

# RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

May 16,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 16, 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, City Chaplain and Pastor of the Church of the Incarnation, 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 C. Mark Kingseed

Mark Beasley

Sally Beals

James Singer

Brooks Compton

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

Assistant City Manager Michael Haverland

City Planner Alan Schwab

City Engineer Norbert Hoffman

Municipal Attorney Robert Farquhar

Superintendent of Golf and Parks John Miller

Assistant to the City Manager Judith Gilleland

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

Council Meeting - April 4, 1994.

- April 18, 1994.

Council Work Session Meetings - April 11, 1994.

- April 18, 1994.

- May 2, 1994.

- May 9, 1994.

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

## CENTERVILLE CITY SCHOOL DISTRICT PERSONNEL APPEALS BOARD APPOINT BRADLEY EVERS, WILLIAM HARRIS, NORMAN YOUNG

Mayor Heintz advised that the Centerville City School District has requested that the City of Centerville appoint a Personnel Appeals Board for the School District by authority granted the City by the Ohio Revised Code. Many extremely well qualified applicants were interviewed by Mayor Heintz, Mr. Stone and Mr. Singer to fill three seats on said Board. Mr. Compton moved that Bradley W. Evers, William T. Harris, and Norman C. Young be appointed as members of the Centerville City School District Personnel Appeals Board. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mayor Heintz administered the Oath of Office to Centerville City School District Personnel Appeals Board members Bradley W. Evers and William T. Harris.



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Mr. Harley Coon was present at this meeting to outline the construction of a Korean War Veterans Memorial and All Veterans Memorial Walkway in the City of Dayton at the River Bend Art Center. The Ohio House of Representatives and Senate have designated Dayton as the official site for the location of these mementos. Inscribed bricks are being sold to be placed in the walkway, the cost of the brick is \$100.00. Mr. James Snyder, President of the Korean Veterans Memorial Association, Inc. explained the development of the memorial and the meaning of all its compartments. Mr. Coon listed the resources contacted for donations for the construction of this memorial. The memorial and walkway in Dayton will be completed to coincide with the dedication and celebration of the National Korean War Memorial in Washington, D.C. in 1995.

Mr. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Mary Cramer. Mr. Compton moved that the resignation of Mary Cramer as a member of the City Beautiful Commission be accepted with regret. Mr. Beasley seconded the motion. The motion passed unanimously.

Mayor Heintz advised that a Proclamation designating the week of May 1, 1994 as Small Business Week in the City of Centerville was issued on April 19, 1994.

Mayor Heintz reminded all residents of the City of Centerville that May 16 to May 19, 1994 has been designated as Operation Clean Sweep in the City of Centerville and urged all citizens to clean their property and to cause all trash, unclean, and unsightly matter to be removed.

Mayor Heintz advised that the Centerville/Washington Township Bicentennial Commission is meeting to develop plans for the community's celebration in 1996 for which many sub-committees will be formed. She encouraged people interested in getting involved in this celebration to volunteer to serve on one or more sub-committees.

Mayor Heintz reported on a recent meeting she attended of the Executive Task Force Committee for Wilmington Pike. Information received at this meeting from Greene County Commissioner Del Bone is that the reconstruction of Wilmington Pike will be completed June 30, 1994.

Mayor Heintz advised that the kick-off for the Summer Concert Series in the Amphitheater at the Leonard E. Stubbs Memorial Park will be June 19, 1994. The kick-off being a performance by The Dayton Philharmonic Concert Band. The Centerville Arts Festival will be held in the park on this same day.



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Mayor Heintz reported on a film recently made by Mr. Jim Dinneen, Director of the Solid Waste Department of Montgomery County, and herself defining all environmental regulations which are mandated by State Law concerning solid waste. This film will be shown on Cable TV from time to time.

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

The South Main Street improvement project is well underway. Utility relocations are currently taking place along the west side of the roadway. This project should be complete by Thanksgiving 1994 weather permitting.

Clyo Road extension between Bigger Road and Wilmington Pike is in its completion stage.

The new concession stand in the Leonard E. Stubbs Memorial Park will be operational for the kick-off concert on June 19, 1994.

Mr. Jim Pierce, City Manager of Huber Heights, will be present after this meeting to outline for City Council regional fire activities being proposed for the Miami Valley.

The Montgomery County EDGE project selection program is underway. The City of Centerville has submitted two requests:

1. the widening of Spring Valley Road, a joint venture with Washington Township, total project continuing west from Main Street to Yankee Street.

2. a connecting roadway from South Suburban Road east to Clyo Road.

Mr. Haverland encouraged residents of the City to participate in Operation Clean Sweep during the current week disposing of all unwanted items. He listed those items which can not be disposed of in this manner. A special collection schedule is currently being developed by the Solid Waste Department of Montgomery County in order for residents to dispose of specialized items.

