

# RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held August 20,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 20, 1990 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 Sally Beals

James Singer

C. Mark Kingseed

Mark Beasley

J. V. Stone

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

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

Council Meeting - July 16, 1990.

Council Work Session Meetings - July 16, 1990.

July 31, 1990.

August 6, 1990.

August 13, 1990.

Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Singer seconded the motion. The motion passed by unanimous vote; however, Mr. Compton abstained from the Minutes of Meetings held August 6 and August 13, 1990.

Mayor Heintz administered the Oath of Office to City Beautiful Commission Member Dr. Ralph W. Deger.

Mayor Heintz also administered the Oath of Office to Centerville Arts Commission Members: Barbara R. Hilgeman, Cathy Jeffers, Terrence M. Kramer, Anita M. Looper, John Magee, D. Lynne Mower, Doris H. Ponitz, Margaret (Peggy) Redman, Edward J. Riechman, (Martha) Ann Sabados, Jacque R. Sheley, Betty Lou Tawnley and Connie Watkins.

Mrs. McLaughlin announced the filing of the following two Appeals to City Council against decisions rendered by the Planning Commission during their Meeting on July 31, 1990:

Reid E. and Joy D. Patterson - Planning Commission denied a Variance Application to permit the existence of a brick wall in the front yard at 154 East Franklin Street.

Board of County Commissioners, Montgomery County - Planning Commission denied a Variance Application to permit the construction of a 2 million gallon elevated water storage tank on property located at the dead end of Pleasant Hill Drive, Lakeview Drive and North Johanna Drive.

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Both of these Appeals have been set for Public Hearing before Council on September 17, 1990.

Mayor Heintz commended award winners during the past month and the entire City Beautiful Commission for the all around beautification of the City of Centerville during these summer months.

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

The State of Ohio has awarded the Bid to the L. P. Cavett Company to repair and resurface Clyo Road between Centerville Station Road and Alexandersville-Bellbrook Road. This project is scheduled to begin on October 1 with anticipated completion by November 1, 1990.

On July 28, 1990, the Commission on Accreditation for Law Enforcement Agencies, Inc. accredited the Centerville Police Department. The Police Department is in compliance with international standards set for Law Enforcement Agencies. Centerville is the 158th agency to achieve this goal.

Mr. Kenning reviewed Planning Commission Meetings held July 10 and July 31, 1990.

#### FINKE REALTY/MARATHON PETROLEUM COMPANY MAJOR USE

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Marathon Petroleum Company and Finke Realty Company for property located at the southwest corner of Wilmington Pike and Whipp Road; Application for the development of a 22.58 acre site providing for a shopping center with three outlot parcels, one of which to be developed by Marathon Petroleum Company as a Speedway Starvin Marvin service station and convenient store..

Mayor Heintz outlined the procedure to be followed during this Public Hearing. Witnesses were sworn by a Court Reporter.

Mr. Schwab reviewed this Major Use Special Approval Application and located this B-PD zoned property on a map. He defined adjacent zone classifications and current land uses. The plan includes improvements to Wilmington Pike. Mr. Schwab explained elevations for the proposed service station site which include brick facing on the pillars supporting the canopy and on all sides of the convenient store. He outlined the following changes made on this Application from the one submitted for the same purpose several months previous:

The convenient store has been reduced in size.

The canopy has been moved to the west thus meeting the set back requirements along Wilmington Pike except for a 5 foot variance at the corner of the canopy.

The direction of the pump island has been changed.

The north access drive into the service station off Wilmington Pike has been removed.

The curb cut off Whipp Road into the service station outlot has been moved to the west.

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There is a slight reconfiguration of the retail proposed space which involves locating the detention basin in the south eastern portion of the site.

Screening has been added in the 100 foot buffer strip. Mr. Schwab advised that the Applicant indicates no firm commitment for use of the shopping center at the present time.

Mr. Schwab reviewed City Staff's recommendation for approval of this Application to the Planning Commission, subject to the following conditions:

1. The City Council agrees to permit a canopy setback variance for the proposed Speedway Gas Station along Wilmington Pike. At the southern end the proposed canopy is setback 45 feet instead of the required 50 feet.

2. A 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.

3. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed temporary and permanent stormwater retention basins.

