

# RECORD OF PROCEEDINGS

449

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10134

Held August 17,

19 92

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 17, 1992 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer 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

Mark Beasley

Sally Beals

James Singer

Clerk of Council Marilyn McLaughlin

City Manager Gregory Horn

City Planner Alan Schwab

City Engineer Norbert Hoffman

Service Director Richard Bishop

Director of Finance William Bettcher

Chief of Police William Lickert

Director of Recreational Services James Reppert

Municipal Attorney Robert Farquhar

Assistant City Manager Michael Haverland

Assistant to the City Manager Judith Gilleland

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

Council Meetings - July 20, 1992.

- August 10, 1992.

Council Work Session Meetings - July 20, 1992.

- July 27, 1992.

- August 3, 1992.

- August 10, 1992.

Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Compton seconded the motion. The motion passed by unanimous vote, however Mr. Singer abstained from the Minutes of Meetings held July 20, 1992.

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Arts Commission Member Constance Watkins. Mr. Compton moved that the resignation of Mrs. Watkins as a Member of the Centerville Arts Commission be accepted with regret. Mr. Stone seconded the motion. The motion passed unanimously.

Mayor Heintz administered the Oath of Office to Centerville Arts Commission Member Joyce Spoor, and to City Beautiful Commission Member Stephen Lake.

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

National Eye Exam Month - August 1992.

Constitution Week - September 17 through 23, 1992.

# RECORD OF PROCEEDINGS

450

Minutes of

Meeting

Held August 17, 1992 continued

19

Mayor Heintz summarized free concerts held during the summer months in the Leonard E. Stubbs Memorial Park Amphitheater, and thanked the Centerville Arts Commission for making these concerts possible.

Mayor Heintz outlined road construction projects currently underway in the City of Centerville.

Mayor Heintz announced a Joint Meeting scheduled for Monday, August 31, 1992 between five governmental entities in the Centerville-Washington Township community.

Mr. Horn advised that changes are being made to the site plan for the Yankee Trace Golf Course in order to provide for some minor adjustments in the location of the clubhouse and size of the parking area. A recommendation for bid acceptance for the construction of the golf course will be forthcoming soon.

Mr. Horn reported on a customer service program being conducted by the Miami Valley Cable Council to which City of Centerville employees will participate.

Mr. Horn announced the execution of an Agreement between the City of Centerville, the City of Kettering and Greene County for the reconstruction and widening of Wilmington Pike. Construction should commence in 1993.

## ORDINANCE NUMBER 6-92 RIPPE/BERNARDIN REZONING

The Public Hearing was held concerning Ordinance Number 6-92, an Ordinance to rezone approximately 0.097 acres of land from Centerville R-1c to Centerville B-1 and to rezone approximately 0.086 acres of land from Centerville B-1 to Centerville R-1c zone classification. Mr. Schwab located the subject property on a map, being located west of Wilmington Pike, north of Center Pointe Drive and south of future Clys Road. He outlined adjacent zone classifications and land uses. Basically what the rezoning involves is taking a 25 foot strip of land off the west side of B-1 zoned land and changing it to R-1c, and taking a 20 foot wide strip of land off R-1c zoned property and rezoning it B-1. The net change in this swap of land is near even. Mr. Schwab explained the reason for this rezoning: this is the result of a land swap between property of St. Francis Church and property owned by Joseph Rippe in order to allow the Church to improve their access with the reconstruction of Wilmington Pike and the proposed median in front of the Church. The Planning Commission by a vote of 5-0-1 recommended approval of this rezoning to City Council. Mr. Schwab advised that a letter is on file from the Far Hills Baptist Church stating no objection to this request.

Mr. Doug Betz, Woolpert Consultants, representing St. Francis Church and Joseph Rippe, identified this swap of land as a perfect cooperation effort to resolve a potential problem along Wilmington Pike in the future.

