O'Brien Partition Company	\$28,752.08
Loth MBI	\$33,269.08

He identified improvements to be made in the Finance Department area. Mr. Compton sponsored Resolution Number 59-96, A Resolution Accepting The Bid Submitted By O'Brien Partition Company For The Finance Office Improvements Project For 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.

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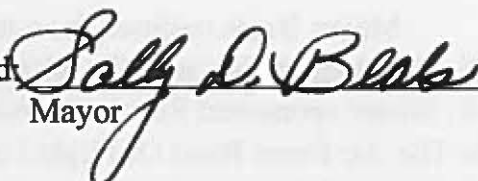
KELISCOT ESTATES PERFORMANCE BOND RELEASE

Mr. Horn reviewed for Council a recommendation received from City Engineer Norbert Hoffman that the Performance Bond posted for Keliscot Estates be released, conditioned upon the receipt of a one year Maintenance Bond in the amount of \$2,000.00. All public improvements have been completed. Mr. Kingseed moved that the Performance Bond (Letter of Credit) be released for Keliscot Estates in accordance with the recommendation of Mr. Hoffman. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

CENTERVILLE HISTORICAL COMMISSION REAPPOINT CELIA ELLIOTT

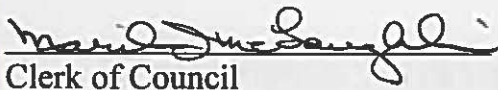
Mr. Singer moved that Celia Elliott be reappointed as a member of the Centerville Historical Commission for an additional term of four years. Mr. Reppert seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: 

Mayor

ATTEST:



Clerk of Council