

# RECORD OF PROCEEDINGS

545

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held

June 21,

19 93

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, June 21, 1993 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 Deputy-Mayor Brooks Compton presiding. Councilmembers and City Staff present were as follows:

- Councilmembers C. Mark Kingseed
- J. V. Stone
- Sally Beals
- James Singer
- Mark Beasley
- 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
- Municipal Attorney Robert Farquhar
- Assistant to the City Manager Judith Gilleland

Mr. Compton advised that Mayor Shirley Heintz would not be present at this meeting. Mrs. Beals moved that Mayor Heintz be excused from this meeting. Mr. Singer seconded the motion. The motion passed unanimously.

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

- Council Meeting - May 17, 1993.
- May 24, 1993.
- Council Work Session Meetings - May 17, 1993
- May 24, 1993.
- June 7, 1993.
- June 14, 1993.

Mr. Beasley moved that the minutes of the foregoing meetings be approved as distributed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote; however, Mr. Stone abstained from the June 14, 1993 Council Work Session minutes, and Mr. Kingseed abstained from the minutes of the meetings held May 24, 1993.

Mr. Compton administered the Oath of Office to City Beautiful Commission Member Mary M. Cramer.

Mr. Compton administered the Oath of Office to Personnel Appeals Board Member Timothy M. Shroyer.

Mrs. McLaughlin announced the receipt of letters of resignation from Centerville Arts Commission members John Moraites and James Teske. Mr. Beasley moved that the resignations of Mr. Moraites and Mr. Teske as members of the Centerville Arts Commission be accepted with regret. Mrs. Beals seconded the motion. The motion passed unanimously.



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

Appreciation was expressed for the activities which took place at the Leonard E. Stubbs Memorial Park on Sunday, June 20, 1993 coordinated by the Centerville Arts Commission.

Orange barrels in the center of town will disappear during the next week. Work is being completed by Montgomery County and the City of Centerville.

Work continues with the construction of the Yankee Trace Golf Course. Final shaping is taking place and seeding should be completed during August and September of this year. Bids will be let soon for the construction of the clubhouse and maintenance building.

#### NESTLE CREEK II SECTION THREE RECORD PLAN

Mr. Schwab reviewed the Record Plan for Nestle Creek II, Section Three, to be located on 7.681 acres of ground north of Alexandersville-Bellbrook Road and east of Bigger Road. The zoning of the subject property is R-1c, Residential and provides for the 20 lots proposed. Mr. Schwab located the property on a map and outlined the zoning of adjacent properties. A detention basin will be located on the northwest corner of this section. The Planning Commission, during their meeting on June 8, 1993, unanimously recommended approval of this Record Plan subject to the following conditions:

1. 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.

2. Erosion control during construction shall be in accordance with the provisions of the City Stormwater Drainage Control Ordinance.

3. An easement shall be required to the retention basin to allow emergency access by the City.

4. The street name "Blue Stream" Court shall be a single word.

Mr. Schwab reviewed a recommendation by the City Engineer that this Record Plan be approved subject to receipt of the following:

1. Acceptable Subdivider's Agreement.

2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc.) in the amount of \$104,500.00 of which \$17,600.00 is for public sidewalks.

3. Inspection fee in the amount of \$420.00.

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.



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Mr. Stone moved that the Record Plan for Nestle Creek II, Section Three, be approved in accordance with the recommendations of the Planning Commission and the City Engineer subject to all conditions outlined in their recommendations. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

#### WASHINGTON-CENTERVILLE PUBLIC LIBRARY RECORD PLAN

Mr. Schwab reviewed a Record Plan for the replat of 4.302 acres of land located along the north side of West Spring Valley Road across from the Centerville Municipal Building. This Record Plan replats four lots into one lot for the future construction of the Washington-Centerville Public Library. He located the property on a map and explained how interior lot lines will be eliminated and easements along interior lot lines will be vacated. The Planning Commission, during their meeting on June 8, 1993, unanimously recommended approval of this Record Plan subject to one condition:

All utility easements shown to be vacated on the Record Plan must be approved by any and all utility companies who have existing facilities and/or right of access to those easements before the City enacts legislation vacating the aforementioned easements.

