

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held September 16, 19 91

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 16, 1991 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 led by Boy Scouts from Troop 813: Jason Price and Robert Hintz, with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Councilmembers C. Mark Kingseed

J. V. Stone

James Singer

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Assistant City Manager Michael Haverland

Assistant to the City Manager Judith Gilleland

City Planner Alan Schwab

Municipal Attorney Robert Farquhar

Mayor Heintz introduced Boy Scouts Jason Price and Robert Hintz present at this Meeting.

Mr. Singer moved that Deputy-Mayor Brooks Compton and Councilmembers Sally Beals and Mark Beasley be excused from this Meeting. Mr. Kingseed seconded the motion. The motion passed unanimously.

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

Council Meetings - August 19, 1991.

- September 9 1991.

Council Work Session Meetings - August 19, 1991.

- August 26, 1991.

- September 9, 1991.

Mr. Stone moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mayor Heintz administered the Oath of Office to Centerville Arts Commission Members Sandra Hyde and Kim Stine.

Deputy-Mayor Brooks Compton entered the Meeting at this time.

Mr. Stone read a Proclamation issued by Mayor Heintz designating October, 1991 as Quality Month in the City of Centerville. This Proclamation was presented to Mr. Paul Gutshall, a Member of Miamisburg City Council very involved in the Dayton Area Chamber of Commerce Quality Month.

Mayor Heintz announced the issuance of a Proclamation designating September 14, 1991 as DAYHIO Ambucs Day, and a Proclamation designating September 17-23, 1991 as Constitution Week in the City of Centerville.

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Upon suggestion of Mayor Heintz, Mr. Singer moved that Beggars Night in the City of Centerville be set for Thursday, October 31, 1991 between the hours of 6:00 PM and 8:00 PM. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Heintz made reference to correspondence received from Washington Township President Walter Drain, inviting the Centerville City Council to meet with the Township Trustees at a mutually agreed upon date, time and place. Council is most willing to accept this invitation.

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

The City's voluntary recycling program, on a year to date basis, last year vs this year, recyclable materials have doubled in volume.

October 14, 1991 will begin the City's leaf pick-up program. The schedule will be published in the Town Crier. Mr. Kenning encouraged residents of Centerville to consider the recycling of leaves.

Upon question of Mayor Heintz, Mr. Kenning advised that major portions of the 1991 Street Improvement Program are complete.

NESTLE CREEK SECTION FIVE RECORD PLAN

Mr. Kenning reviewed the Planning Commission Meeting held September 10, 1991. Mr. Schwab reviewed the Record Plan for Nestle Creek, Section Five, a 4.9149 acres tract, zoned R-1c single-family residential, located east of Bigger Road and north of Alexandersville-Bellbrook Road. Mr. Schwab outlined zoning of adjacent properties and present land uses. This section of Nestle Creek, consisting of 12 lots, will eventually tie into future Clyo Road. Mr. Schwab explained Planning Commission's unanimous recommendation for approval of this Record Plan subject to the following conditions:

1. Street names shall be subject to approval by the Planning Department and labeled on the Record Plan.
2. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
3. 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 explained a recommendation made by City Engineer Norbert Hoffman that this Record Plan be approved subject to the following:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to cover the public improvements (pavement, curbs, drainage, sidewalks, etc,) in the amount of \$64,660.00 of which \$12,064.00 is for public sidewalks.

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3. Inspection Fee in the amount of \$317.00.

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. Ray Black, representing the developer John G. Black Enterprises, Inc., was present to answer any questions of City Council; he agreed with all recommended conditions of approval.

Upon question of Mr. Compton, Mr. Schwab advised that sidewalk will be constructed along the south side of Clyo Road and on both sides of all public roadways in the plat.

In answer to a question raised by Mayor Heintz, Mr. Schwab advised that green space in this section will be mounded and landscaped to provide a buffer for homesite lots from Clyo Road.

