

# RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held July 16, 19 90

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, July 16, 1990 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  
James Singer  
C. Mark Kingseed  
Mark Beasley  
Clerk of Council Marilyn McLaughlin  
City Manager Darryl Kenning  
City Planner Alan Schwab  
Municipal Attorney Robert Farquhar  
Administrative Assistant Michael Haverland  
Administrative Assistant Judith Gilleland

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

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

Council Meetings - June 18, 1990.  
June 25, 1990.  
July 2, 1990.  
Council Work Session Meetings - June 18, 1990.  
June 25, 1990.  
July 2, 1990.  
July 9, 1990.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote; however, Mrs. Beals abstained from the Minutes of Meetings held June 25, 1990.

Mayor Heintz announced the issuance of a Proclamation designating August 7, 1990 as Soaring Sounds Drum Corps International Day in Centerville.

Mayor Heintz expressed appreciation to everyone involved in the success of the Americana Festival held in Centerville July 4, 1990. This was an outstanding community event.

Brian Smith, 1825 Hibiscus Court, and other young skate board supporters, appeared before Council requesting that one or more skate board parks be established in Centerville. If the City is unable to provide these facilities, they are prepared to take their proposal to the Centerville-Washington Park District. A Petition, signed by 19 young skate boarders, was presented to Council supporting their request. Upon question of Mrs. Beals,

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Mr. Smith identified several park locations for this use; areas owned by the Park District. Mrs. Beals reminded the supporters in attendance that if such a facility is provided, skate boarding would not be permitted in the streets. As requested by Mr. Compton, Mr. Smith outlined Cities which now have skate board facilities. Mayor Heintz advised that the City Manager is currently studying the City's liability in this type facility. This matter will again be discussed at a later date.

Mr. Kenning advised that the sidewalk from State Route 48 to the Leonard E. Stubbs Memorial Park is now in place. A temporary walkway also exists from the south end of Virginia Avenue to the Park.

Mr. Kenning outlined the success of the City's curb side commingled recycling program. Large reductions in grass bagging and the recycling program have reduced the waste stream by 12 percent in Centerville. Mayor Heintz pointed out the fact that the pilot group which has brought recycling to Montgomery County was composed of Centerville, Oakwood and the City of Dayton.

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

#### MOODY-WOODLEY DEVELOPMENT MAJOR USE SPECIAL APPROVAL

Mr. Kenning reported on the Planning Commission Meeting held June 12, 1990.

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Moody-Woodley Development for property located along the east side of Bigger Road, north of Thomas Paine Parkway, and south of Interstate 675. The Applicant has requested approval to develop a Commercial-Industrial Planned Unit Development. Mr. Schwab located this 33.4 acre parcel of land zoned I-PD (Industrial Planned Development) and B-PD (Business Planned Development) on a map and highlighted adjacent zoning classifications. He explained the original plan submitted to the City and this revised plan which now reflects recommendations made by the Planning Commission. The plan includes the construction of an industrial street north off Thomas Paine Parkway, to the east and north east to eventually tie into Clyo Road or Wilmington Pike. Mr. Schwab pointed out the fact that previous plans have included the intent for the construction of this roadway traversing to the north off Thomas Paine. Mr. Schwab located on the map a driveway provided off Bigger Road into this project restricted by limited access and a steep slope into the subject property. When the State of Ohio raised the height of the Bigger Road bridge over I-675, sight distance became difficult for this driveway. Mr. Schwab also pointed out the fact that the construction of this roadway off Thomas Paine Parkway makes property owned by William Rider to the east a corner lot, thus changing set back requirements for future development; however this could be subject for variation in the future. Mr. Schwab reviewed Planning Commission's 6 to 1 vote to

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recommend to Council approval of this Major Use Special Approval Application subject to the following conditions:

1. The radius of the westernmost curve on South Metro Parkway shall be increased to a radius acceptable to the City Engineer.

2. No variance shall be granted reducing the minimum building setbacks along Bigger Road, I-675 or Thomas Paine Parkway.

3. No variance shall be granted reducing the buffer strip abutting the Thomas Paine Development from the required 100 foot width to 40 feet.

4. Detailed landscape plans for screening the buffer strip shall be subject to approval by the Planning Department.

5. A revised stormwater drainage plan shall be approved by the City Engineering Department showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.

a. The stormwater drainage system, particularly as it ties into the Thomas Paine system, needs to be reviewed in greater detail.

b. A larger basin(s) providing stormwater retention and /or detention for the entire development shall be required.

c. The use of small permanent or temporary detention basins on each lot is not acceptable to the City Engineer.

6. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention/detention basin(s).

7. All interior lot lines shall be deleted from the plan.

8. Sidewalks, 5 feet in width, shall be constructed along both sides of South Metro Parkway.

9. A temporary turnaround shall be constructed at the terminus of South Metro Parkway. The design shall be subject to approval by the Engineering Department. The turnaround shall be removed when South Metro Parkway is extended.

10. No driveway access shall be permitted to Bigger Road. The existing driveway and curb-cut shall be removed and the curbing on Bigger Road restored by the applicant.

11. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

Mr. Gary Woodley, Applicant, brought attention to the fact that no variances are included on this Application. The retention ponds in the buffer strip have been positioned to serve storm outlets currently existing in Thomas Paine. He placed emphasis upon landscaping to be provided in the buffer strip.

Mr. Byron Hall, 6425 Little John Circle, stated concern with two potential problems: ample drainage and the fear of the use of a residential street by heavy commercial traffic when Clys Road connects with Thomas Paine Parkway. He suggested that the construction of South Metro Parkway precede or coincide with the construction of the Clys Road/Thomas Paine Parkway intersection. He expressed his concern for emergency service into the Thomas Paine Development if Thomas Paine Parkway became barricaded as

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discussed during the Planning Commission Meeting.

Mr. Chuck Laundrie, 6374 Adams Circle, supported the cul-de-sacing of Thomas Paine Parkway. He fears a traffic nightmare when the Moody-Woodley Development is complete.

Mr. Joe Hager, 6390 Thomas Paine Parkway, President of the Paine Woods Association, expressed concern with South Metro Parkway intersecting with Thomas Paine Parkway; he fears the safety of children will be threatened by industrial traffic.

Mr. Donald Graham, 6465 Little John Circle, advocated cooperation between owners of land lying between Bigger Road and Wilmington Pike, north of Thomas Paine, to continue South Metro Parkway from Bigger Road to Wilmington Pike. He sees this as a solution to the potential traffic problem on Thomas Paine Parkway.

Mr. John Koverman, Attorney representing Mr. and Mrs. William Rider, expressed concern with the construction of South Metro Parkway to the immediate west of the Rider property. The construction of this roadway transforms the property into a corner lot thus increasing set back requirements and building area when building expansion is considered. Mr. Koverman pointed out the fact that the building area will be reduced by 16.4 percent if the roadway is constructed. He asked that the City consider these practical difficulties when Mr. Rider requests a Variance in the future to expand his facility.

Mr. Charles Hoefer, 6376 Jason Lane, asked that retention ponds be located away from Thomas Paine properties as far as possible.

Cynthia Obringer, 6362 Jason Lane, expressed concern with projected traffic increase on Thomas Paine Parkway.

Upon question of Mayor Heintz, Mr. Schwab identified the four retention basins strategically located to carry water from the north into storm basins in Thomas Paine. He located the potential driveway off Bigger Road into the Moody-Woodley property and defined difficulties with limited access and the steep grade.

As questioned by Mr. Singer, Mr. Schwab identified proposed and alternate street configurations in the area south of I-675 between Bigger Road and Wilmington Pike.

Mr. Woodley suggested that a median cut not be made linking Thomas Paine Parkway to Clyo Road. This may be a temporary or permanent solution to the traffic concerns expressed during Public Hearings.

Upon question of Mr. Kingseed, Mr. Woodley explained how the buffer they propose will minimize sound.

Questions raised by Mr. Beasley were answered as follows: Mr. Woodley advised that the percentage of the buffer utilized by the drainage basins has been indicated on the revised plan. Mr. Schwab identified the profile of South Metro Parkway being the same as Thomas Paine Parkway. Mr. Farquhar clarified the fact that a Variance Application for the Rider property must be initiated by the property owner.

Mrs. Beals, asking for clarification, Mr. Schwab located different accesses proposed to the Moody-Woodley property in previous years.

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Upon question of Mayor Heintz, Mr. Schwab reviewed the possibility of gating Thomas Paine Parkway where commercial ends and residential begins. Access into the subject property is not feasible off Bigger Road.

Mrs. Beals emphasized the fact that Mr. Woodley must have access to his property, if traffic becomes a problem, then it will have to be addressed. The solution in the future may be to gate or cul-de-sac Thomas Paine Parkway.

Mr. Kingseed expressed his desire to resolve the traffic problem prior to taking action on this Application.