Mr. Schwab advised that letters indicating no objection have been received from three of the four utility companies having easements which are proposed to be vacated.

Mrs. Beals moved that the Record Plan for Washington-Centerville Public Library be approved as recommended by the Planning Commission subject to the one condition outlined previously. Mr. Beasley seconded the motion. The motion passed unanimously.

Mr. Singer, speaking as Chairman of the Stormwater Drainage Task Force, advised that the Task Force met on May 19, 1993 at which time they unanimously approved a proposed project by the City of Centerville to alleviate overland flooding in the Terrace Villa and Gorman Plats. This project is contingent upon the City obtaining necessary agreement with the Centerville-Washington Park District for the incorporation of a detention basin on park land. This agreement is being pursued by City Staff. Plans are that this project be completed in 1993. Mr. Singer reported that the project of lowering the southwest corner of Poinciana Drive has been completed.

Mrs. Beals reminded the listening audience of the Americana Parade scheduled for Saturday, July 3, 1993 to begin at 10:00 A.M. She brought attention to the schedule of activities listed in the most recent issue of the Town Crier for the July 3 and July 4 celebration.



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## ORDINANCE NUMBER 12-93 WILMINGTON PIKE

The Public Hearing was opened concerning Ordinance Number 12-93, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements. Mr. Horn advised that the acquisition of real property for right-of-way purposes necessary for the Wilmington Pike improvement project from Thomas and Richard Topp has been resolved. Due to this information this Public Hearing was canceled.

## ORDINANCE NUMBER 13-93 WILMINGTON PIKE

The Public Hearing was held concerning Ordinance Number 13-93. Mr. Hoffman reviewed this proposed Ordinance which accepts the dedication of approximately 0.3 acres of land for right-of-way necessary for the Wilmington Pike widening project. This acquisition was successfully negotiated from Society Bank. Mr. Kingseed sponsored Ordinance Number 13-93, An Ordinance Accepting The Dedication Of Right Of Way From Society Bank N.A. In Connection With The Wilmington Pike Widening, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

## 1994 TAX BUDGET

The Public Hearing was held concerning the 1994 Tax Budget for submission to the Montgomery County Auditor. The proposed Tax Budget was briefly reviewed by Mr. Horn. He pointed out the fact that this is a housekeeping measure required by the Ohio Revised Code and should not be confused with the City's operating budget. Mr. Stone moved that the 1994 Tax Budget as presented, be approved for submission to the Montgomery County Auditor for consideration by the Montgomery County Budget Commission. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mrs. Charlotte Donaldson, 7072 Fallen Oak Trace, appeared at the meeting at this time to express concern with the proposal developed by Camp, Dresser and McKee that a detention pond be constructed at Clio Road and Alexandersville-Bellbrook Road. She advised that this detention pond will be in her back yard. Mrs. Donaldson asked for assurance from the City that no damage would occur to her home and basement if this pond is constructed. Mr. Singer pointed out the fact that there are no plans to put a detention pond in her back yard. Mr. Horn outlined drainage problems which have been and are currently being addressed, he advised Mrs. Donaldson that there are no current plans for a detention pond in her area of concern, he reinforced the comment previously made by Mr. Singer. Mrs. Beals explained the fact that there is no attempt at this time to construct a detention basin in the area of Mrs. Donaldson; however, the present Council can give no assurances for actions of future Councils.



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Mr. Kingseed pointed out the fact that if in future years, City Council decides to move forward with this project, this will not be a new matter for residents in the area.

RESOLUTION NUMBER 30-93 WILMINGTON PIKE

Mr. Horn reviewed a proposed Resolution authorizing a Contract for the purchase of real property for right-of-way purposes from Thomas and Theresa Topp necessary in the Wilmington Pike widening project. Negotiations have been resolved and an agreement has been reached for the acquisition of said property. Mr. Singer sponsored Resolution Number 30-93, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Thomas A. Topp And Theresa M. Topp For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 31-93 PUBLIC DEPOSITORIES

