

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held April 20, 19 92

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 20, 1992 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Preston Dawes, 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 Brooks Compton
Councilmembers C. Mark Kingseed
J. V. Stone
James Singer
Mark Beasley
Sally Beals

Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
Assistant City Manager Michael Haverland
City Planner Alan Schwab
Director of Recreational Services James Reppert
Municipal Attorney Robert Farquhar

The Minutes of the following Meetings had been distributed prior to this Meeting:

Council Meeting - March 16, 1992.
Council Work Session Meetings - March 16, 1992.
- March 23, 1992.
- March 24, 1992.
- March 25, 1992.
- March 30, 1992.
- April 6, 1992.

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.

Mayor Heintz introduced those students present at this meeting involved in Youth in Government Day in Centerville on Tuesday, April 28, 1992.

Mayor Heintz announced the issuance of the following Proclamations:

April 24, 1992 - Arbor Day in Centerville.
Week of May 2 - 9, 1992 - Miami Valley D.A.R.E. Week in the City of Centerville.
May 11 - 15, 1992 - Operation Clean Sweep in Centerville.

Mayor Heintz and City Councilmembers expressed their appreciation to City Manager Darryl Kenning at this his last Council Meeting as City Manager of Centerville.

During his City Manager's Report, Mr. Kenning identified those articles which will not be picked up by the Service Department during Operation Clean Sweep Week in Centerville: concrete, brick and steel construction debris as well as auto parts, car batteries, liquids and chemicals. Large tree branches

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must be cut in four foot lengths, and bundles may be no more than three feet in width. On June 6, 1992, between the hours of 8:00 A.M. and 11:00 A.M. hazardous household items may be taken to 7970 South Suburban Road for disposal.

Mr. Kenning brought attention to a new drop off point provided in the Municipal Building parking lot for income tax and waste collection payments on a 24 hour basis.

NESTLE CREEK SECTION SEVEN RECORD PLAN

Mr. Kenning reviewed the Planning Commission meeting held March 10, 1992. Mr. Schwab outlined a Record Plan for Nestle Creek, Section Seven, proposed to be located along the east side of Bigger Road north of Alexandersville-Bellbrook Road. The development of fifteen lots is requested on 6.897 acres of land zoned R-1c, Single-Family Residential. Mr. Schwab located the subject property on a map and identified adjacent zone classifications and land uses. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
2. 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.
3. The street Hollowview Drive shall be changed to Hollowview Trail on the Record Plan to be consistent with a previously approved Section.

Mr. Schwab reviewed the following recommended conditions of the City Engineer:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc.) in the amount of \$62,500.00 of which \$8,506.00 is for public sidewalks.
3. Inspection Fee in the amount of \$275.00.

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. Singer moved that the Record Plan for Nestle Creek, Section Seven, be approved as recommended by the Planning Commission and City Engineer including all conditions. Mr. Compton seconded the motion. The motion passed unanimously.

Mrs. Beals, speaking as Chairman of the Benham's Grove Show House, outlined activities scheduled beginning Saturday, April 25 through Sunday, May 10, 1992.

Mr. Stone left the meeting at this time due to a potential conflict of interest in the next agenda item.

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ROSS RENTALS AND CENTERVILLE POWER EQUIPMENT APPEAL TO COUNCIL⁴²²

The Public Hearing was held concerning an Appeal filed by John T. Ross, against a decision rendered by the Planning Commission during their meeting on February 25, 1992. Mr. Schwab reviewed the Variance Application submitted to the Planning Commission considered at that meeting for property located at the northwest corner of Clyo Road and East Franklin Street. The zoning of the property is I-1, Light Industrial. Requested was a Variance to provide for a 0 foot building side yard setback to the new proposed property line between the Ross Rentals and Centerville Power Equipment and a 0 foot parking and paving setback to the new proposed property line between the Ross Rentals and Centerville Power Equipment properties and to the East Franklin Street and Clyo Road right-of-ways. According to the requirements of the Centerville Zoning Ordinance a 20 foot building side yard setback is required as well as a 10 foot setback for parking and paving. The Planning Commission, voted unanimously, to approve the Variance Request for the building side yard setback between Ross Rentals and Centerville Power Equipment. The Planning Commission denied the Variance Request for a 0 foot setback between Ross Rentals and Centerville Power Equipment, and to the East Franklin Street and Clyo Road right-of-ways. Being appealed to City Council is the Planning Commission's denial of a portion of the requested Variance.⁴²²

Applicant John Ross explained his attempt to improve the appearance of this corner lot at East Franklin Street and Clyo Road. He identified zero setbacks currently existing along these two roadways, and a 4 foot setback along Clyo Road in front of the professional center. Mr. Ross explained the need for the maneuverability of large trucks in this industrial area and the parking problems currently being experienced. Mr. Ross suggested that he maintain a 20 foot setback between the two properties from the building east to Clyo Road and a 5 foot setback along the Clyo Road and East Franklin Street right-of-ways. Mayor Heintz suggested that perhaps mounding could be put in place in this setback area. Mr. Compton suggested that this area be landscaped. Mrs. Beals expressed her concern with safety in consideration of the nearness of parking lots to roadways. Mr. Beasley moved that the action taken by the Planning Commission be modified to permit a 20 foot parking and paving setback between the Ross Rentals and Centerville Power Equipment properties, a 5 foot setback be required along Clyo Road and East Franklin Street right-of-ways, and landscaping with trees and shrubs and mounding if possible be required in the setback area along Clyo Road and East Franklin Street, all subject to approval by the City Planner. Mr. Kingseed seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mrs. Beals voted no.

