

# RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held May 20,

1991

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, May 20, 1991 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 Sally Beals

C. Mark Kingseed

J. V. Stone

James Singer

Acting Clerk of Council Constance Cooper

City Manager Darryl Kenning

Assistant City Manager Michael Haverland

Administrative Assistant to the City Manager Judith

Gilleland

City Planner Alan Schwab

Acting Municipal Attorney Robert Hunter

Mayor Heintz advised that Councilmember Mark Beasley would not be present for this Meeting. Mr. Singer moved that Mr. Beasley be excused from this Meeting. Mr. Compton seconded the motion. The motion passed unanimously.

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

Council Meeting - April 15, 1991.

April 29, 1991.

Council Work Session Meetings - April 8, 1991.

April 15, 1991.

April 29, 1991.

May 6, 1991.

May 13, 1991.

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.

Mr. Bruce Morgan, Director of the Voluntary Action Center of the United Way of Greater Dayton was in attendance to present to CIVIC Volunteer Roma McCormick and Volunteer Coordinator Teresa Sherow a Certificate from the Voluntary Action Center certifying that Centerville's Citizens Involved In Centerville has met the standards for a quality volunteer program.

Mr. Don Klasing, Chief Executive Officer of Sycamore Medical Center, outlined for Council activities, improvements and programs now and in the future for the hospital.

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

Proclamation designating May 2, 1991 as National Day of Prayer in Centerville.

Proclamation Designating the week of May 5, 1991 as Small Business Week in the City of Centerville.

Proclamation Commending Nationwide Insurance, Centerville High School and Centerville Safe Rides for Working to Provide a Drug Free Safe Prom on May 11, 1991. This Proclamation was read by Mr. Compton.

Mayor Heintz advised that Arbor Day was celebrated in Centerville in conjunction and in cooperation with Washington Township on Friday, April 26, 1991. A representative from each third grade class in the area was present and received a tree for each classmate to plant in recognition of this special day.

Mayor Heintz advised that on this date, the City received a Purple Martin birdhouse donated by the fourth grade students at the Cline Elementary School; this birdhouse was placed in the Leonard E. Stubbs Memorial Park. The students believe that this will improve the environment as Purple Martins are known for eating a great amount of insects.

Mayor Heintz thanked all citizens and staff for their participation in Clean-up Week in Centerville.

Mayor Heintz brought attention to plans being formulated by the Sister City Committee to visit Sister City Waterloo, Ontario, Canada August 15-18, 1991. More information can be obtained by contacting the Centerville Municipal Building.

Mayor Heintz advised that the Amphitheater in the Leonard E. Stubbs Memorial Park is under construction.

Mayor Heintz announced the rededication of the War Memorial in Stubbs Park scheduled for Thursday, May 30, 1991. The War Memorial has been engraved with the latest Persian Gulf War information.

Mayor Heintz advised that Youth In Government Day was again held during the month of April.

Mayor Heintz announced the City's recent purchase of the Gerber Property, 166 North Main Street, one of the last small farms in the City of Centerville, located in the heart of the Architectural Preservation District. During the next year City Council will initiate plans for the development of this property in the future.

Mr. Kenning introduced Attorney Robert Hunter substituting for Municipal Attorney Robert Farquhar during this Meeting.

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Mr. Kenning invited interested persons to join Citizens Involved In Centerville (CIVIC), Centerville's volunteer program.

Mr. Kenning advised that the Joint Satellite Juvenile Court is in operation; some cases have been heard.

#### NESTLE CREEK SECTION TWO RECORD PLAN

Mr. Kenning reviewed the Planning Commission Meeting held May 14, 1991. Mr. Schwab explained a Record Plan for Nestle Creek, Section Two, proposed to be located east of Bigger Road, north of Alexandersville-Bellbrook Road and south of Thomas Paine Parkway. The zoning of this approximate 5.7 acre tract of land is R-1c, Single Family Residential. Proposed is the development of thirteen single family lots. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Detailed storm water 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 for \$94,000.00 shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer. The amount of the Inspection Fee shall be \$556.20.

Mr. Kenning reviewed the recommendation of the City Engineer that this Record Plan be approved subject to the following:

1. Acceptable Subdivider's Agreement.
2. A Performance Bond to cover the public improvements (pavement, curbs, storm sewers, sidewalks, etc.) in the amount of \$94,000.00 of which \$13,785.00 is for Sidewalks.
3. Inspection Fee in the amount of \$556.20.

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond release is requested. The amount of the Maintenance Bond will be determined at that time.

