

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

September 19

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 19, 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 Kenneth Schartz, Assistant Pastor of the Church of the Incarnation, and the Pledge of Allegiance to the Flag led by Cub Scout Pack 530, with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Councilmembers C. Mark Kingseed

Mark Beasley

Sally Beals

James Singer

Brooks Compton

Clerk of Council Marilyn McLaughlin

Assistant City Manager Michael Haverland

City Engineer Norbert Hoffman

Director of Finance William Bettcher

City Planner Alan Schwab

Municipal Attorney Robert Farquhar

Assistant to the City Manager Judith Gilleland

Members of Cub Scout Pack 530 introduced themselves to the listening audience.

Mayor Heintz advised that Deputy-Mayor J. V. Stone would not be present for this meeting. Mr. Kingseed moved that Mr. Stone be excused from this meeting. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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

Council Meeting - August 15, 1994.

Council Work Session Meeting - August 15, 1994.

Council Retreat - August 22, 1994.

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

Washington Township Fire Chief Randall Staley was present at this meeting to review for Council a report of the activities of the Fire Department from July, 1993 through June, 1994. Upon suggestion by Mayor Heintz, Chief Staley will be present at a future Work Session Meeting to review this report in more detail.

Upon question of Mr. Beasley and Mr. Compton, Chief Staley advised that a five year Capital Improvement Program has been prepared by the Washington Township Fire Department which includes replacements of equipment, additional manpower, additions to fire stations as well as the relocation of the station on Whipp Road. Mr. Compton suggested that City Council have an opportunity to review this proposed Capital Program prior to approval by the Washington Township Trustees and that it be available for discussion during the Work Session with Chief Staley.

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Mayor Heintz asked Chief Staley to investigate and consider the purchase of floating rubberized ladders for rescue purposes in consideration of the many lakes and ponds in residential areas of Centerville and Washington Township.

Upon request of Mr. Singer, Chief Staley reviewed average emergency response times for the various fire stations and explained investigations conducted on lengthy response times. He also outlined the number of calls at the different stations.

Mrs. McLaughlin made reference to correspondence received from the Combined Health District Montgomery County announcing the administration of Flu Shots at the Centerville Municipal Building on Friday, September 23, 1994.

Mayor Heintz announced the issuance of the following Proclamations during the past month:

Constitution Week in the City of Centerville - week of September 17, 1994.

Quality Month in Centerville - October, 1994.

Mayor Heintz announced the appointment of two committees: one to review a Noise Ordinance for the City of Centerville and the other to review regulations relative to bicycles contained in the Centerville Municipal Code. The committee chairman to review the Noise Ordinance is Mr. Kingseed and the committee chairman for review of bicycle regulations is Mr. Beasley.

Mayor Heintz reminded the listening audience to drive with caution and obey speed limits while traversing neighborhood streets.

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

The South Main Street widening and reconstruction project should be completed prior to Thanksgiving of this year. He asked residents to use caution while traveling in this construction area.

Centerville's annual street resurfacing program will be completed during the week of September 26, 1994.

The next issue of the Town Crier will contain the leaf pick-up schedule for the various areas in the City of Centerville.

The City has received a Community Development Block Grant funding in the amount of \$11,500 for handicapped access ramps in the Village South area.

YANKEE TRACE SECTION ONE RECORD PLAN

Mr. Haverland reviewed the Planning Commission Meeting held August 30, 1994. Mr. Schwab reviewed the Record Plan for Yankee Trace, Section One, and located the property on a map. Section One consists of 20.5245 acres of land, zoned R-1c, Single-Family Residential, and surrounded by the front nine golf holes. Mr. Schwab explained how this section fits into the Master Plan for the total area and outlined the major design features

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incorporated in this particular section. Section One consists of 22 lots, the main entryway boulevarded area, a circle area and a street connecting along hole number eight to service this section and an area involved in a future section. Mr. Schwab pointed out differences in this Record Plan relative to narrower street widths and larger pavement diameters in cul-de-sacs with center islands. Hiker/biker trails have been incorporated into the plan in accordance with the overall development plan previously approved by the City. He located the spine road as it is proposed into the property presently owned by the Yankee Development Group and is in the process of being purchased by the Great Traditions Land and Development Company. Mr. Schwab advised that the Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council, subject to the following conditions:

1. The building setback plans submitted by Great Traditions, dated August 29, 1994, must be approved by the Planning Commission.
2. The rear lot line of lots 12, 13, and 14 shall be reviewed and adjusted, if necessary, to correspond with the golf course boundary line subject to approval by the Planning Department.
3. The retention easement shown along the rear lot lines of lots 18 through 22 shall be extended to include lot 17 to match the grading plan submitted with this Record Plan subject to approval by the City Engineer.
4. The rear yard building setback line for lots 16 and 22 shall be 30 feet or outside the retention easement whichever is greater, subject to approval by the Planning Department.
5. The front yard building setback of lots 18 and 19 shall be changed to 35 feet or properly described subject to approval by the Planning Department.
6. All protective covenants shall be listed or specifically referenced on the Record Plan subject to approval by the City Attorney.
7. Protective covenants that pertain to the ownership and maintenance the reserve areas shall be listed or referenced on the Record Plan subject to approval by the City Attorney.
8. The public right-of-way that is adjacent to any parcel labeled as a reserve area shall be extended into the reserve area to the extent that provides a minimum right-of-way width of 2.5 feet from the back of the curb subject to approval by the Planning Department.
9. The street named Symmes Court shall be renamed subject to approval by the Planning Department.
10. All pedestrian paths (sidewalks or the hiker/biker trails) shall be contained within public right-of-way where possible or contained within public easements subject to approval by the City Engineer. All pedestrian paths shall be outside of the golf course boundary line. Great Traditions shall work with the City Attorney to create an arrangement whereby the maintenance of said pedestrian paths are the responsibility of the Homeowners Association.

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11. Adequate protection shall be provided along Waters Edge Drive where it is adjacent to the lake to reduce the likelihood that a car would leave the traveled path and enter the lake subject to approval by the City Engineer.

12. Detailed design of the stormwater drainage system for this plat shall be approved by the City Engineer.

13. 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. Schwab reviewed the following recommendations of the City Engineer for this Section One of Yankee Trace:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to assure completion of the public improvements (pavement, curbs, drainage, sidewalks or hiker-biker paths, etc.) in the amount of \$325,000 of which \$20,000 is for sidewalks/hiker-biker paths.
3. Inspection Fee of \$1,850.

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 pointed out the fact that as a result of discussions prior to this meeting, the following condition should be added for approval:

The City will only sign the Record Plan for this section when Great Traditions has exercised its first option to purchase land from the Yankee Development Group north of the City owned property.

Mr. Gary Menchhofer, representing Great Traditions Land and Development Company, stated their concurrence with all conditions as outlined previously by Mr. Schwab.

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

YANKEE TRACE SECTION TWO RECORD PLAN

Mr. Schwab reviewed the Record Plan for Section Two of Yankee Trace and located the subject property on a map, being a 14.0366 tract of land zoned R-1c, Single-Family Residential and situated north of hole number six of the golf course. Section Two consists of 25 lots. The Planning Commission, by unanimous vote, recommended approval of this Record Plan subject to the following conditions:

1. The building setback plans submitted by Great Traditions, dated August 29, 1994, must be approved by the Planning Commission.
2. The south lot line of lots 23 and 24 shall be reviewed and adjusted, if necessary, to correspond with the golf course boundary line subject to approval by the Planning Department.

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3. All protective covenants shall be listed or specifically referenced on the Record Plan subject to approval by the City Attorney.

4. Protective covenants that pertain to the ownership and maintenance the reserve areas shall be listed or referenced on the Record Plan subject to approval by the City Attorney.

5. The public right-of-way that is adjacent to any parcel labeled as a reserve area shall be extended into the reserve area to the extent that provides a minimum right-of-way width of 2.5 feet from the back of the curb subject to approval by the Planning Department.

6. The street named Charter Place shall be renamed to Waters Edge Drive.

7. The street name shall for the stub street adjacent to lot 46 and 47 be approved by the Planning Department.

8. All pedestrian paths (sidewalks or the hiker/biker trails) shall be contained within public right-of-way where possible or contained within public easements subject to approval by the City Engineer. Great Traditions shall work with the City Attorney to create an arrangement whereby the maintenance of said pedestrian paths are the responsibility of the Homeowners Association.

9. A pedestrian path shall be constructed along Charter Place and along the yet un-named street stubbing to the north and adjacent to the proposed community recreation facility, subject to approval by the Planning Department. Construction of this pedestrian path may be delayed until such time which the community recreation facility is constructed.