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

CENTER POINT RECORD PLAN

Mr. Schwab reviewed the Record Plan for Center Point, a 2.88 acre tract of land located along the west side of Wilmington Pike and north of the Cheltenham Subdivision. The plan includes 2 lots, 1 zoned B-1, neighborhood business, and the other zoned O-S, office service; it also includes a short section of public right of way. Mr. Schwab located the subject property on a map and identified neighborhood land uses. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council, subject to the following conditions:

1. In lieu of requiring an additional lane of pavement, sidewalks, curb, and storm sewers, Wilmington Pike shall be improved by the developer to the extent that provides safe ingress and egress, stormwater drainage and includes a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Wilmington Pike.

2. Sidewalks shall be constructed on both sides of Center Point Drive.

3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

4. 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.

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5. A temporary sidewalk shall be constructed along Wilmington Pike across the frontage of lot 2 and end at Center Point Drive. If Cheltenham is not required to construct a temporary sidewalk along Wilmington Pike, then this requirement shall be waived.

Mr. Schwab outlined the following conditions of approval recommended by the City Engineer:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to cover the public improvements for Center Point Drive (pavement, curbs, drainage, and sidewalks) in the amount of \$48,790.00 of which \$5,200.00 is for sidewalks.
3. Deposit \$25,770.50 escrow amount with the City to be used for future improvements to Wilmington Pike. Up to \$5,505.00 of the above may be deducted if a sidewalk is construction along Wilmington Pike frontage.
4. Inspection Fee in the amount of \$138.00.

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

Mr. Robert Archdeacon, Woolpert Consultants, representing the property owner Joseph Rippe, was present and agreed to all conditions of approval.

Upon question of Mr. Compton, Mr. Schwab explained the fact that if temporary sidewalk is installed in the Cheltenham Subdivision along Wilmington Pike, the same will be required in this development. The City has applied for Issue Two monies for the widening of Wilmington Pike, if Issue Two monies are approved, the temporary sidewalk may not be necessary due to the timetable for the Wilmington Pike improvement.

Mr. Stone moved that the Record Plan for Center Point be approved, subject to the discretion of the City Engineer relative to temporary sidewalk along Wilmington Pike, subject to all conditions recommended by the Planning Commission and subject to all conditions recommended by the City Engineer. Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Kenning reviewed proposed Ordinances which appropriate real property for the purpose of right of way needed in the Whipp Road reconstruction project. These Ordinances represent property owners with which the City has not been able to come to an agreement as to amount or method of payment. These properties are located in the City of Centerville in the reconstruction area between State Route 48 and the Kettering Corporation Line. Passage of these Ordinances is necessary so that the project can move forward; it is the intent of the State of Ohio to let Bids this calendar year.

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ORDINANCE NUMBER 13-91 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 13-91, an Ordinance appropriating property owned by Angus and Barbara Kiser. Mr. Compton sponsored Ordinance Number 13-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 15-91 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 15-91, an Ordinance appropriating property owned by Robert Schaeffer Hayes. Mr. Kingseed sponsored Ordinance Number 15-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 17-91 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 17-91, an Ordinance appropriating property owned by Village South Development Company. Mr. Compton sponsored Ordinance Number 17-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 19-91 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 19-91, an Ordinance appropriating property owned by Seibenthaler Company. Mr. Stone sponsored Ordinance Number 19-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 21-91 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 21-91, an Ordinance appropriating property owned by Christine L. Cowden. Mr. Kingseed sponsored Ordinance Number 21-91, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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DAYTON LEGAL BLANK CO. 10144

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Mr. Robert Looper, 50 Zengel Drive, was present at this Meeting to outline for Council damages which have occurred to his property since 1988 caused by flooding from heavy storms. He explained those things which he has done to prevent heavy flooding in and upon his place of residence and the expenses he has incurred. He identified possible solutions to the problem, one being the regrading of Poinciana Drive. Mr. Looper ask for assistance from the Council of the City of Centerville.

Mr. Singer, speaking as Chairman of the Stormwater Drainage Task Force, outlined the status of the final report from the Consultant in developing a stormwater drainage plan for the City of Centerville.

Mayor Heintz pointed out the fact that this matter will be addressed appropriately when the final report is received.