DAYTON LEGAL BLANK CO. 10144

Held August 17, 1992 continued

19

Mrs. Beals sponsored Ordinance Number 6-92, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 0.097 Acres More Or less, From Centerville R-1c Classification To Centerville B-1 Classification And By Rezoning 0.086 Acres More Or Less, From Centerville B-1 Classification To Centerville R-1c Classification, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

## ORDINANCE NUMBER 9-92 ANNEXATION

Mr. Horn identified property on a map which is included in a proposed annexation of real property from Washington Township to the City of Centerville, said property being 401.420 acres of land located in the southwestern part of the community, specifically land owned exclusively by the City of Centerville east of Yankee Street and north of Social Row Road. He explained the difference between this annexation and the one currently before the Supreme Court of Ohio. The land which is involved in this annexation is subject of an 18 hole championship golf course, golf academy, training holes, a clubhouse and meeting rooms for citizens of this community to utilize, and 300 to 350 homesites to be developed entirely into a golf course community. Mr. Horn listed some features which will be derived from Centerville's golf course project:

- an increase to adjacent property values,
- an increase in employment opportunities,
- will set aside very valuable green space, and
- will serve to preserve endangered wetland areas.

Mr. Haverland, speaking on behalf of the Planning Department, reviewed the Department's opinion that the area proposed to be annexed may be served by the extension of Shawnee Trail in a manner which is in accordance with the overall Master Use Plan for the Centerville-Washington Township community. This extension of Shawnee Trail would be constructed in a manner to restrict cut through traffic while providing access for residences to local services. The area which is subject of this annexation is a normal and appropriate growth area for the City of Centerville. Mr. Haverland outlined how the City follows zoning guidelines as set forth in the Comprehensive Plan and the Policy Plan developed by the Zoning Task Force to guide the future development of the total community. He pointed out the fact that if annexed, the City of Centerville would be the only review agency for all zoning and sub-division approvals for developers and builders working in the specific area. The Planning Department sees this as a logical extension of current boundaries and through its future use as recreational and residential property it reflects very sound planning principles.

Mr. Bettcher outlined financial services provided by the City of Centerville to its residents. He identified the City as fiscally sound, having very comfortable cash balances in nearly all funds, being approximately 93% invested in short and medium term investments. Mr. Bettcher stated his observation that the City is capable of taking on the construction of a Municipal Golf

Held

August 17, 1992 continued

19

Course without a disruption in City services or a reduction in the delivery of day to day operations. He compared tax rates in the City of Centerville at \$73.50 per \$1,000 evaluation to \$79.18 per \$1,000 evaluation in Washington Township. Mr. Bettcher explained how the City has lowered its milage derived from the total property tax levy from 3.84 mils in 1983 to 2.67 mils currently. Centerville has one of the lowest Municipal rates in Montgomery County. The City of Centerville continues to provide excellent services to its residents at a very minimal tax rate.

Mr. Bishop provided his assessment of the impact on the Service Department when called upon to assume responsibility for the proposed annexation. He outlined services which would be provided this area in the same excellent manner as currently being provided residents of the City of Centerville:

- snow and ice control,
- pavement maintenance,
- signage for traffic control and street identification, and
- leaf removal and storm drainage maintenance.

The streets involved in this annexed area would be low volume residential type presenting a minimum amount of problems. Mr. Bishop pointed out the fact that during snow and ice control, the City provides treatment as necessary to provide safe passage for all motorists over any area of shared jurisdiction. The City provides residential waste collection, employing responsible people to provide this service. In addition, the City provides financial hardship exemptions as well as house line pick-up for those residents in said need. Other services provided are bulky item pick-up, branch, grass and yard debris removal. Mr. Bishop pointed out the fact that Centerville was one of the first in Montgomery County to become involved in recycling, a service offered the residents of Centerville at no additional cost. Mr. Bishop believes the area proposed to be annexed can be served by current equipment and personnel of the City's Service Department.

Mr. Hoffman highlighted services performed by the City's Inspection and Engineering Department which would be extended to the proposed area to be annexed:

- the issuance of all building and zoning permits,
- enforcement of building codes,
- provide inspection services for new and reconstructed facilities,
- new street construction which includes design, right-of-way acquisition, and construction inspection,
- maintenance type projects such as street improvement programs,
- the handling of citizen requests dealing with stormwater drainage, traffic flow and safety,
- review and approval of zoning and plat subdivisions,
- administer the City's flood plain Ordinance,
- review and inspection of all residential and commercial construction, and
- provide property maintenance.

Mr. Hoffman pointed out the fact that all permits except water and sanitary would be issued from one location providing a more convenient and efficient process. City services would be more

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

Held August 17, 1992 continued

19

convenient and responsive than the multi-jurisdictional system currently serving the area in question.