10. All lot lines shown on the Record Plan shall be the "thicker" line.

11. Detailed design of the stormwater drainage system for this plat shall be approved by the City Engineer.

12. 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. Schwab reviewed the recommendation of the City Engineer that this Section be approved subject to the following:

1. Acceptable Subdivider's Agreement.

2. Performance Bond to assure completion of the public improvements (pavement, curbs, drainage, sidewalks or hiker-biker paths, etc.) in the amount of \$158,000 of which \$4,000 is for sidewalks/hiker-biker paths.

3. Inspection Fee of \$810.

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.

In addition to the above, Mr. Schwab recommended the following condition:

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The City will only sign the Record Plan for this section when Great Traditions has exercised its first option to purchase land from the Yankee Development Group north of the City owned property.

Mr. Compton moved that the Record Plan for Yankee Trace, Section Two, be approved as recommended by the Planning Commission, the City Planner, and the City Engineer, subject to all conditions previously outlined. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Gary Menchhofer outlined a preliminary timetable for the opening of the Yankee Trace Information Center and construction of some of the home sites. A ground breaking ceremony will be held on Wednesday, October 5, 1994.

ORDINANCE NUMBER 16-94 PERSONNEL

Mr. Haverland reviewed a proposed amendment to the Personnel Ordinance to provide for the position of a Director of Food Service/Executive Chef. This position will be filled on October 3, 1994 in order that proper selections may be made relative to kitchen equipment necessary for clubhouse and golf grill food service. Mr. Compton sponsored Ordinance Number 16-94, An Emergency Ordinance To Amend Ordinance Number 30-93, 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. Mrs. Beals seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 17-94 PERSONNEL

Mr. Kingseed moved that Ordinance Number 17-94, An Ordinance To Amend Ordinance Number 30-93, To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees of The City Of Centerville, Ohio, be set for Public Hearing on October 17, 1994. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 18-94 CLYO ROAD ISSUANCE OF BONDS

Mr. Bettcher, as Fiscal Officer for the City of Centerville, certified in connection with the proposed issuance of \$365,000 bonds, the estimated life or period of usefulness of the improvement is at least five years, and the maximum maturity of the Bonds is 25 years, but because the special assessments will be payable over a period of 20 years, and the Bonds are to be issued in anticipation of the collection of those special assessments, the maximum maturity of the Bonds is 20 years.

Mr. Haverland reviewed a proposed Ordinance to provide for the issuance of Bonds over a 20 year period in the amount of \$365,000, the proceeds to be used to pay off the note due on October 5, 1994. The \$365,000 represents that amount of money for which property owners have been assessed over a 20 year period. Mr. Haverland explained the fact that property owners in

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the Lexington Meadows and Nestle Creek Subdivisions are being assessed for the extension of Clyo Road from Bigger Road to Wilmington Pike, a procedure requested by the developers (then the property owners) several years previous. This assessment process provided for the purchase of property in these subdivisions at a lower cost. The total construction cost of this project was substantially below estimate and therefore provides a reduction to the property owners from that which was originally contemplated. Mrs. Beals sponsored Ordinance Number 18-94, An Ordinance Providing For The Issuance And Sale Of Bonds For The Purpose Of Paying The Property Owners' Portion, In Anticipation Of The Collection Of Special Assessments Heretofore Levied, Of The Cost Of Improving Clyo Road Between Certain Termini By Grading, Curbing, Paving, Constructing Sidewalks, Storm Water Drainage System, Sanitary Sewer System, Water Mains And Other Necessary Facilities And Appurtenances, And Declaring An Emergency, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 52-94 CERTIFY TAX LEVIES

Mr. Haverland reviewed proposed Resolution Number 52-94, a Resolution authorizing tax levies and certifying them to the Montgomery County Auditor. This is a procedure required by the Ohio Revised Code. Mr. Haverland pointed out the fact that the millage for 1995 remains the same as 1994. Mr. Beasley sponsored Resolution Number 52-94, 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. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 53-94 GOLF COURSE OPERATIONS FUND

Mr. Haverland explained the recommendation of the State Auditor that a Golf Course Operations Fund be established for the deposit of moneys received from the various fees charged and items sold at the Yankee Trace Golf Course. Mr. Singer sponsored Resolution Number 53-94, A Resolution Establishing A Golf Course Operations Fund, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

PLEASANT WOODS PERFORMANCE BOND RELEASE

Mr. Haverland advised that all lots have been sold in the Pleasant Woods Subdivision. Due to the fact that the owners of three undeveloped lots have been assigned the responsibility of sidewalk installation along their respective properties when they develop their lots, Mr. Hoffman has recommended that the Performance Bond posted on these sidewalks be released. Mr. Compton moved that the Performance Bond posted for sidewalks in the Pleasant Woods Subdivision be released as recommended by the City Engineer. Mr. Beasley seconded the motion. The motion passed unanimously.