Mr. Stone returned to the Meeting at this time.

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HILLS BUILDING AND CONSTRUCTION SERVICES APPEAL TO COUNCIL

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The Public Hearing was held concerning an Appeal filed by Hills Building and Construction Services Number Three, Inc., against a decision rendered by the Planning Commission during their meeting on March 10, 1992. Mr. Schwab reviewed the Variance Application submitted to the Planning Commission to permit the construction of three permanent identification signs for Lexington Meadows. He located the subject property on a map, being situated on the southeast corner of Bigger Road and future Clys Road. The zoning of the property is R-PD, Residential Planned Development. The Applicant has requested a variance to permit the construction of two signs in addition to the one currently located along Bigger Road at Baldwin Drive: one sign to be located on the east side of Yardley Circle and Baldwin Drive on a wall which has been constructed at that location, and the other to be located along future Clys Road at Fairington Drive. Mr. Schwab explained the fact that the Centerville Zoning Ordinance permits one identification sign. The Planning Commission, by unanimous vote, approved the variance to allow identification signage at future Clys Road and Fairington Drive, but denied the variance to allow identification signage at Yardley Circle and Baldwin Drive.

Mr. Glenn Brehm, Land Development Coordinator for Hills, cited a unique circumstance in this case considering the fact that the development has three access points. He believes the signage as proposed at Yardley Circle and Baldwin Drive would not adversely impact adjacent properties.

Mrs. Susan Roush, 6778 Raven Cove, stated her opposition to the aesthetic appearance and lighting of the sign currently in place along Bigger Road.

Mr. David Ciaciuch, 6756 Winding Cove, echoed the same concern as Mrs. Roush and sees no need for a second sign so close to the current sign.

Mr. David Roush, 6778 Raven Cove, expressed concern with natural beauty, he believes the sign as proposed is institutional and detracts from the appearance which Nestle Creek is attempting to accomplish.

Mr. Robert Cox, 6765 Winding Cove, stated his opposition to the current sign, its appearance in relation to the sign for Nestle Creek.

Mr. David Krotts, 753 Winding Cove, believes the current sign is too overwhelming.

Mr. Mark Osterday, 6717 Winding Cove, stated his opposition to another sign in this general location, a second sign is not necessary.

Upon question of Mr. Kingseed, Mr. Schwab explained the fact that lighting of signs is permitted by the Centerville Zoning Ordinance.

Mr. Brehm pointed out the fact that the entrance into Lexington Meadows was constructed prior to Nestle Creek, thus the difference in aesthetic features between the two signs. The wall at Yardley Circle and Baldwin Drive will remain whether or not signage is affixed.

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Mr. Stone moved that the decision of the Planning Commission relative to the Variance Application submitted by Hills Building and Construction Services Number Three, Inc., for additional signage at Yardley Circle and Baldwin Drive be affirmed. Mr. Kingseed seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Compton announced the availability of the Draft Report prepared by the Mayor's Committee to Study Intergovernmental Issues at the Centerville Municipal Building.

RESOLUTION NUMBER 10-92 ANNEXATION

Mr. Kenning reviewed proposed Resolution Number 10-92, a Resolution required by State law setting forth agreements involved in the annexation of 82.765 acres of land from Washington Township to the City of Centerville. Mr. Beasley sponsored Resolution Number 10-92, A Resolution In Support Of The Proposed Annexation Of Property Containing 82.765 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements Of Revised Code Section 709.031(B) Ohio Revised Code, and moved that it be passed. Mrs. Beals seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 11-92 GOLF COURSE FACILITIES

Mr. Kenning reviewed a proposed Resolution ratifying the action taken to execute an Agreement between the City of Centerville and Architects Associated to provide design services and to bring the Yankee Trace Clubhouse and related facilities to the point of construction. Mr. Beasley sponsored Resolution Number 11-92, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement Between The City Of Centerville And Architects Associated For Architectural /Engineering Design Services For The Yankee Trace Clubhouse And Related Facilities, and moved that it be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

STONE LAKE REDUCTION OF LETTER OF CREDIT

Mr. Kenning reviewed a recommendation received from City Engineer Norbert Hoffman that the Letter of Credit in the amount of \$48,000.00 posted with the City for Stone Lake be reduced to \$12,500.00 to cover the cost of sidewalks not yet completed. Since maintenance of the private streets and drainage is via a Homeowners' Association, no Maintenance Bond is required. Mrs. Beals moved that the Letter of Credit posted on Stone Lake in the amount of \$48,000.00 be reduced to \$12,500.00 as recommended by the City Engineer. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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DAYTON LEGAL BLANK CO 10144

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CITY BEAUTIFUL COMMISSION REAPPOINT DEBORAH BORGER

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Mayor Heintz advised that the term of Deborah Borger as a member of the City Beautiful Commission will soon expire. Mrs. Borger has been very active on the Commission and has expressed the desire to continue her service in said capacity. Mrs. Beals moved that Mrs. Deborah Borger be reappointed as a member of the City Beautiful Commission for an additional term of three years. Mr. Kingseed seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved:

Mayor

Shirley F. Heintz

ATTEST:

Marie J. Paul
Clerk of Council