Chief Lickert emphasized services which would be provided to the area which is the subject of this proposed annexation:

- accredited full functional police department.
- all officers are trained as first responders with CPR training maintained,
- maintained a response time of 3.22 minutes to priority calls and 5.11 minutes to non-priority calls in 1991,
- all citizen calls are recorded and processed by employees totally familiar with the City,
- all police reports and records are maintained locally for easy access,
- monthly crime prevention newsletters and child safety letters are distributed,
- the police department has developed a tornado disaster system for activation at time of need.

Chief Lickert outlined the many opportunities available locally to citizens, such as polygraph equipment, traffic and accident analysis, automated data system and evidence technicians. The Centerville Police Department is member of the Tactical Crime Suppression Unit of the Miami Valley Cable Council.

Mr. Reppert outlined the many recreational facilities available to the total community, developments financed and some owned by the City of Centerville. He pointed out the fact that income derived from the Yankee Trace Golf Course will provide funds for added facilities in the future. Residents of Centerville enjoy a discount when using City owned facilities and could be receptive of same when the golf course is operational.

Mr. Horn explained how this project is a win/win situation for both the City of Centerville and the entire area. The golf course as proposed as well as the residential pods in and around the course will be a community with the same interests that residents of Centerville now share. He outlined revenues which would be generated for the City of Centerville if the course is constructed while inside the corporate limits of Centerville. Mr. Horn emphasized the importance of the subject property being annexed to the City of Centerville in consideration of the fact that the City can provide adequate quality services to the area, and will provide a good return on the dollar to help cover the cost of development of this first class facility.

Mr. James Wasson, 331 North Village Drive, advised that during his 23 years as a Centerville resident he has enjoyed top notch services. He believes people in the community proposed for development would receive these same services.

Mr. Ted Avery, 9596 Paragon Road, expressed concern with increase in traffic along Paragon Road and the dangerous curve that now exists. Mr. Horn advised that the City will do whatever possible to work with Washington Township to examine this situation to see what options are available. He pointed out the fact that travel will increase whether or not the subject land is annexed to the City of Centerville. The development as proposed by the City will have less density than if otherwise developed.

Mr. Charles Graham, 323 Pleasant Hill Drive, (resident since

## RECORD OF PROCEEDINGS

454

Minutes of

Meeting

Held August 17, 1992 continued 19

1959) believes the development as proposed by the City of Centerville is a natural for the City, it will improve the Centerville community. The area will be enhanced by controlled development.

Mr. Bill Pohl, 9791 Paragon Road, sees the golf course as a real asset to the community, however, he is concerned with a potential traffic problem with the curve and two one lane bridges on Paragon Road. He questioned the density of the residential pods. Mayor Heintz advised that density proposed is two per acre. Mr. Haverland reported that the overall density has been approved by Washington Township. Upon question of Mr. Compton, Mr. Pohl clarified the fact that the design of the road is the problem.

Mr. Jacque Sheley, 181 Pleasant Hill Drive, commended Council and the City of Centerville for looking forward to building this golf course in a top flight community.

Mrs. Tammy Scott, 412 Shawnee Trail, expressed her concern with a potential increase in crime and traffic with the extension of Shawnee Trail. Mr. Haverland explained the fact that it has always been planned to extend Shawnee Trail, the City has taken great care to look at roadways designed to minimize cross traffic and to protect residents in the area. Upon question of Mrs. Scott, Mr. Haverland explained the meaning of low volume density. Mr. Compton pointed out that the lot size in the residential pods in and around the golf course will not be smaller than any lot in Rose Estates. He explained how the layout of Rose Estates and traffic control in this subdivision is not conducive to cross or cut-through traffic.

Mr. Dave Douglas, Zoning Inspector for Washington Township, advised that the Township is concerned with increased traffic on Paragon Road.

Mr. Jack Workman, 9600 Paragon Road, complimented the City on the proposed construction of a golf course community. He expressed concern with the design of Paragon Road and anticipated traffic increase. Mrs. Beals reminded Mr. Workman that Paragon Road is in the Township and out of the control of the City of Centerville. Mr. Haverland explained the fact that one of the reasons the City proposes to annex the subject property is to have control over traffic flow.