Mr. Singer, recognizing that action on this Application should not be delayed until the anticipated traffic problem is resolved, moved that the revised Major Use Special Approval Application submitted by Moody-Woodley Development for a Commercial-Industrial Planned Unit Development submitted to the Planning Commission, be approved subject to all conditions recommended by the Planning Commission, and that the Council further request the City Staff to develop a plan to restrict traffic on Thomas Paine Parkway during the interim period when South Metro Parkway is being constructed and has not been completed to Clyo Road. Mrs. Beals seconded the motion. Upon call for the question by Mr. Beasley, a roll call vote resulted in five ayes in favor of the motion; Mr. Kingseed voted no.

Mr. Compton returned to the Meeting at this time.

#### B. P. OIL COMPANY APPEAL TO COUNCIL

Mrs. Beals moved that the appeal to Council submitted by B. P. Oil Company against a decision rendered by the Planning Commission during their Meeting on Tuesday, March 27, 1990 for property located at the southwest quadrant of the intersection of Wilmington Pike and the proposed extension of Clyo Road, tabled during the Council Meeting held June 18, 1990, be removed from the table. Mr. Beasley seconded the motion. The motion passed unanimously. Mr. Kenning recommended that this matter be placed on the table until the August 20, 1990 Council Meeting, due to the fact that details are currently being worked out. Mr. Beasley moved that this item be placed back on the table until the August 20, 1990 Council Meeting. Mr. Compton seconded the motion. The motion passed by unanimous vote.

#### ORDINANCE NUMBER 11-90 WHIPP ROAD RELOCATION

The Public Hearing was held concerning Ordinance Number 11-90. Mr. Kenning reviewed this proposed Ordinance which levys special assessment upon one property owner for paying his share of the cost to relocate Whipp Road at Wilmington Pike. Mr. Beasley sponsored Ordinance Number 11-90, Ordinance Levying Special Assessments For Paying Part Of The Cost Of Relocating And Improving Whipp Road In The City And Paying Certain Other Lawful Costs, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

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## ORDINANCE NUMBER 12-90 ANNEXATION

The Public Hearing was held concerning Ordinance Number 12-90. Mr. Kenning reviewed this proposed Ordinance to annex approximately 470 acres of City owned land located in Washington Township to the City of Centerville.

Mr. Michael Morton, Washington Township Administrator, representing the Washington Township Board of Trustees, expressed their concern with the annexation of these 470 acres to the City of Centerville and the process the City used to purchase the subject property. Upon questions of Mr. Morton, Mr. Kenning clarified the fact that the notice of Public Hearing on this Ordinance was advertised according to the City Charter, all Meetings dealing with this project have been open Meetings and the City will file for annexation at the earliest date allowed by law.

Mr. Singer sponsored Ordinance Number 12-90, An Ordinance To Authorize The Annexation Of Certain Territory To The City Of Centerville, Ohio Pursuant To Revised Code Section 709.14, and moved that it be passed. Mr. Compton seconded the motion. A roll call requested by Mr. Beasley resulted in six ayes in favor of the motion.

The following questions asked by Mr. Morton relative to the City's golf course were answered accordingly:

Has there been a golf course feasibility study completed on the proposed course and if so what were the results? Mayor Heintz answered yes, by Golf Resource Associates. Mr. Kenning advised that the study was generally extraordinarily favorable.

What were the number of rounds predicted per year? Mr. Kenning reported the consultant as estimating the City to look forward to somewhere in excess of 40,000 rounds per day, with very little difficulty.

Prior to Centerville's purchase of the golf course property was there a certified appraisal of all the properties to assure that the City wasn't over-paying for the property? Mr. Farquhar advised there was none and none was required by law.

Prior to the purchase did a golf course architectural firm analyze the property for its fitness as a golf course? Mr. Kenning informed Mr. Morton that Golf Resource Associates did a Feasibility Study.

Is that both a financial feasibility and an architectural feasibility study? Mr. Kenning answered as a matter of fact it was.

Since the initial 470 acre purchase have City officials been contacting other unincorporated township property owners about annexing to the City? Mr. Kenning advised not to the best of his knowledge. Mr. Kenning in turn asked Mr. Morton if Township officials have been contacting adjacent property owners to this 470 acres trying to stop any annexation. Mr. Morton answered yes sir.

Was part of the reason that the City purchased property west of Yankee to enable the City to cut the unincorporated area in half? Mr. Kenning advised that the reason property was purchased

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in that area was for golf course purposes initially.