Upon question of Mayor Heintz, Mr. Gregg Taylor, John G. Black Enterprises, Inc., identified common ground areas in the development.

Mrs. Beals moved that the Record Plan for Nestle Creek, Section Two, be approved as recommended by the Planning Commission and the City Engineer including all conditions. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Singer, as Chairman of the Drainage Task Force, advised that the Task Force has met and reviewed the report prepared by the Consultant. The report is being refined and the final report will be before Council in the near future.

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#### C.L.H. PLAT RECORD PLAN

Mr. Schwab reviewed a request received from VL Associates Consulting Engineers on behalf of Huber Management for an extension of Record Plan approval for the C.L.H. Plat for an additional six months. The property is located at the southeast corner of Bigger Road and Thomas Paine Parkway. The developer, following Council's approval of this Plat in 1990, failed to record the Plat within the required six month period. Circumstances of the previous approval have not changed. Mr. Stone moved that approval of the Record Plan for the C.L.H. Plat be extended for an additional six months. Mr. Compton seconded the motion. The motion passed unanimously.

#### THOMAS PAINE SETTLEMENT NUMBER THREE CLYO ROAD

Mr. Kenning reviewed a request submitted by Attorney Barry Mancz for the extension of the Subdivider's Agreement for Thomas Paine Settlement Number Three-Clyo Road, from June 10, 1991 to December 10, 1991. This section of Clyo Road, under agreement with John G. Black Enterprises, Inc., is the center portion of the last phase of the Clyo Road extension to Wilmington Pike. This last phase will be under construction later in 1991 or early in 1992. Mr. Kingseed moved that the completion date on the Subdivider's Agreement for Thomas Paine Settlement Number Three-Clyo Road be extended from June 10, 1991 to December 10, 1991. Mrs. Beals seconded the motion. The motion passed unanimously.

#### COUNCIL POLICIES

Mayor Heintz advised that Policies previous established by City Council have been reviewed, some revised and some eliminated due to inclusion in other legislation. Mrs. Beals moved that the following action be taken concerning previously adopted Council Policies:

- Policy Memo 75-1 - Annexations (readopt unchanged).
- Policy Memo 75-2 - Park Land Dedication (eliminate).
- Policy Memo 75-3 - Sidewalk and Curb Installation in Mixed Use Areas (eliminate).
- Policy Memo 77-1 - Sidewalk Repair And Replacement, New Sidewalk Installation, Curb and Gutter Installation, Repair and Placement (revise).
- Policy Memo 80-1 - Appointments to Boards and Commissions (readopt unchanged).
- Policy Memo 82-1 - Tuition Reimbursement (readopt unchanged).
- Policy Memo 83-1 - Municipal Building Use (revise).
- Policy Memo 84-1 - Social Service Funding (revise).
- Policy Memo 85-1 - Board and Commission Attendance (revise).
- Policy Memo 87-1 - Public Participation in Cleaning of Drainage Ditches on Private Property (readopt unchanged).
- Policy Memo 90-1 - Drug Policy Statement (readopt unchanged).
- Policy Memo 91-1 - Smoking (adopt).

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Mr. Compton seconded the motion. The motion passed by unanimous vote.

#### 1991 TAX BUDGET

Mr. Kenning advised that, in accordance with the Ohio Revised Code, Municipalities must submit a Budget for the distribution of General Property Tax for the year 1992 to the County Auditor prior to July 20, 1991. Mr. Compton move that the proposed Tax Budget for 1992 for submission to the Montgomery County Auditor be set for Public Hearing on July 15, 1991. Mr. Kingseed seconded the motion. The motion passed unanimously.

#### MONTGOMERY COUNTY EDGE PROGRAM

Mr. Kenning outlined the Montgomery County EDGE (Economic Development, Government Equity) Program for Council's consideration. This program was born from Challenge 95 with the purpose of fostering regional cooperation and enhancing economic development throughout the region. The program consists of two components: Economic Development - funds collected by Montgomery County through sales tax, and Government Equity - funds collected from participating communities. In order to participate in the program a community must join for a ten year period. The formula has many variables as to cost to a community. However, Montgomery County has committed to the fact that participating communities will get from the program what they have contributed over the first three years.

Mr. Kingseed moved that Centerville join the Montgomery County EDGE (Economic Development, Government Equity) Program. Mr. Compton seconded the motion.

Mr. Kingseed stated his opposition to the EDGE Program, citing the fundamental obligation of every government to spend taxpayer's money wisely. He does not believe that the program has been completely thought through. Mr. Kingseed objects to taking money from Centerville residents to send to Montgomery County, and then asking the County to return this money to Centerville.

