

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1048

Held January 17,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, January 17, 1994 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 and the Pledge of Allegiance to the Flag led by Boy Scout Troop 316 with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor Brooks Compton
Councilmembers C. Mark Kingseed
J. V. Stone
Mark Beasley
Sally Beals
James Singer

Clerk of Council Marilyn McLaughlin
City Manager Gregory Horn
Assistant City Manager Michael Haverland
City Planner Alan Schwab
City Engineer Norbert Hoffman
Director of Finance William Bettcher
Assistant to the City Manager Judith Gilleland

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

Council Meeting - December 20, 1993.
Council Work Session Meetings - December 20, 1993.
- January 3, 1994.

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

Mayor Heintz administered the Oath of Office to Centerville Board of Architectural Review member Thomas M. Hanna.

DEPUTY-MAYOR

Mayor Heintz advised that every two years a Deputy-Mayor is selected by and among Councilmembers for the City of Centerville. Mr. Compton nominated J. V. Stone and moved that Mr. Stone be elected as Deputy-Mayor for 1994 and 1995. Mr. Singer seconded the motion. The motion passed unanimously.

COUNCIL COMMITTEES AND CENTERVILLE REPRESENTATION

Mrs. McLaughlin read the following proposed appointments for the year 1994:

COUNCIL COMMITTEES

COMMUNITY RELATIONS

Brooks Compton, Chairman
James Singer
Mark Beasley

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FINANCE AND LONG-RANGE PLANNING

James Singer, Chairman
Sally Beals
Brooks Compton

LEGAL

C. Mark Kingseed, Chairman
J. V. Stone
Mark Beasley

PUBLIC HEALTH AND SAFETY

Sally Beals, Chairman
C. Mark Kingseed
J. V. Stone

STREETS AND HIGHWAYS

Mark Beasley, Chairman
J. V. Stone
Sally Beals

COUNCIL LIAISON

BICYCLE COMMITTEE

Mark Beasley

BOARD OF ARCHITECTURAL REVIEW

C. Mark Kingseed

CENTERVILLE ARTS COMMISSION

J. V. Stone

CENTERVILLE CITY SCHOOLS

Brooks Compton

CENTERVILLE HISTORICAL COMMISSION

James Singer

CENTERVILLE PROPERTY REVIEW COMMISSION

Mark Beasley

CENTERVILLE-WASHINGTON PARK DISTRICT

C. Mark Kingseed

CITY BEAUTIFUL COMMISSION

J. V. Stone

CITY PLANNING COMMISSION

James Singer

SISTER CITY COMMITTEE

Sally Beals

WASHINGTON TOWNSHIP PUBLIC LIBRARY

Sally Beals

WASHINGTON TOWNSHIP TRUSTEES

Shirley Heintz

CENTERVILLE REPRESENTATION

CENTERVILLE-WASHINGTON TOWNSHIP COMMUNITY COOPERATION COMMITTEE

Shirley Heintz

Gregory Horn

DAYTON AREA CITY MANAGEMENT ASSOCIATION

Gregory Horn

Michael Haverland

MIAMI VALLEY CABLE COUNCIL

James Singer (Delegate)

J. V. Stone (Delegate)

Gregory Horn (Alternate)

Michael Haverland (Alternate)

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- Government Technology Committee
 - Gregory Horn
- MIAMI VALLEY REGIONAL PLANNING COMMISSION**
 - Sally Beals (Delegate)
 - Mark Beasley (Alternate)
- Lower Great Miami River Basin Council
 - J. V. Stone, Chairman
- Technical Advisory Committee
 - Alan Schwab (Delegate)
 - Norbert Hoffman (Alternate)
- Transportation Committee
 - Sally Beals (Delegate)
 - Mark Beasley (Alternate)
- Wilmington Pike Executive Committee
 - Shirley Heintz, Vice-Chairman
- Wilmington Pike Task Force
 - Norbert Hoffman (Delegate)
 - Alan Schwab (Alternate)
- MONTGOMERY AND GREENE COUNTY MAYORS & MANAGERS ASSOCIATION**
 - Shirley Heintz
 - Gregory Horn
- MONTGOMERY COUNTY DRUG ACTION COALITION**
 - Sally Beals
- MONTGOMERY COUNTY SOLID WASTE ADVISORY COMMITTEE**
 - Shirley Heintz (Delegate)
 - J. V. Stone (Alternate)
- MONTGOMERY COUNTY WATER & WASTEWATER ADVISORY COMMITTEE**
 - C. Mark Kingseed (Delegate)
 - Brooks Compton (Alternate)
- SENIORS, INC. OF CENTERVILLE WASHINGTON TOWNSHIP**
 - Board of Trustees
 - Judith Gilleland
 - Long Range Planning
 - Michael Haverland
- SOUTH METRO DAYTON AREA CHAMBER OF COMMERCE**
 - Board of Trustees
 - James Singer (Delegate)
 - J. V. Stone (Alternate)
- SYCAMORE MEDICAL CENTER**
 - Citizens Advisory Council
 - Shirley Heintz
 - Gregory Horn
 - J. V. Stone
- WASHINGTON TOWNSHIP FIRE DEPARTMENT**
 - C. Mark Kingseed
- WASHINGTON TOWNSHIP RECREATION BOARD**
 - Sally Beals (Delegate)
 - C. Mark Kingseed (Alternate)
- SPECIAL COMMITTEES**
- MAYOR'S COMMITTEE TO STUDY INTERGOVERNMENTAL ISSUES**
 - C. Mark Kingseed, Chairman
 - Brooks Compton
 - Sally Beals