The golf course on both sides of Yankee? Mayor Heintz explained the fact that this was one of the possibilities while the City was assembling parcels of land needed in the area for a golf course and homesites which will be paying quite a bit of the cost. The City was also interested in purchasing the historic home in the area, which includes acreage and a barn. The possibility still exists for a portion of the course to be located on the west side of Yankee.

How many annual lot sales are required to allow the City to retire its debt and in what time period do you plan on retiring your debt? Mr. Kenning advised that this is uncertain at this time due to the design of the course not being completed.

Is the total project about a 15 million dollar project? Mr. Kenning advised it could be that high.

Does the City currently have a financial plan for the project that is available to the public? Mr. Kenning informed Mr. Morton that the City has a series of financial plans depending upon the final design and how that works out.

So there will be a financial plan available once the final course is designed? Mr. Kenning advised of course, as soon as it is appropriate and data is firm.

What additional recreational facilities is the City considering at this time? Mayor Heintz advised nothing definite. There are several things in the future the City would like to address in the lines of recreation, things that currently do not exist.

### RESOLUTION NUMBER 23-90 VOTER REGISTRATION

Mr. Kenning reviewed a proposed Resolution to encourage voter registration in the Centerville community. Mayor Heintz reminded the listening audience that voter registration is available at the Centerville Municipal Building. Mrs. Beals sponsored Resolution Number 23-90, A Resolution Encouraging The Continuation Of Voter Registration By Agencies In The City Of Centerville, Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

### RESOLUTION NUMBER 24-90 WHIPP ROAD RELOCATION

Mr. Kenning reviewed a proposed Resolution certifying maximum maturity of \$288,000 of Bonds to pay for part of the relocation of East Whipp Road in the City of Centerville. Mr. Singer sponsored Resolution Number 24-90, Resolution Requesting Fiscal Officer To Certify As To Estimated Maximum Maturity Of \$288,000 Of Bonds, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council.

### ORDINANCE NUMBER 13-90 WHIPP ROAD RELOCATION

Mr. Kenning reviewed proposed Ordinance Number 13-90, the legislation which provides for the issuance of Bonds for the

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Whipp Road Relocation Assessment project at an interest rate of 7.9 percent per annum. Mrs. Beals sponsored Ordinance Number 13-90, Ordinance Providing For The Issuance Of \$288,200 Of Bonds By The City Of Centerville, Ohio, In Anticipation Of The Collection Of Special Assessments Heretofore Levied, For The Purpose Of Paying At Maturity A Bond Anticipation Note Of The City Issued To Finance Costs Of Improving Whipp Road In Accordance With The Provisions Of Resolution No. 17-88, And To Pay Lawful Costs Incident To The Issuance Of The Bonds, Or Notes Issued In Anticipation Thereof, And Declaring An Emergency, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

PLANNING COMMISSION CHAIRMAN

Mayor Heintz advised that Mr. Robert Hosfeld's first year term as Chairman of the Planning Commission will soon expire. He has indicated a desire to continue to serve in this capacity. Mr. Singer moved that Mr. Hosfeld be reappointed as Chairman of the Planning Commission for an additional year. Mr. Compton seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION APPOINTMENTS

Mayor Heintz advised that Applicants for appointment to the Centerville Arts Commission have been interviewed by Mrs. Beals, Mr. Kingseed and herself. The following is their recommendation:

ONE YEAR TERMS:

Martha Ann Sabados	Resident
Betty Lou Tawnley	Non-resident
Edward J. Riechman	Resident
D. Lynne Mower	Non-resident
Terrence M. Kramer	Resident

TWO YEAR TERMS:

Cathy B. Jeffers	Resident
Mary S. Bolton	Resident
Anita M. Looper	Resident
John Magee	Non-resident
Jim McCutcheon	Non-resident

THREE YEAR TERMS:

Cornelia (Connie) F. Watkins	Non-resident
Margaret (Peggy) Redman	Non-resident
Barbara R. Hilgeman	Resident
Doris H. Ponitz	Non-resident
Jacque R. Sheley	Resident

Mr. Kingseed moved that said appointments be made as outlined by Mayor Heintz. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION CHAIRMAN

Mrs. Beals moved that Mrs. Barbara R. Hilgeman be appointed as Chairman of the Centerville Arts Commission for a term of one



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year. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business the Meeting was adjourned.

Approved

Mayor

*Shirley F. Keenly*

ATTEST:

*Maile McLaughlin*  
Clerk of Council