

# RECORD OF PROCEEDINGS

Minutes of Council Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10-48

Held September 18, 1995

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 18, 1995 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 Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor J. V. Stone

Councilmembers Sally Beals

James Singer

C. Mark Kingseed

Brooks Compton

Clerk of Council Marilyn McLaughlin

Assistant Clerk of Council Peggy Whisman

Assistant to the City Manager Judith Gilleland

Director of Finance William Bettcher

City Engineer Norbert Hoffman

City Planner Alan Schwab

Service Director Richard Bishop

Service Superintendent Kenny Peters

(Prior to this Meeting being held, Mayor Heintz, Deputy-Mayor Stone and Councilmembers Beals, Singer and Compton attended the Meeting of the Centerville City School Board at Hadley Watts Middle School, to offer the City's support in cooperation with Washington Township and the Centerville Schools to coordinate efforts to eliminate the possession and use of illegal drugs and alcohol by the youth of this total community.)

Mayor Heintz advised that Councilmember Mark Beasley would not be present for this meeting. Mr. Compton moved that Mr. Beasley be excused from this meeting. Mr. Kingseed seconded the motion. The motion passed unanimously.

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

Council Meetings - August 21, 1995.

- September 11, 1995.

Council Work Session Meetings - August 21, 1995.

- August 28, 1995.

- September 11, 1995.

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

Mayor Heintz administered the Oath of Office to Centerville Arts Commission Member Bianca Wellbrock.

Vice Chairman Jeffrey Dundon outlined activities currently taking place and events that have been sanctioned by the Centerville-Washington Township Bicentennial Commission for the year 1996.

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Mayor Heintz announced the administration of influenza vaccine again this year by the Combined Health District of Montgomery County in the Council Chambers of the Centerville Municipal Building. The flu shots will be given on Friday, October 6, 1995 between 1:00 PM and 3:45 PM. The cost is \$8.00 with the option for Medicare payment.

Mayor Heintz advised that prior to this Meeting, Officials from Centerville attended the Centerville School Board Meeting to offer support, in a unified community effort, of the new policy requiring a parking pass at the Centerville High School and other efforts to eliminate the use and possession of illegal drugs and alcohol in Centerville schools. This effort upholds the Alcohol/Drug Attack, Memorandum of Understanding, instituted by Community Leaders, School Officials and Law Enforcement Agencies in 1991.

Mayor Heintz announced the participation of City Manager Gregory Horn on a Regional Economical Development Panel during the Ohio Municipal League Conference held September 15, 1995.

Mr. Singer, speaking as Chairman of the Stormwater Drainage Task Force, reviewed their Meeting held on Thursday, September 14, 1995. He outlined recent accomplishments, current and proposed projects relative to stormwater drainage in the City of Centerville.

## WILLIAM RIAT/DON CASTO MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning the Major Use Special Approval Application submitted by William Riat for the construction of a high quality multi-family apartment development with pool and bath house on property owned by Don Casto. Mr. Schwab located the subject property on a map being situated at the southeast corner of State Route 48 and Loganwood Drive. Proposed is the construction of nine 12 unit apartment buildings for a total of 108 units on a 17.3 acre parcel of land zoned R-PD, Residential Planned Development. Mr. Schwab outlined adjacent zone classifications and land uses. He pointed out the fact that included in this Application and approved by the City Planning Commission was a Variance to permit a density of 6.24 units per acre instead of the permitted 6 units per acre in order that an equal number of units can occupy each building. Mr. Schwab identified exterior building materials being a brick facade and vinyl siding on the front with the rear of the buildings being siding. Decks and patios will be located to the rear of the units. Included on this Site Plan is a main entrance into the development off State Route 48 and a secondary entrance off Loganwood Drive with a retention/detention pond located in the front portion of the property. The buildings in the southern portion of the development will be arranged in a horseshoe configuration to eliminate any construction in a gas line easement, thus facing the rear of the buildings to the inside of the horseshoe. Mr. Schwab outlined the Planning Commission's recommendation for

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approval of this Site Plan to City Council subject to the following conditions:

1. A fee-in-lieu of parkland dedication shall be required in accordance with the provisions of the City Parkland Dedication Ordinance.
2. The applicant shall be required to dedicate at no cost to the City 60 feet of roadway right-of-way width from the deeded centerline of SR 48 across the entire frontage of the property.
3. The City Engineer must review and approve the detailed plans for the intersections of the new private streets to this development and SR 48 to Loganwood Drive.
4. All private streets shall be constructed to standards subject to approval by the City Engineer.
5. All street names shall be approved by the City Planning Department.
6. A concrete sidewalk 4 feet wide shall be constructed on the south side of Loganwood Drive. The City Engineer must approve the design of this required sidewalk. Additional right-of-way on the south side of Loganwood Drive be required to locate the sidewalk in the public right-of-way and keep existing trees to the extent practical subject to approval by the City Engineer.
7. The final grading plan shall be subject to approval by the City Engineering Department.
8. A detailed landscaping plan shall be submitted to and approved by the City Planning Department. The location and preservation of significant trees on the site shall be made a part of the landscaping plan. This plan shall preserve existing trees to the extent practical adjacent to the single-family residential houses east of the site and add evergreen landscaping to meet the screening requirements of the City Zoning Ordinance. Low mounding and/or low landscaping about 2.5 feet high shall be required where a parking lot is adjacent to a public roadway. A minimum of 5% of the interior area of the parking lot shall be landscaped with particular emphasis on the use of deciduous trees to shade the surface of the parking lot.
9. A stormwater drainage plan shall be approved by the City Engineering Department showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.
10. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater detention/retention basin(s) and an easement shall be required to the retention basin to allow emergency access by the City.
11. Detailed plans for each dumpster including location, design, materials and screening must be approved by the City Planning Department.

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12. Detailed plans for the exterior of the buildings, including colors and materials, must be approved by the City Planning Department.
13. Exterior lighting shall be approved by the City Planning Department.
14. No sign shown on the plans shall be approved as part of this application.
15. The developer may construct a maximum of 40 garage spaces within the development with the locations of all garage spaces to be specifically approved by the Planning Department, with no garage permitted to back up to SR 48.

In view of previous discussions relative to this Site Plan during the Planning Commission Meeting and the Work Session held by City Council, Mr. Schwab recommended that a 16th condition be added as follows:

The rear of the westernmost, the easternmost and the southernmost buildings, located around the horseshoe, have the same brick treatment on each of the three gables as proposed on the front of the buildings.

William Riat, Architect and Vice President of the Don M. Casto organization, outlined their intent to construct a high quality multi-family apartment development upon the site in question. These apartments will have details which are usually not found on apartment buildings. He suggested that the center gable on the rear of the buildings not be brick in consideration of the decks, patios and windows proposed for that particular area of the structure. Mr. Schwab concurred with this change to his recommendation. Mr. Riat offered their concurrence with all conditions recommended by the Planning Commission and the City Planner as revised.

Thomas Ziegert, 293 Bellingham Drive, questioned whether this would be a subsidized low income housing project. Mr. Riat advised that units will rent for \$675.00 to \$725.00 per month, proposed are high quality apartment units.

Upon question of Mayor Heintz, Mr. Riat advised that shutters will be placed on the rear of the buildings as well as the fronts.

Upon request of Mr. Riat, it was concurred that City Staff be granted authority to approve the alignment of the secondary entrance off Loganwood Drive.

In answer to a question of Mrs. Beals, Mr. Riat identified the fence to be erected around the perimeter of the development as a white three rail or vertical decorative fence.

Mrs. Beals moved that the Major Use Special Approval Application submitted by William Riat on behalf of Don M. Casto, for the construction of a multi-family development at the southeast corner of South Main Street and Loganwood Drive be approved subject to the conditions recommended by the Planning Commission and the City Planner as revised. Mr. Stone seconded the motion. The motion passed unanimously.

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## ORDINANCE NUMBER 18-95 OHIO BASIC BUILDING CODE

The Public Hearing was held concerning Ordinance Number 18-95. Miss Gilleland reviewed this proposed Ordinance which adopts the Ohio Basic Building Code by reference into the Centerville Municipal Code, thus bringing Centerville's regulations into compliance with State Law. Mr. Compton sponsored Ordinance Number 18-95, An Ordinance Amending Ordinance Number 13-92 And Part Fourteen; Building And Housing; Chapter 1420, Ohio Basic Building Code; Subsection 1420.01, 1979 Edition Adopted; Of The Centerville Municipal Code, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