#### LACHAPELLE RECORD PLAN

Mr. Schwab reviewed the Planning Commission meeting held April 26, 1994. He explained a Record Plan for LaChapelle, a residential development plan for property located at the southwest corner of Alexandersville-Bellbrook Road and Pelbrook Farm Drive. The zoning of this 10.5647 acre tract is R-1c, Single Family Residential. Proposed is the development of this parcel into 19 lots, a detention pond, money in escrow for thoroughfare improvements to Alexandersville-Bellbrook Road and a fee-in-lieu of parkland dedication. Mr. Schwab located the subject property on a map and identified adjacent zone classifications and land usage. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:



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1. In lieu of requiring an additional lane of pavement, sidewalks, curb and storm sewers, Alexandersville-Bellbrook Road shall be improved by the developer to the extent that provides safe ingress and egress to Pelbrook Farm Drive, stormwater drainage and a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Alexandersville-Bellbrook Road.

2. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

4. In lieu of completion of the required improvements prior to 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.

5. Prior to the signing of the record plan by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

6. Section 5.07, paragraph C, entitled "Driveways and Sidewalks" contained in the Declaration of Covenants, Conditions and Restrictions for LaChapelle in Centerville shall be modified to state that: "All driveway aprons and sidewalks in the right-of-way shall be constructed in accordance to the Street Construction Standards of the City of Centerville. These minimum standards may be increased by the ARB, with the approval of the City Engineer, so as to be uniform throughout the community."

7. Section 5.22, entitled "On Street Parking", contained in the Declaration of Covenants, Conditions and Restrictions for LaChapelle in Centerville shall be deleted. The City Attorney stated that a private property owner has no right to control parking of vehicles in a public right-of-way.

Mr. Schwab reviewed the favorable recommendation by the City Engineer for approval of this Record Plan subject to the receipt of the following:

1. Acceptable Subdividers Agreement.
2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc.) in the amount of \$103,500.00 of which \$16,300.00 is for public sidewalks.
3. The deposit of an escrow amount of \$55,700.00 with the City which is the estimated developer's cost for the widening of one full lane of pavement on Alexandersville-Bellbrook Road, including curb, storm sewer and sidewalk. Any temporary sidewalk constructed as part of the current subdivision improvements may be deducted from this amount.
4. Payment of fee-in-lieu of dedicating parkland in accordance with provisions of City Ordinance 15-86, the City Parkland dedication Ordinance.



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5. Inspection fee in the amount of \$370.00.

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. Schwab advised that Protective Covenants have been prepared to assure that purchasers of Lots #1 and #2 are aware before purchase of their responsibility to maintain the stormwater detention basins on these two lots.

Mr. Larry Mesple' speaking also on behalf of Dale Mesple', developers of this subdivision, offered their concurrence with all conditions of approval as outlined by Mr. Schwab. Mr. Beasley moved that the Record Plan for LaChapelle be approved, subject to all conditions recommended by the Planning Commission, the City Engineer, and subject to the execution of the Protective Covenants for Lot #1 and #2 by the property owners relative to the maintenance of the detention basin on lots 1 and 2. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 12-94 SOUTH MAIN STREET

The Public Hearing was held concerning Ordinance Number 12-94, an Ordinance to appropriate certain real estate of Jack Fritzche necessary for the reconstruction and widening of South Main Street. Mr. Hoffman advised that negotiations continue with Mr. Fritzche and the City will be receiving a Right of Entry to proceed across the front of his property. Mr. Stone moved that Ordinance Number 12-94, Ordinance Number 12-94, An Ordinance To Appropriate Certain Real Estate Of Jack Fritzche For The Reconstruction And Widening Of South Main Street In The City Of Centerville, Ohio, be tabled until the next Council Meeting. Mr. Compton seconded the motion. The motion passed by six votes in favor of the motion; Mrs. Beals abstained.

Mr. Charles Beatty, 1781 Yardley Circle, was present at this meeting to present to Council a Petition containing signatures of Yardley Circle residents requesting that if the walkway to be constructed in the rear of their properties in the Lexington Meadows Development cannot be eliminated, that the walkway be moved to the front of their properties in the same manner as already in place in front of two of the fourteen units positioned on the south side of Yardley Circle. Mr. Hoffman advised that Council has concurred that this concrete walkway be located in the front of the affected properties if this is agreeable with the Lexington Meadows Condominium Association. Mayor Heintz made reference to correspondence received from the Condominium Association supporting the location of the sidewalk in the front of the properties if the majority of affected owners agree; however, if this is not acceptable, the Board of Managers requests that the back edge of the walk be placed 9 feet from the property line. Mayor Heintz pointed out the fact that an agreement must be reached by the condominium owners relative to the location of this walkway.



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Mr. Robert McGraw, 1787 Yardley Circle, stated his opposition to the location of the walkway in front of his residence. He believes this will make it impossible for him to park his car in the garage.