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MAYOR'S COMMITTEE ON ECONOMIC DEVELOPMENT

Brooks Compton, Chairman
James Singer
Mark Beasley
C. Mark Kingseed, Alternate

MAYOR'S COMMITTEE ON BICYCLING

Mark Beasley, Chairman
Committee to be reactivated

Mrs. Beals moved that the Council Appointments and Centerville Representatives be approved as read by the Clerk of Council. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mayor Heintz gave her "State of the City Address" for 1993, outlining accomplishments made in 1993, projections for 1994 and capital programs for the coming years.

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

A public information meeting is scheduled for Thursday, January 20, 1994 to explain the proposed widening of West Spring Valley Road to affected property owners. The meeting will begin at 7:00 P.M. in the Council Chambers. Property owners along West Spring Valley Road in the City of Centerville have been invited to attend.

The Board of County Commissioners of Montgomery County met Tuesday January 11, 1994 to hear an annexation petition submitted by the Yankee Development Group for 66.74 acres of land in Washington Township proposed to be annexed to the City of Centerville. The subject property is located on the east side of Yankee Street, immediately north of City owned property for the Yankee Trace Golf Course project.

Tuesday, January 18, 1994, the Board of County Commissioners of Montgomery County will hear a petition for annexation submitted by Dennis Hoertt for 32.374 acres of land situated along the west side of Paragon Road and adjacent to the Yankee Trace Golf Course project.

Hearings have been scheduled in Columbus relative to HB30, the Ohio Township Association's anti-annexation bill. The Ohio Municipal League encourages City Officials to attend these hearings.

Street crews continue to clear streets in residential plats of snow and will continue to work until midnight.

Waste collection operated on schedule despite the heavy snow fall.

The Main Street Assessment Report has been received by the City of Centerville from the National Trust for Historic Preservation. In spring of 1993 a Contract was executed with the National Trust for Historic Preservation's National Main Street Center to determine needs in the Architectural Preservation District.

The Gerber House at Benham's Grove will host a guitar trio on Sunday, February 27, 1994 at 3:30 P.M.

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A meeting between local governmental entities will be held on Monday, January 31, 1994 at Alex's Continental Restaurant beginning with a reception at 6:30 P.M.

ORDINANCE NUMBER 1-94 ZONING ORDINANCE AMENDMENT TEXT

Mr. Schwab reviewed the Planning Commission meeting held on January 11, 1994. At that meeting the Planning Commission recommended passage of an Ordinance to repeal sections in the Centerville Zoning Ordinance which require the submittal of a financial statement from a banking or lending institution or an insurance company, and a market analysis upon application for a Major Use Special Approval in three zone districts: O-PD, Office Planned Development, for an Office Park; B-PD, Business Planned Development, for a Shopping Center; and I-PD, Industrial Planned Development, for an Industrial Park. Mr. Singer moved that Ordinance Number 1-94, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance of The City of Centerville, Repealing Sections 11D4a(2) and (3), Sections 14D4a(2) and (3) and Sections 16D4a(2) and (3), be set for Public Hearing on March 21, 1994. Mr. Beasley seconded the motion. The motion passed unanimously.