4. The required 100 foot buffer strip along the west and south property lines abutting Fox Run Condominiums shall be maintained in its natural state except that a stormwater retention/detention basin in the southeast corner of the site within the buffer strip shall be permitted. Additional evergreen landscape screening shall be planted in the buffer strip along the service driveway behind the shopping center. Detailed landscape plans for this screening shall be subject to approval by the Planning Department. A fence shall be required at the back of the shopping center to limit pedestrian access to the Fox Run Condominium properties.

5. The developer shall dedicate 60 feet of right-of-way from centerline along Wilmington Pike to the City.

6. The developer shall add an additional lane of pavement, curb, gutter, stormwater drainage, and sidewalk along Wilmington Pike in accordance with plans approved by the City Engineering Department.

In lieu of the above improvement, the City Engineering Department may require a temporary improvement that consists of a left turn lane along Wilmington Pike at each the entrance to the shopping center and the south entrance to the service station with the monetary difference between the temporary improvement and the above "permanent" improvement to be placed in escrow with the City to be used for the future widening of Wilmington Pike in front of the development. The temporary improvement plans must be approved by the City Engineering Department.

7. Appropriate cross easements for vehicular access between the shopping center and service station approved by the City Attorney shall be required before a lot split is granted.

8. The southern driveway to Wilmington Pike shall be restricted to prohibit left turns from the shopping center to Wilmington Pike.

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9. All driveways to the service station site shall be restricted to right turn movements only.

10. The position of the service station driveway onto Whipp Road shall be subject to approval by the City Engineer. The end of the median on Whipp Road may require alteration, at the expense of the developer, to accommodate this driveway.

11. The medians in the shopping center parking lot shall be extended by joining them together at the major internal intersections to create three-way intersections.

12. The access to Outlot "B" from the ring road shall be moved to eliminate a four-way intersection at this point.

13. Additional landscaped planter areas shall be added to the parking area of the shopping center to define major access roads between the ring road and the front of the shopping center and to limit vehicles cutting across the parking rows for long distances.

14. The Planning Commission must approve detailed building elevation drawings for the shopping center showing the materials and colors for all proposed buildings.

15. Dumpster location(s) and required screening shall be approved by the City Planning Department.

16. All external lighting including lighting under the gas station canopy shall be approved by the City Planning Department.

17. None of the signs shown on the plans shall be approved as part of this application.

Mr. Schwab identified major objections of residents during the Planning Commission Meeting being the visibility of the shopping center to the Fox Run Condominiums, the anticipated noise of delivery trucks and removal of refuse from dumpsters, and the lack of architectural renderings for the shopping center. The Planning Commission, by a 4-1 vote, recommended denial of this Application to City Council; the major objection coming from Commission Member James Durham believing that the service station location was inappropriate.

Mr. Michael Turner, Attorney for the Applicant, outlined those areas of this Application which will be addressed by representatives for Marathon Petroleum and Finke Realty. He explained how their Application complies with Zoning Ordinance requirements and meets Centerville Code. He outlined specifics in the Zoning Ordinance which Council must consider in approving or disapproving this Application for Major Use Special Approval.

Mr. Jim Finke, Sr., Finke Realty Company and owner of the property, reviewed the history of the subject property since their purchase in 1985, its potential use and development. He outlined their cooperation with the City to relocate Whipp Road through the Finke Property to provide for its realignment with Feedwire Road at Wilmington Pike, and their financial involvement in the project. He emphasized their concurrence with the zone change in 1986 from B-2 to B-PD to provide for a more orderly development of the entire parcel. Having been advised by Consultants that this is the best use for the land, Mr. Finke asked for Council's favorable consideration of their request.

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Mr. Harold Forshaw, Engineer with Marathon Petroleum Company, outlined for Council how previous concerns have been addressed in the revised plan for the Marathon Petroleum site. They believe this is an ideal use for the southwest corner of Wilmington Pike and Whipp Road due to the fact that it takes business from existing traffic, it is a local service not dependent upon interstate traffic. He believes that the plan now submitted coincides with the overall appearance of the neighborhood. Mr. Forshaw submitted to City Council a photograph of a residential style Speedway building they are willing to construct if made a condition of approval.