Mrs. Marsha Rose, 409 Shawnee Trail, expressed concern with Shawnee Trail continuing straight through to the new development.

Mrs. Beals pointed out the fact that concerns expressed by property owners during this Public Hearing are Township problems, concerns which the City of Centerville have no control. The ring road and the entrance into the golf course are planned off Yankee Street which will be widened. Concerns expressed stress the importance of the City of Centerville having jurisdiction over the development of the property in question.

Mr. Compton explained how it is in the best interest of the City of Centerville, its residents and the community that this property be annexed to the City so that necessary improvements can be made; the City needs control of this development so that concerns of Rose Estates residents can be addressed.

Mr. Singer brought attention to the fact that the City has

# RECORD OF PROCEEDINGS

455

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

Held August 17, 1992 continued 19

sufficient Staff to provide services; when the City is in control it can take care of the problem.

Mr. Kingseed sponsored Ordinance Number 9-92, An Ordinance Authorizing The Annexation Of Real Property Owned By The City Of Centerville Contiguous To Its Borders And Directing The Law Director Of The City Of Centerville To Prosecute The Proceedings Necessary To Effect Said Annexation Pursuant To Revised Code Sections 709.14 et seq., and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

## RESOLUTION NUMBER 23-92 CITY CHAPLAIN KUHN

Mr. Stone reviewed his conversation with Reverend Thomas Kuhn relative to his designation as Chaplain for the City of Centerville. Mr. Stone recommended that said appointment be made; Father Kuhn will be a great asset as Chaplain for the City. Mr. Stone sponsored Resolution Number 23-92, A Resolution Designating The Reverend Thomas Kuhn As Chaplain For The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 10-92 CHARTER AMENDMENTS

Mr. Stone, speaking as Chairman of the Charter Review Commission, advised that this Ordinance is being proposed as an emergency in order to meet the deadline for submitting same to the Board of Elections as required by Ohio Law for the November election. By so doing the City will not have to pay for a special election next year for this sole purpose. He reviewed the composition of the Charter Review Commission and outlined their activities in review of the current Charter. Changes proposed are housekeeping and the deletion of Articles no longer applicable. He identified two changes considered by the Commission:

-changing the expiration of Emergency Ordinances from 60 days to 75 days so that in some cases an Emergency Ordinance would not have to be passed twice, and

-the question of term limitations was discussed on two different occasions. The Commission saw no need for term limitations in consideration of the fact that residents in Centerville have the opportunity to elect their candidates to office, if they are unhappy they have the opportunity to vote them out of office.

Mr. Stone sponsored Ordinance Number 10-92, An Emergency Ordinance To Provide For An Election On The Adoption Of Amendments To The Centerville Charter For The City Of Centerville, Ohio, As Reported By The Centerville Charter Review Commission And Approved By The City Council, and moved that it be passed. Mrs. Beals seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

## ORDINANCE NUMBER 11-92 CHARTER AMENDMENTS

RECORD OF PROCEEDINGS

Held

August 17, 1992 continued

19

Mr. Stone moved that Ordinance Number 11-92, An Ordinance To Provide For An Election On The Adoption Of Amendments To The Centerville Charter For The City Of Centerville, Ohio, As Reported By The Centerville Charter Review Commission And Approved By The City Council, be set for Public Hearing on September 14, 1992. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

STUBBS PARK REST ROOMS AND CONCESSION STAND CONSTRUCTION

Mr. Horn reviewed the following bids received for the construction of the Stubbs Park Rest Rooms and Concession Stand for the City of Centerville:

O & M Construction, Inc.	\$129,000.00
Prestige Electric, Inc. (Electric only)	7,743.00
Artex Builders	121,350.00
Fred W. Weir	171,622.00
Agate Construction Company	107,827.00
Maple Leaf Construction	149,950.00
AA Seiber General Contractor	173,250.00
Maddox Building Systems	163,905.00

Mr. Horn advised that all bids far exceed the Architect's cost estimate of \$55,300.00 for this construction. He recommended that all bids be rejected and that the City again go to bid with some minor changes and the deletion of a strict timetable; perhaps the strict timetable included in the previous bid caused a substantial increase in cost. Mr. Singer moved that all bids received for the construction of the Stubbs Park Rest Rooms and Concession Stand be rejected. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 24-92 POLICE VEHICLES