**RESOLUTION NUMBER 5-94
THOROUGHFARE PLAN FOR THE CITY OF CENTERVILLE, OHIO**

The Public Hearing was held concerning a proposed revised Thoroughfare Plan for the City of Centerville. Mr. Schwab reviewed this proposed plan which includes very few changes within the corporate limits of Centerville. Montgomery County's new Thoroughfare Plan was used as a basis for roadway widths outside the corporate limits. Mr. Schwab outlined changes made on this plan to roadway widths in Washington Township which vary from the County Thoroughfare Plan. This Thoroughfare Plan has been reviewed by the Washington Township Staff and the Montgomery County Engineering Staff. The Planning Commission, by unanimous vote, recommended approval of this revised Thoroughfare Plan to City Council. Mr. Schwab reviewed two changes which have been suggested to the Plan since it's advancement to City Council; those being the reduction of a 120 foot right of way to a five lane profile and that the right of way of certain portions of Main Street and Franklin Street in the Architectural Preservation District match existing conditions. Mr. Compton moved that the revised Thoroughfare Plan for the City of Centerville, Ohio, be changed to include a five lane profile for a 120 foot right of way width, and that the portion in the Architectural Preservation District indicated by dots include the following statement: "APD: Adjust R/W and street side, to match existing conditions". Mrs. Beals seconded the motion. The motion passed by unanimous vote.

Mr. Kingseed sponsored Resolution Number 5-94, A Resolution Adopting A Revised Thoroughfare Plan for the City of Centerville, Ohio, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 6-94
PARK AND PUBLIC OPEN SPACE PLAN FOR THE CITY OF CENTERVILLE, OHIO

The Public Hearing was held concerning a revised Park and Public Open Space Plan for the City of Centerville, Ohio. Mr. Schwab identified parks and public open spaces as designated on this proposed plan. The plan includes some very minor changes from the current Centerville Washington Park District Plan. The plan has been reviewed with Montgomery County, Washington Township and the Centerville Washington Park District and Board; it includes all comments offered from these entities. The Planning Commission, by unanimous vote, recommended approval of this revised plan to City Council. Upon question of Mrs. Beals, Mr. Schwab explained the fact that indications of parks and open spaces on the plan merely suggest that they be located somewhere in that neighborhood and not necessarily exactly where indicated. Mrs. Beals sponsored Resolution Number 6-94, A Resolution Adopting A Revised Park And Public Open Space Plan For The City Of Centerville, Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 24-93 ZONING ORDINANCE AMENDMENT
CITY OWNED PROPERTY REZONING

The Public Hearing was held concerning Ordinance Number 24-93. Mr. Horn reviewed the proposed rezoning of the property purchased by the City of Centerville which is situated along the west side of Yankee Street and south of Silverlake Drive. A portion of this property has already been utilized for an irrigation lake for the Yankee Trace Golf Course. The remaining acreage will be developed in conjunction with the golf course project. Mr. Schwab located the subject property on a map being approximately 64 acres of land across Yankee Street from the Yankee Trace Golf Course development. This application includes all the property owned by the City of Centerville located west of Yankee Street. Proposed is a zoning change from Washington Township Planned Development-Residential Classification to Centerville R-1c Classification. This change in zoning places the zoning classification in accordance with the Centerville Zoning Ordinance, with density being very similar as presently zoned Washington Township. Mr. Schwab explained the fact that at the same time the Planning Commission considered this rezoning, a Planning Commission Special Approval Application was approved, contingent upon rezoning, to provide for a residential cluster development for this same property which includes 120 single-family lots on 45 acres of land. The Planning Commission, by unanimous vote, recommended approval of this rezoning to City Council.

Upon question of Mr. Charles Lindsay, 9335 Ambershire Drive, Mr. Schwab reviewed the history of the subject property; the property will probably not be developed according to the Planning Commission Special Approval granted several months previous, but will perhaps now be incorporated into the overall residential plans for the Yankee Trace Golf Course development. Mr. Lindsay

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expressed concern with increased traffic if the proposed plan was implemented. Mr. Schwab explained the fact that the plan includes just one access onto Yankee Street; it does not include access onto Silverlake Drive.

Mr. Beasley questioned why this zoning change was being proposed at this time, he suggested that perhaps the rezoning should take place when the Master Developer is on line. Mr. Schwab stated that the Centerville Zoning Ordinance encourages the rezoning of annexed land in a timely fashion. Mr. Compton pointed out the fact that this action is consistent with the intent of the Zoning Task Force.

Mr. Stone sponsored Ordinance Number 24-93, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 64 Acres More Or less, From Washington Township Planned Development-Residential Classification To Centerville R-1c Classification, and moved that it be passed. Mr. Compton seconded the motion. Upon request of Mr. Beasley, a roll call vote resulted in six ayes in favor of the motion; Mr. Beasley voted no.