Mrs. Beals, while indicating her support for intergovernmental cooperation, objects to the fact that EDGE forces the City to join for a ten year period in a program with standards so vague. She does not agree with giving money away only to receive it back, this is a costly procedure.

Mr. Singer expressed his concern with the program as structured. While the legality of the program is in dispute, he does not believe the City should get involved.

Mr. Compton recognizes this as Centerville's opportunity to participate in a five million dollar economic development contribution per year. He believes that Centerville should participate in the EDGE program, to work through the process, and to have the opportunity to prosper along with out participating communities.

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Mr. Stone expressed his concerns with the EDGE Program. He objects to committing to a ten year program without knowing if the program is good. He pointed out the fact that moneys reduce in size as they pass from agency to agency. It is not known at this time if the program is legal.

Mayor Heintz stated her objection to giving money to a County fund to be given back to our community; this will encourage inefficiency in government and create more jobs in the bureaucracy. It will provide neither economic development nor regional cooperation. Governments cannot buy economic progress. She believes that Centerville projects are usually not economic development and therefore would not qualify for funding. Mayor Heintz believes that local government should be more accountable to the citizens and not look to the County, State and Federal governments for assistance.

A roll call vote on the motion resulted in four nays against the motion, Mr. Compton voted yes.

#### ORDINANCE NUMBER 8-91 LANDMARK PRESERVATION

Mr. Kenning reviewed proposed Ordinance Number 8-91, an Ordinance designed to mark, identify and protect property outside the Architectural Preservation District having special historic recognition. Mr. Singer moved that Ordinance Number 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, be set for Public Hearing on July 15, 1991. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

#### ORDINANCE NUMBER 9-91 LANDMARK PRESERVATION FEES

Mr. Kenning reviewed proposed Ordinance Number 9-91, an Ordinance to establish a schedule of fees for procedures set forth by the Landmark Preservation Ordinance. Mr. Stone moved that Ordinance Number 9-91, An Ordinance Amending Ordinance Number 12-86, An Ordinance Establishing A Schedule Of Fees For Certain Applications And Permits Required By the Zoning Ordinance Of The City Of Centerville, Ohio, And Other Ordinances Of This Municipality Which May Be Specified Herein, be set for Public Hearing on July 15, 1991. Mr. Kingseed seconded the motion. The motion passed unanimously.

#### RESOLUTION NUMBER 14-91 LANDMARK PRESERVATION TAX ABATEMENT

Mr. Kenning reviewed proposed Resolution Number 14-91, a Resolution providing for tax abatement on improvements made to structures located in the Community Reinvestment Area. This is a companion to the Landmark Preservation Ordinance. Due to the fact that this is companion legislation, Mrs. Beals moved that action be deferred on Resolution Number 14-91, A Resolution

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Amending Resolution Number 57-80, Section II, A Resolution Making Findings And Determinations As Permitted In Sections 3735.65 To 3735.70 Of The Ohio Revised Code, Establishing And Describing The Boundaries Of A "Community Reinvestment Area" And Designating A Housing Officer To Administer The Program, until Ordinance Number 8-91 and Ordinance Number 9-91 are again before City Council. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 12-91 ISSUE TWO MONIES

Mr. Kenning reviewed proposed Resolution Number 12-91, a Resolution authorizing the City Manager to submit capital improvement projects for Issue Two monies. Applications for financing three projects are submitted with the proposed Resolution: the reconstruction and widening of Wilmington Pike from Brown Road to Bellemeade Drive, the reconstruction of South Main Street from Edenhurst Drive to Sheehan Road, and joining with the Montgomery County Engineer in the realignment of Social Row Road with Austin Road at Yankee Road. Mr. Stone sponsored Resolution Number 12-91, A Resolution Authorizing And Directing The City Manager To Submit Capital Improvement Projects And To Provide Such Information As May Be Requested By The District 4 Public Works Integrating Committee Or By The State Commission, Director Of Administrators; To Apply For Issue 2 Funds For Public Infrastructure Capital Improvements, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 13-91 PURCHASE GERBER PROPERTY

Mr. Kenning advised that in accordance with the direction of City Council, the City has purchased the Gerber Property at 166 North Main Street in the City of Centerville for a total purchase price of \$660,000.00. Mr. Singer sponsored Resolution Number 13-91, A Resolution Ratifying The Action Taken By The City Manager In Executing A Contract For The Purchase Of Property Owned By Dorothy D. Gerber And Amy L. And Bruce Trowman In The City Of Centerville, Ohio, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Wendt  
Mayor

ATTEST:

Maureen J. Saunderson  
Clerk of Council