## ORDINANCE NUMBER 20-95 FEES FOR GOLF PROS

The Public Hearing was held concerning Ordinance Number 20-95. Miss Gilleland reviewed this proposed Ordinance which provides for the payment of no more than 75% of the gross revenue received for each lesson or lessons given by golf professionals above and beyond their normal working hours at The Golf Club at Yankee Trace. This provision is retroactive to March 1, 1995 and remains in effect until December 31, 1995. Mr. Stone sponsored Ordinance Number 20-95, An Ordinance Establishing Compensation Rates For Lessons Given By Golf Professionals At The Golf Club At Yankee Trace, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 65-95 YANKEE TRACE SPECIAL ASSESSMENT

Miss Gilleland reviewed a proposed Resolution and Ordinance to provide for Special Assessment Financing in accordance with the Agreement executed between the City of Centerville and Great Traditions. The City agreed to make Special Assessment Financing available to Great Traditions for the installation of gas lights, street improvements and water and sewer improvements, thus freeing up dollars for Great Traditions, making revenue available for enhanced amenities. This phase one of three phases includes the construction of a portion of the spine road from Social Row Road to just beyond the fourteenth green and fifteenth tee along with associated water and sewer lines; a water main extension from the Yankee Street/Social Row Road intersection to the spine road; a sewer main extension from Yankee Street to the spine road; and gas lights along the spine road, the Social Row Road entryway, at the Yankee Street/Social Row Road intersection as well as on Yankee Street where the development is situated on both sides of the street. Miss Gilleland explained the fact that this phase of Special Assessment Financing includes 121 lots of which all owners have petitioned the City for the SAF in an amount not to exceed \$660.00 per year over a 30 year period. The legislation has been prepared as emergency measures so that Great Traditions can take advantage of the remaining 1995 construction season.

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Upon question of Mr. Singer, Mr. Hoffman advised that complete preliminary plans, profiles, specifications and cost estimates for the infrastructures included in the Special Assessment Financing have been submitted, reviewed and are on file in the Clerk's Office as required by State Law.

In answer to a question of Mayor Heintz, Jim Kiefer, Director of Engineering for Great Traditions, advised that gas lights will not be installed along Yankee Street from approximately the property previously known as the Spires Property south to Social Row Road.

Mr. Compton sponsored Resolution Number 65-95, A Resolution Declaring It Necessary To Improve Yankee Trace Drive, Social Row Road, Easements Of The City, Homestead Drive, Old Gate Crossing, And Gatekeeper Way Between Certain Termini By Grading, Draining, Curbing, Paving And Installation Of Storm And Sanitary Sewers, Constructing A Water Main And Sanitary Sewer, And Installing Gas Street Lights, And Providing All Related Work And Necessary Appurtenances With Respect To Those Improvements, And Declaring An Emergency, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 21-95 YANKEE TRACE SPECIAL ASSESSMENTS

Mr. Kingseed sponsored Ordinance Number 21-95, An Ordinance Determining To Proceed With The Improvement Of Yankee Trace Drive, Social Row Road, Easements Of The City, Homestead Drive, Old Gate Crossing, And Gatekeeper Way Between Certain Termini By Grading, Draining, Curbing, Paving, And Installation Of Storm And Sanitary Sewers, Constructing A Water Main And Sanitary Sewer, And Installing Gas Street Lights, And Providing All Related Work And Necessary Appurtenances With Respect To Those Improvements, And Declaring An Emergency, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 66-95 CERTIFY TAX RATES

Miss Gilleland reviewed a proposed Resolution to accept tax rates as determined by the Budget Commission of Montgomery County for the City of Centerville and to authorize the County Auditor to collect said taxes. Mr. Bettcher advised that the inside 10 mil limitation is 2.35 while the outside 10 mil limitation voted on by the electorate in 1978 has been reduced to 0.29 from the original 2 mil. Mrs. Beals sponsored Resolution Number 66-95, A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 67-95 COPS FAST FUND

Miss Gilleland reviewed a proposed Resolution to establish a Cops Fast Fund for the deposit of monies received from the

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Federal Cops Fast program. This separate fund is required by the State Auditor's Office. The City has received the first of three installments from the Federal Government and the State of Ohio for the salary and benefits for one additional police officer. Mr. Compton sponsored Resolution Number 67-95, A Resolution Establishing A Cops Fast Fund, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 68-95 PAYMENT FOR ART SCULPTURE