Mr. Greg Yetzer, Shaw, Weiss & DeNaples Consulting Engineers, explained the fact that the site has been engineered for best possible return. He detailed proposed ingress and egress and delivery traffic to the site. Pedestrian walkways will be provided in and around the development. Planters in the parking area will limit cross movements. Architectural plans for the shopping center will be approved by the City of Centerville at the time of construction. Lighting and signage will require City Staff approval. Mr. Yetzer reviewed the proposed water detention and retention basin to prevent storm water run off from the site onto adjacent properties. Screening will be provided along the south and west of the shopping center where vegetation is slight in order to interrupt visibility from the Fox Run Condominiums. Mr. Yetzer advised that the center will not be constructed tomorrow, it has been designed to satisfy requirements set forth in the Zoning Code. Plans could be amended in the future to provide for other permitted uses at which time approvals must be obtained. Upon question of Mr. Kingseed, Mr. Yetzer advised that a noise analysis has not been made to determine the amount of noise pollution. In answer to another question of Mr. Kingseed, Mr. Yetzer stated that studies have indicated that this intended use is the most viable for this zone classification. Upon question of Mr. Compton, Mr. Yetzer advised that the location of the proposed fence in the buffer strip will be coordinated with the City Staff.

Mr. Jack Pflum, Pflum, Klausmeier & Gehrum Consultants, distributed to Council a letter report concerning traffic analysis for the site in question. Conducted was a study of anticipated traffic impact and the flow of traffic at the intersection of Wilmington Pike, East Whipp Road and Feedwire Road associated with the service station and convenient store. The amount of new traffic generated by the service station will be modest. Mr. Pflum concluded with the observation that the operation of the service station, with the relocation of the driveways as proposed, the restricting of right turn in and right turn out only onto Whipp Road and Wilmington Pike, will not adversely affect either the capacity of the intersection or the safety operations of the intersection. Upon question of Mr. Kingseed, Mr. Pflum advised that this study has nothing to do with the proposed shopping center.

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Mr. Lee Hall, 2591 Old Whipp Court, defined requirements in the Zoning Ordinance which he believes have not been satisfied by this Application. The report which has been submitted as a market analysis is dated 1989; it does not meet the criteria of the Zoning Ordinance. He stated his opposition to the construction of another shopping center in Centerville and to the 5 foot variance for the corner of the canopy. Mr. Hall submitted a Petition in opposition to the development of this corner as proposed. He suggested that a more intense study be made of the area, perhaps office space could be considered.

Mr. George Catterlin, 2711 Kings Arm Circle, stating objection to the procedure being used in this Public Hearing, asked that this be continued until residents have the opportunity to have legal counsel present. Mr. Farquhar clarified the fact that information concerning this procedure was not given to either party. Mr. Catterlin asked if an environmental impact statement had been filed and whether it was required by Ordinance or State Law. Mr. Farquhar advised that such a statement was not required in this case. Mr. Catterlin suggested that Council pursue the filing of an environmental impact statement in consideration of the amount of vegetation in the area. He expressed concern with whether a fence will be erected as addressed earlier and encouraged the erection of a decorative fence that will be in keeping with the neighborhood.

Ms. Martha Walters, 2608 Kings Arm Circle, speaking as a resident and a consumer, believes this proposed development will adversely affect property values. She emphasized unleased shopping center land now available in Centerville, and feels bombarded with the number of retail shops. She stated her concern with anticipated unsightly and environmental conditions, with traffic congestion and with decreased wild life habitat. Ms. Walters submitted Petitions signed by residents in opposition to the development of the southwest corner of Wilmington Pike and Whipp Road into a shopping center and three outlots, one of which will be a Speedway filling station.

Ms. Anginette Stetson, 21 Red Lion Court, stated her dissatisfaction with lack of a sketch for the shopping center; she is concerned with what she may see from her balcony.

Mrs. Beals asking for clarification, Mr. Schwab advised that B-PD, Business Planned Development in the Centerville Zoning Code requires the submission of an overall development plan for a minimum of ten acres of ground before any outlots can be split off from that ground. The only desire of the property owner at this time is to split off the outlot; the overall plan has been submitted for compliance with Zoning Ordinance requirements. Mrs. Beals pointed out the fact that this shopping center plan can be changed in the future; if approved according to City Staff recommendations, architecture of the shopping center, lighting and other specifics will require approval by the City.