ORDINANCE NUMBER 26-93 1993 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 26-93. Mr. Horn reviewed this proposed Ordinance which places the City's current appropriations in order. The Ordinance changes the total appropriations for 1993 from \$47,019,310.00 to \$40,801,080.00. The major changes have occurred due to the fact that some major capital projects did not take place as anticipated. Mrs. Beals sponsored Ordinance Number 26-93, An Ordinance To Repeal Ordinance 17-92 In Its Entirety And To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1993, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 28-93 1994 APPROPRIATIONS

The Public Hearing was held concerning Ordinance number 28-93. Mr. Horn reviewed the appropriations and budget plan for the year 1994. He identified this as a flexible financial plan for the City of Centerville. Mr. Singer pointed out the fact that the Council Finance Committee of the whole has had much input into the preparation of this budget document. Mr. Compton sponsored Ordinance Number 28-93, An Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1994, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

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ORDINANCE NUMBER 30-94 PERSONNEL

The Public Hearing was held concerning Ordinance Number 30-94. Mr. Horn reviewed this proposed Ordinance to establish class titles, pay grades, rates of pay, and regulations for employees of the City of Centerville. Included in this Ordinance is an increase of 3.6 percent for all employees. Mr. Horn outlined language changes to particular sections of this Ordinance and listed new positions and personnel changes relative to golf course operations. Upon question of Mr. Stone, Mr. Horn advised that the City will pursue the development of a system for the coming years that is more merit oriented for employees of Centerville. Mrs. Beals sponsored Ordinance Number 30-94, An Ordinance To Repeal Ordinance Number 19-92 In Its Entirety, To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

Mr. Horn reviewed a "Letter of Intent" authorized and executed with Great Traditions, a potential Master Developer for the Yankee Trace Golf Course residential pods. He outlined projects Great Traditions has been involved in around the Cincinnati area. Negotiations continue between the City of Centerville and Great Traditions relative to specific Contract language. Proposed is the construction of 400-500 homesites within a period of eight years. Local builders will be involved in the construction of homes in the Yankee Trace development.

ORDINANCE NUMBER 2-94 CLYO ROAD

Mr. Horn reviewed a proposed Ordinance to provide for the reconstruction of Clyo Road from Alexandersville-Bellbrook Road to Bigger Road. According to the Ordinance the City of Centerville bears 100 percent the total cost of Preliminary Engineering for this reconstruction. Federal-Aid funds will be set aside by the Director of Transportation for financing this improvement from funds allocated by the Federal Highway Administration. Mr. Compton moved that Ordinance Number 2-94, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, be set for Public Hearing on February 21, 1994. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 7-94 BETHANY LUTHERAN VILLAGE

Mr. Horn reviewed a proposed Resolution authorizing the execution of a right of way and easement for underground electric lines at Bethany Lutheran Village to the Dayton Power and Light Company for the transmission and/or distribution of electric energy necessary for the construction of the new facility at Bethany Lutheran Village. Upon question of Mrs. Beals, Mr. Horn advised that this action causes no expense or liability to the

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City of Centerville. Mrs. Beals sponsored Resolution Number 7-94, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville, Ohio To Execute An Option For Underground Right Of Way With The Dayton Power And Light Company, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

**CHELTENHAM SECTIONS ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN
PERFORMANCE BOND RELEASE AND REDUCTION**

Mr. Hoffman advised that sidewalks have been installed in all sections of Cheltenham except for two lots; one lot is currently being built on and the other will be built upon this year. Sidewalk in front of these two lots will be installed by the builder at the proper time. Mr. Hoffman recommended that the Performance Bond (Letter of Credit) be released on sidewalks in all sections of Cheltenham. He further recommended that the Performance Bond (Letter of Credit) posted on sections six and seven in Cheltenham be reduced to \$100,000 to cover remaining miscellaneous items to be completed relative to streets and storm sewers. Mr. Compton moved that the Performance Bond posted on sidewalks in Cheltenham, sections one, two, three, four, five, six and seven be released, and the Performance Bond posted on streets and storm sewers in Cheltenham, sections six and seven be reduced to \$100,000. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council.

**THOMAS PAINE SETTLEMENT NUMBER THREE, CLYO ROAD
PERFORMANCE BOND REDUCTION**

Mr. Hoffman advised that most of the construction work has been completed relative to the extension of Clyo Road to Wilmington Pike which includes a portion in Thomas Paine Settlement Number Three. The work remaining to be completed by the developer consists of finish grading, seeding, and sodding of disturbed areas. He recommended that the Performance Bond posted on this portion of Clyo Road by the developer be reduced to \$15,000. Mr. Stone moved that the Performance Bond posted on Thomas Paine Settlement Number Three - Clyo Road be reduced to \$15,000. Mr. Beasley seconded the motion. The motion passed unanimously.