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SOCIETY BANK PERFORMANCE BOND RELEASE

Mr. Haverland advised that Society Bank, Trustee for property at the northwest corner of Wilmington Pike and Clio Road, has requested release of their Performance Bond in the amount of \$23,500.00. All public improvements have been completed satisfactorily. Mr. Hoffman has recommended release of said Performance Bond subject to the receipt of a one year Maintenance Bond in the amount of \$2,000. Mr. Beasley moved that the Performance Bond posted by Society Bank be released in accordance with the recommendation of Mr. Hoffman. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 54-94 STUBBS PARK

Mr. Haverland reviewed a proposed Resolution to authorize the City's participation in filing an application with the Department of National Resources, State of Ohio, for Nature Works financial aid to provide for improvements in the Leonard E. Stubbs Memorial Park. Available is up to 75 percent actual allowable reimbursement costs. Grant packages will be prepared during the next few weeks. Mrs. Beals sponsored Resolution Number 54-94, A Resolution Authorizing And Directing The City Manager To Execute And File An Application With The Department Of Natural Resources, State Of Ohio, For Financial Assistance Under the Nature Works Program, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 55-94 ASSISTANT CLERK OF COUNCIL

Mr. Singer sponsored Resolution Number 55-94, A Resolution Appointing Peggy S. Whisman As Assistant Clerk Of Council And Specifying Her Duties, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote. Mayor Heintz introduced Mrs. Whisman to the listening audience.

ANNEXATIONS SULLIVAN/MILLER PARAGON ROAD

Mayor Heintz announced that Judge MacMillan, Jr. has denied in Common Pleas Court the petitions for the annexation of the Sullivan/Miller Farm and properties on Paragon Road from Washington Township to the City of Centerville. Mr. Singer moved that the Municipal Attorney be authorized to appeal these decisions to the Court of Appeals. Mr. Kingseed seconded the motion. The motion passed unanimously. Mr. Compton pointed out the fact that in a previous annexation case the Supreme Court of Ohio ruled against a MacMillan decision by a unanimous vote.

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RESOLUTION NUMBER 56-94 SUPPORT MOUND ECONOMIC DEVELOPMENT PLAN

Mayor Heintz reviewed correspondence received from Mayor Richard Church and City Manager John Weithofer requesting that the City of Centerville support the efforts of the City of Miamisburg toward the Mound Advanced Technology Center as a sign to the Department of Energy that the entire Miami Valley supports said effort. Mr. Singer sponsored Resolution Number 56-94, A Resolution Of Support For The Mound Economic Development Plan And The Mound Advanced Technology Center (MATC) In The Continuing Transition Of The Department Of Energy's Mound Facility From Public Sector To Private Sector Use, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council. Mrs. Beals stressed the importance that regional support be given to this endeavor.

VALLEYCREST LANDFILL SITE

Mayor Heintz explained the fact that the EPA has designated the Valleycrest Landfill as a Superfund Site in the Montgomery County area. Mr. Haverland reviewed a request received from Mr. Jim Dinneen, Montgomery County Solid Waste Director, that the City of Centerville sign a Letter of Commitment on behalf of the residents of Centerville that Centerville supports the concept of a unified governmental approach to the possible settlement of all local governmental liability associated with the clean up of the Valleycrest Landfill site, however, expressly reserving the right to withdraw from any such governmental coalition at any time, and additionally reserving all other rights. Mr. Haverland pointed out the fact that it is understood that a participating government may voluntarily withdraw at anytime should they begin to feel uncomfortable with the approach. Mr. Kingseed moved that the Letter of Commitment as outlined by Mr. Haverland be signed by the City of Centerville. Mrs. Beals seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: 

Mayor

ATTEST: 

Clerk of Council