Mr. Horn reviewed a proposed Resolution estimating the probable amount of public monies to be deposited and setting a date for the designation of public depositories. State Law requires that the City accept applications every two years from financial institutions for the deposit of public monies, said applications to be filed with the Clerk of Council not later than July 9, 1993. Mr. Bettcher explained the fact that the City is required by the Ohio Revised Code to have a Contract with a Bank before monies can be deposited. Mr. Beasley sponsored Resolution Number 31-93, A Resolution Estimating The Probable Amount Of Public Monies To Be Deposited, Setting A Date For The Designation Of Public Depositories And Authorizing Notice, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 32-93 INCOME TAX RECEIPTS

Mr. Horn reviewed a proposed Resolution to provide for the allocation of income tax receipts received after June 1, 1993. This type of legislation is considered twice in one year in order to make allocation adjustments based upon income tax receipts. He compared allocations for the first six months of 1993 with those allocations outlined in this Resolution. Mr. Kingseed sponsored Resolution Number 32-93, A Resolution To Amend Resolution 31-92 In Its Entirety And To Authorize And Direct The Allocation Of Income Tax Receipts Received On And After June 1, 1993 Between The General Fund, Street Construction And Maintenance Fund, Capital Improvements Fund, And Recreational Projects Fund, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote.



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## RESOLUTION NUMBER 33-93 SOLID WASTE MANAGEMENT

Mr. Horn reviewed a proposed Resolution approving the Comprehensive Solid Waste Management Plan as prepared by the Montgomery County Solid Waste Management District. This is a ten year plan to satisfy requirements of House Bill 592 to assure disposal capacity in Montgomery County. Mr. Haverland briefly reviewed highlights contained in this plan. Mr. Horn advised that the Gov Tec Committee of the Miami Valley Cable Council has reviewed this plan and is satisfied with the flexibility incorporated into the plan. Mrs. Beals sponsored Resolution Number 33-93, A Resolution Approving And Ratifying The Montgomery County Solid Waste Management District's Comprehensive Solid Waste Management Plan, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 34-93 SPRING VALLEY ROAD

Mr. Horn reviewed a proposed Resolution to authorize a Contract with Barge, Waggoner, Sumner and Cannon for engineering services for the construction and widening of West Spring Valley Road. Washington Township has received proposals from several engineering firms to provide final engineering design services for improvements to West Spring Valley Road from Yankee Road to its widened point at the Centerville Municipal Building. The cost is estimated at \$26,200.00 City, \$81,800.00 Township, costs proportionate to the length of the project. Mr. Horn pointed out the fact that the Township may not proceed with the project if Issue Two Funds are not received. He recommended that this Resolution be passed with the understanding that the plans be prepared flexible so that the City may proceed with that portion of Spring Valley Road located in the City whether or not Issue Two Funds are available and in the event that Washington Township does not move forward with the project. Mr. Kingseed brought special attention to the fact that this is a cooperative effort between the City of Centerville and Washington Township. Mr. Kingseed sponsored Resolution Number 34-93, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Barge, Waggoner, Sumner And Cannon To Prepare Final Engineering For The Spring Valley Road Improvement, In Cooperation With Washington Township, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 35-93 DECLARE SURPLUS EQUIPMENT

Mr. Horn reviewed a proposed Resolution to declare certain property owned by the City of Centerville as surplus property so that it may be sold at public auction on July 3, 1993. Mr. Beasley sponsored Resolution Number 35-93, A Resolution Declaring Specific Equipment No Longer Utilized By The City Of Centerville

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As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

### THOMAS PAINE SETTLEMENT NUMBER THREE

Mr. Horn reviewed for Council a request from Barry W. Mancz, Attorney at Law, representing John G. Black Enterprises, Inc., requesting the extension of the Subdivider's Agreement on Thomas Paine Settlement Number Three - Clys Road for an additional six months, from June 10, 1993 to December 10, 1993. Due to the fact that this roadway is currently under construction this should be the last request received for extension. Mr. Stone moved that the Subdivider's Agreement pertaining to Thomas Paine Settlement Number Three - Clys Road be extended as requested. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mr. Compton advised that Mary Ann Gasior is interested in continuing as a member of the Centerville Arts Commission. Mr. Stone moved that Mary Ann Gasior be reappointed as a member of the Centerville Arts Commission for an additional three year term.

There being no further business, the meeting was adjourned.

Approved: 

Mayor

ATTEST: 

Clerk of Council