CENTER POINT PERFORMANCE BOND REDUCTION

Mr. Hoffman reviewed a request of the developer for Center Point that the Performance Bond posted with the City of Centerville be reduced. Grading and the installation of storm sewers and catch basins have been completed. He recommended that the original Performance Bond (Letter of Credit) be reduced from \$78,240.50 to \$37,000. Mr. Compton moved that the Performance Bond (Letter of Credit) posted on Center Point be reduced to \$37,000. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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NESTLE CREEK SECTIONS SIX, SEVEN AND EIGHT

Mr. Hoffman advised that all public improvements have been completed in Nestle Creek, sections six and seven. He recommended that the Performance Bonds (Letters of Credit) posted on these two sections be released conditioned upon the receipt of an acceptable Maintenance Bond in the amount of \$10,000. With sidewalk construction completed in sections six, seven and eight, Mr. Hoffman recommended that the Performance Bonds posted on these sidewalks be released. Mr. Beasley moved that the Performance Bonds posted on public improvements in Nestle Creek, sections six and seven be released conditioned upon the receipt of a Maintenance Bond in the amount of \$10,000 for the duration of one year, and that the Performance Bonds posted on sidewalks in sections six, seven and eight be released. Mr. Stone seconded the motion. The motion passed unanimously.

NESTLE CREEK II SECTIONS TWO, THREE AND FIVE

Mr. Hoffman advised that grading has been completed and storm sewers and catch basins have been put in place in sections two, three and five of Nestle Creek II. He recommended that Performance Bonds (Letters of Credit) be reduced as follows:

- Section two - from \$161,700 to \$20,000
- Section three - from \$86,900 to \$15,000
- Section four - from \$26,050 to \$5,000

The remaining amounts will be adequate to cover the final lift of asphalt and other miscellaneous items yet to be completed. Mr. Singer moved that the Performance Bonds posted on sections two, three and five of Nestle Creek II be reduced as recommended by the City Engineer. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

SOUTH METRO INDUSTRIAL PARK SECTION ONE

Mr. Hoffman recommended that with the completion of grading, the installation of storm sewers and catch basins, and the application of the first lift of asphalt, the Performance Bond posted on South Metro Industrial Park, section one be reduced from \$207,000 to \$38,000. This amount is sufficient to cover the remaining plat improvements. Mr. Kingseed moved that the Performance Bond posted on South Metro Industrial Park, section one be reduced as recommended by the City Engineer. Mr. Stone seconded the motion. The motion passed by unanimous vote.

CITY BEAUTIFUL COMMISSION APPOINT ANN SPOHN

Mr. Kingseed moved that Ann Spohn be appointed as a member of the City Beautiful Commission for a term of three years. Mrs. Beals seconded the motion. The motion passed unanimously.

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CENTERVILLE ARTS COMMISSION APPOINT JON RARICK

Mayor Heintz advised that Jon T. Rarick recently filed an application to be appointed to a City Board or Commission. Mr. Stone moved that Jon T. Rarick be appointed as a member of the Centerville Arts Commission for a three year term. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT JAMES WASSON CHAIRMAN

Mayor Heintz announced the term expiration of James Wasson as Chairman of the Centerville Property Review Commission. Mr. Singer moved that Mr. Wasson be reappointed as Chairman of the Centerville Property Review Commission for an additional year. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

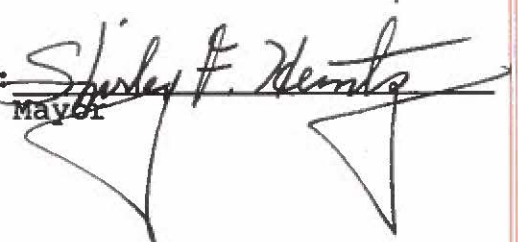
CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT DAN CARFAGNO AND JOHN LOHBECK

Mayor Heintz advised that the terms of Dan Carfagno and John Lohbeck will soon expire as members of the Centerville Property Review Commission. They both have indicated an interest in continuing their service on said Commission. Mrs. Beals moved that Mr. Carfagno and Mr. Lohbeck be reappointed as members of the Centerville Property Review Commission. Mr. Kingseed seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved:

Mayor



ATTEST:


Clerk of Council