Mr. Horn reviewed the following bids received for the purchase of two marked police cruisers and one utility vehicle for the City of Centerville:

marked cruisers	
Stengers Ford	\$14,311.00 ea
	Trade in 1,210.00
Maxton Chevrolet	15,087.00 ea
	Trade in 500.00
utility vehicle	
Maxton Chevrolet	19,869.00

Mr. Horn recommended acceptance of the two lowest bids: marked cruisers from Stengers Ford and the utility vehicle from Maxton Chevrolet. He explained the reason for lack of additional bidders being availability this late in the season. Mr. Singer sponsored Resolution Number 24-92, A Resolution Accepting The Bid Of Stengers Ford, Inc. For The Purchase Of Two Marked Police Cruisers And The Bid From Maxton Chevrolet For The Purchase Of One Utility Vehicle For The City Of Centerville And To Authorize The City Manager To Enter Into Contracts In Connection Therewith, and moved that it be passed. Mrs. Beals seconded the motion. A roll call vote resulted in seven ayes in favor of the



# RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. 10144

Held August 17, 1992 continued 19

motion.

### CENTERVILLE ARTS COMMISSION APPOINT NEIDHARD AND KUNTZ

Mayor Heintz advised that Mrs. Jeri Neidhard and Mrs. Bonnie Kuntz have expressed a desire to become members of the Centerville Arts Commission. Mr. Kingseed moved that Mrs. Jeri Neidhard be appointed to fill the vacancy created by the resignation of Sandra Hyde and Mrs. Bonnie Kuntz be appointed to fill the vacancy created by the resignation of Terry Riley as members of the Centerville Arts Commission. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

### CITY PLANNING COMMISSION REAPPOINT HOSFELD CHAIRMAN

Mr. Singer moved that Mr. Robert Hosfeld be reappointed as Chairman of the City Planning Commission for an additional year. Mr. Beasley seconded the motion. The motion passed unanimously.

### BOARD OF ARCHITECTURAL REVIEW REAPPOINT GRAHAM CHAIRMAN

Mrs. Beals moved that Mr. Charles Graham be reappointed as Chairman of the Board of Architectural Review for an additional year. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

### BOARD OF ARCHITECTURAL REVIEW REAPPOINT MARTHA SHELEY

Mr. Beasley moved that Mrs. Martha Sheley be reappointed as a member of the Board of Architectural Review. Mr. Compton seconded the motion. The motion passed unanimously.

### RESOLUTION NUMBER 25-92 EDGE PROGRAM

Mr. Compton presented to Council and sponsored A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement Between The County Of Montgomery And The City Of Centerville For The City's Participation In The Economic Development/Government Equity Program Established By Montgomery County, and moved that it be passed. Mr. Stone seconded the motion. Mr. Kingseed expressed his concern that the program will not achieve the goals intended. He believes there are better ways to achieve regional cooperation. Mr. Stone recognizing this as Countywide cooperation in an attempt to achieve a goal, believes the program should be given the opportunity to succeed. Upon question of Mr. Singer, Mr. Bettcher advised that it is next to impossible to forecast plus and minuses of the program at this time. Mr. Singer offered his support for regional cooperation; the program has been determined to be legal. Mrs. Beals sees this as a vague program, one difficult to interpret, but in consideration of the economic environment in the Miami Valley and the problems occurring, she supports the EDGE program as established by Montgomery County. Mayor Heintz pointed out the fact that it is the intent of the County to give back to member

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held August 17, 1992 continued 19

entities what they have contributed over the life of the program. A roll call vote on the motion resulted in six ayes in favor of the motion, Mr. Kingseed voted no.

RESOLUTION NUMBER 26-92 SOUTH MAIN STREET

Mr. Horn reviewed a proposed Resolution to authorize the City to apply for Issue Two Funds for the widening of South Main Street from Edenhurst Drive south to Sheehan Road. Mr. Beasley sponsored Resolution Number 26-92, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LTIP) For The Reconstruction And Widening Of South Main Street In The City of Centerville, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Keatts  
Mayor

ATTEST:

Marilyn J. Sauer  
Clerk of Council