Mr. Compton identified those factors which the Task Force have addressed with the Consultant.

Mrs. Barbara Cervay, 1470 Ambridge Road, outlined progress and delays made by the Consultant in developing a final report for Centerville. She offered several questions relative to costs and implementation of the final report once it has been received.

Mr. Singer advised that delays have occurred because of additional work done by the Consultant at no additional cost to the City of Centerville, coupled with extensive study by the Task Force and City Staff.

Mr. Compton explained the fact that drainage problems in Centerville must be addressed in a comprehensive manner, a manner which requires time for evaluation.

RESOLUTION NUMBER 33-91 TELESCOPIC BUCKET LIFT VAN

Mr. Kenning reviewed the following Bid received for the purchase of one telescopic bucket lift van for the City of Centerville:

Stengers Ford, Inc.	\$28,469.00
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Upon recommendation of Mr. Kenning that this Bid be accepted, Mr. Compton sponsored Resolution Number 33-91, A Resolution Accepting The Bid Of Stengers Ford For The Purchase of One Telescopic Bucket Lift Van For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 34-91 LITTER VACUUM

Mr. Kenning reviewed the following Bids received for the purchase of one riding type litter vacuum for the City of Centerville:

Hollowell Products Corporation	\$15,745.00
MCD Equipment Company	18,650.00

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Mr. Kenning, in consideration of significant variations between the two Bids, recommended acceptance of the Bid received from MCD Equipment Company in Troy, Ohio. The Bid submitted by Hollowell Products Corporation was F.O.B Wyandotte, Michigan, it carried no labor warranty to the buyer, warranty only on parts manufactured by them, with defective parts returned to Wyandotte for determination of adjustment; problems with component parts manufactured by other sources would become the buyers responsibility to resolve. Mr. Stone sponsored Resolution Number 34-91, A Resolution Accepting The Bid Of MCD Equipment Company, For The Purchase Of One Riding Type Litter Vacuum For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

NESTLE CREEK SECTIONS ONE AND TWO PERFORMANCE BOND REDUCTION

Mr. Kenning reviewed a report from City Engineer Norbert Hoffman relative to the reduction of Performance Bonds posted on Sections One and Two of Nestle Creek. All public improvements have been completed except for the final course of asphalt pavement and sidewalks. As recommended by the City Manager, Mr. Kingseed moved that the Performance Bonds posted on Nestle Creek, Sections One and Two be reduced to \$13,000.00 and \$26,000.00 respectively. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE STATION SECTION TWO PERFORMANCE BOND RELEASE

Mr. Kenning reviewed a report from the City Engineer that all public improvements have been completed in Centerville Station, Section Two. He recommended that the Performance Bond posted on this section be released and the one year Maintenance Bond be waived due to the fact that improvements were made several years ago and any deficiencies have been corrected. Mr. Compton moved that the Performance Bond for Centerville Station, Section Two be released as recommended by the City Manager and the one year Maintenance Bond requirement be waived. Mr. Stone seconded the motion. The motion passed unanimously.

CHELTENHAM SECTIONS ONE, TWO, THREE, FOUR AND FIVE PERFORMANCE BOND RELEASES

Mr. Kenning reviewed a recommendation submitted by Mr. Hoffman that the Performance Bonds posted on Cheltenham, Sections One, Two, Three, Four and Five be released subject to the receipt of the following Maintenance Bonds:

Section One	\$20,000.00
Section Two	15,000.00
Section Three	7,000.00
Section Four	10,000.00
Section Five	7,000.00

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DAYTON LEGAL BLANK CO. 10144

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All improvements have been completed or will be completed within the next week. Remaining sidewalk installations and flushing of debris from the storm sewer system will be covered by the Performance Bonds posted for Sections 6 and 7. Mr. Compton moved that Performance Bonds posted for Cheltenham, Sections One, Two, Three, Four and Five be released as recommended by the City Manager and City Engineer subject to the receipt of Maintenance Bonds in the amounts detailed previously. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Dentz
Mayor

ATTEST:

Marie M. Saughel
Clerk of Council