Mr. Schwab explained the fact that the sidewalk was proposed by Hills Developers to be located behind the subject properties due to minimal front setbacks for some of the structures.

Mr. James Hardin, 6660 Wareham Court, representing the Board of Managers of the Lexington Meadows Condominium Association, explained their position that:

1. The Board of Managers does not support the elimination of the sidewalk.

2. The Board supports a petition to move the sidewalk to the front of the properties if the majority of affected owners sign such a petition.

3. If movement to the front is un-acceptable to the Council, the Board requests that the back edge of the walk be placed 9 feet from the property line which has been suggested by the City Engineer as being a fair compromise.

Mr. Hardin pointed out the fact that this walkway has always been on the plan and all property owners in the development were told that the walkway would be constructed.

Upon question of Ray Dunnington, 1793 Yardley Circle, Mr. Horn advised that this is a development with private streets, the police department will not be enforcing parking regulations on private property.

Mr. Singer expressed his concern for safety if the sidewalk is placed in the rear of the affected properties.

Mary Koelker, 6694 Wareham Court, supported the location of the sidewalk in the rear as originally proposed.

Upon question of Mrs. Beals, Mr. Hoffman advised that Hills developers have indicated no preference concerning the location of this sidewalk; they see no problem locating it in the front of the affected properties.

Mr. Kingseed moved that the Site Plan for Lexington Meadows submitted by Hills Building and Construction Services Number 3, be amended to relocate the proposed sidewalk in front of properties on Yardley Circle (six doubles, from 1779 to 1809) to be constructed as indicated by a picture submitted by Mr. Beatty during this meeting. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Beals voted no.

#### ORDINANCE NUMBER 13-94 SCHOOL DISTRICT PERSONNEL APPEALS

Mr. Singer moved that Ordinance Number 13-94, An Ordinance Amending Ordinance 11-94 By Changing The Qualifications For Persons Eligible To Serve On The Centerville City School District Personnel Appeals Board, be set for Public Hearing on June 20, 1994. Mr. Beasley seconded the motion. The motion passed unanimously.



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ORDINANCE NUMBER 14-94 ZONING ORDINANCE AMENDMENT CITY REZONING

Mr. Stone moved that Ordinance Number 14-94, An Ordinance Amending Ordinance 4-94 Passed April 4, 1994 To Correct A Typographical Error, be set for Public Hearing on June 20, 1994. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 37-94 PURCHASE SPIRES PROPERTY

Mr. Horn reviewed a proposed Resolution authorizing the purchase of the property owned by Sheryl L. Spires located on the east side of Yankee Street and surrounded on three sides by the Yankee Trace Golf Course. It is in the best interest of the City to purchase this property to provide for additional right-of-way needed for the widening of Yankee Street, easements for utility installation, and to prevent potential safety problems due to its close proximity to the first hole on the golf course. If purchased by the City, this 1.115 acre tract of land will be included in the overall development plan for Yankee Trace. Upon question of Mr. Beasley, Mr. Horn advised that the purchase price for this land is \$246,600.00. Mr. Compton sponsored Resolution Number 37-94, A Resolution Authorizing And Directing The City Manager To Execute A Contract For The Purchase Of Property Owned By Sheryl L. Spires Located in Washington Township, Montgomery County, Ohio, and moved that it be passed. Mr. Kingseed seconded the motion. Upon request of Mr. Compton, a roll call vote resulted in five ayes in favor of the motion; Mr. Beasley and Mr. Stone voted no.

PLYMOUTH COLONY BOND RELEASE

Mr. Horn reviewed a recommendation made by Mr. Hoffman that the outstanding Performance Bond in the amount of \$4,000.00 covering the installation of sidewalks in the Plymouth Colony Subdivision be released. The developer has completed all public improvements in this plat. Mr. Compton moved that the Performance Bond posted on sidewalks in Plymouth Colony be released. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 38-94 1994 STREET PROGRAM

Mr. Horn outlined the following bids received for the 1994 street program, concrete and asphalt in the City of Centerville:

L. P. Cavett Company	\$501,567.60
John R. Jurgensen	508,767.48
Barrett Paving Materials	537,569.60

Mr. Horn recommended acceptance of the low bid submitted by the L. P. Cavett Company in the amount of \$501,567.60, and that the City Manager be authorized to spend up to the appropriated amount of \$550,000.00 for additional work and/or change orders deemed necessary throughout the street repair program. Mr. Stone sponsored Resolution Number 38-94, A Resolution Accepting The Bid

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Of L. P. Cavett Company For The 1994 Street Program, Concrete And Asphalt, In The City of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT GARY HUFF

Mayor Heintz advised that the term of Gary Huff as a member of the Centerville Property Review Commission will soon expire. Mr. Singer moved that Mr. Huff be reappointed as a member of the Centerville Property Review Commission. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: Shirley F. Heintz  
Mayor

ATTEST:

Maile J. Daugherty  
Clerk of Council