Miss Gilleland reviewed a proposed Resolution to authorize an additional expenditure of up to \$2,500.00 by the City of Centerville for the erection of an Art Sculpture in front of the Centerville Library commemorating the community's Bicentennial in 1996. Prior to the signing of a Contract with the artist, necessary monies for the construction of the sculpture must be secured. Adequate funds have not been received through donations and grants to pay the entire cost of the project. A proposal has been received from the Washington-Centerville Public Library Board that the City of Centerville, Washington Township and the Washington-Centerville Public Library split the shortfall on an even basis. Donations and grants are continuing to be pursued. Miss Gilleland pointed out the fact that in order for the sculpture to be erected in 1996, a Contract must be executed with the artist with moneys being available at that time. Mr. Compton sponsored Resolution Number 68-95, A Resolution Authorizing An Additional Expenditure Of \$2,500.00 For The Erection Of An Art Sculpture Commemorating The Founding Of The Centerville-Washington Township Community, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 69-95 REFUSE COLLECTION TRUCK

Miss Gilleland reviewed the following bids received for the purchase of a recycle refuse collection truck for the City of Centerville Service Department:

Transmart Volvo & GMC	\$126,766.00/\$129,357.00
	\$131,704.00/\$134,515.00
Crane Carrier Company	\$123,016.00

She recommended acceptance of the bid received from Crane Carrier Company for this very specialized vehicle. Mayor Heintz questioned the availability of service for this truck in consideration of the fact that Crane is located in Tulsa, Oklahoma. Mr. Bishop explained how service will be provided when necessary. He explained how this truck can be used to pick up both recycables and refuse at the same time thus eliminating the necessity of utilizing two trucks on one route on one given day. Mrs. Beals, speaking as a member of the State Solid Waste Advisory Committee, advised that the State's second 3 year plan has just been completed; the State has met its goal to reduce the waste stream statewide by 25% through recycling. The goal of 50% reduction has been set for the year 2000. Mrs. Beals sponsored Resolution Number 69-95, A Resolution Accepting The

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Bid Submitted By Crane Carrier Company For The Purchase Of 1 (One) Recycle Refuse Collection Truck For The City Of Centerville Service Department And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 70-95 PAVEMENT MARKING

Miss Gilleland reviewed the following bids received for the City's 1995 Pavement Marking program:

Kneisel Contracting Corporation	\$20,098.00
The Barbour Company	\$28,448.30

Miss Gilleland advised that in 1994 the City's Pavement Marking bid was awarded to Kneisel. She pointed out the fact that it is more cost effective to let a Contract for pavement marking in lieu of the City Service Department performing said function. Miss Gilleland recommended acceptance of the bid submitted by Kneisel in the amount of \$20,098.00. Mr. Compton sponsored Resolution Number 70-95, A Resolution Accepting The Bid Submitted By Kneisel Contracting Corporation For The Pavement Marking Program - 1995 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. Singer seconded the motion. The motion passed by unanimous vote.

## CITY BEAUTIFUL COMMISSION APPOINT RICHARD PLUCKEBAUM

Mr. Compton moved that Richard Pluckebaum be appointed as a member of the City Beautiful Commission for the City of Centerville. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

## ORDINANCE NUMBER 22-95 MUNICIPAL CODE UPDATE

Miss Gilleland reviewed a proposed Ordinance to adopt revisions to the Centerville Municipal Code. The Code is updated annually to include certain Ordinances and Resolutions passed since the previous update. Mr. Singer moved that Ordinance Number 22-95, 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, be set for Public Hearing on October 16, 1995. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 71-95 DEDICATION OF LAND  
SOUTH SUBURBAN EXTENSION TO CLYO ROAD

Miss Gilleland reviewed a proposed Resolution to accept the dedication and donation of land from Thomas and Deborah Smith for the connector road between Clyo Road and South Suburban Road. Mr. Stone sponsored Resolution Number 71-95, A Resolution



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Accepting The Dedication Of A 0.3029 Acre Tract Of land From Thomas E. Smith And Deborah L. Smith For The Connector Road Between Clys Road And South Suburban Road In The City Of Centerville, Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mayor Heintz expressed appreciation to Richard Bishop for the many years of service he provided the City of Centerville as Service Director and wished him the best in retirement.

There being no further business, the meeting was adjourned.

Approved: Shirley F. Heintz  
Mayor

ATTEST: Wanda J. Saughel  
Clerk of Council