Upon question of Mrs. Beals, Mr. Finke advised that he does not plan to construct the shopping center, the buyer will develop the property meeting all conditions.

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As questioned by Mr. Compton, Mr. Schwab advised that all conditions included in approval would stay with the property. The plan expires in two years unless an extension has been granted by City Council. A buyer must meet all conditions or ask for amendments to the approved plan.

Upon question of Mr. Kingseed and Mr. Compton, Mr. Schwab advised that the required submission of a financial statement and market analysis for the shopping center has not been satisfied. This submission could be made a condition of approval.

In answer to question by Mr. Kingseed, Mr. Schwab clarified the fact that if the shopping center is built within the next two years, it must be built according to this concept and all conditions of approval.

Mayor Heintz in consideration of the lack of a financial statement and market analysis, made reference the fact that a Major Use Special Approval Application requires that submission be made according to Zoning Ordinance requirements before development is permitted on any portion of that lot.

Mr. Compton moved that the Major Use Special Approval Application submitted by Marathon Petroleum Company and Finke Realty Company be approved, subject to all conditions outlined by the City Planner and that, page 49 of the Zoning Ordinance, City of Centerville, Section 14 (B-PD Business Planned Development), Item 4 a. 2 and 3, financial statement and market analysis be provided relative to the commercial building to be built in the future; the filling station and convenient store to be built in accordance with exhibit "A" presented by the Applicant at this Meeting. Mr. Beasley seconded the motion. Mr. Compton amended his motion to include the following suggestions:

the fence referred to in Staff recommendation number 4 be a solid wooden fence (Mr. Kingseed suggestion)

the Planning Staff approve the containers and the concealment of trash dumpsters (Mr. Stone suggestion)

building elevations to come back for approval by City Council for the shopping center and the outlots with specific review being directed toward the appearance of the back of the shopping center (Mr. Schwab suggestion)

deliveries and removal of refuse be restricted to between 8:00 A.M. and 5:00 P.M. (Mr. Stone suggestion)

Mr. Beasley suggested that the motion be amended to include the completion of Staff recommendation number 4 at the time the service station is constructed. Mr. Compton did not agree with this suggestion. Mr. Beasley moved that the main motion be amended to include: Staff recommendation number 4 be amended to state that the evergreen landscaping screening be installed at the same time that the gas station is being constructed. Mr. Kingseed seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Stone and Mr. Compton voted no. A roll call vote on the main motion resulted in five ayes in favor of the motion, Mayor Heintz and Mr. Singer voted no.

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

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## HILLS DEVELOPERS MAJOR USE

The Public Hearing was held concerning a Major Use Special Approval Application filed by Hills Building & Construction Services Number 3, Inc., for property located along the east side of Bigger Road, south of Thomas Paine Parkway and north of Alexandersville-Bellbrook Road and owned by Dave Meeker, Rialo, Inc., and Ralph G. Woodley. Mr. Schwab located the subject property on a map and reviewed this Application to construct 208 condominiums, a clubhouse, swimming pool and a tennis court. He reviewed adjacent zone classifications and current land uses. The Application includes 33.2662 acres of land, of which 28.4 acres are presently zoned R-PD, Residential Planned Development; the remaining acreage being the subject of a Rezoning Request now on file with the City of Centerville. Proposed for construction are multi-family buildings and two-unit ranch style buildings at a total density of 6.25 dwelling units per acre. Road improvements will be required to future Clyo Road as part of this development. Parkland dedication will also be required. The Planning Commission, by unanimous vote, recommended approval of this Application to City Council, subject to the following conditions:

1. Prior to the approval of this Major Use Special Approval Plan by the City Council, the 4.8662 acre Phase II portion of the proposed development must be rezoned to R-PD, Residential Planned Development. This land is currently zoned R-1c, single-family residential and does not permit the construction of double or multi-family units.

2. The City Council shall specifically approve a variance to increase the density of the development to 6.25 dwelling units per acre. Phase I has a density of 6.0 dwelling units per acre. The developer has requested that the density (38 dwelling units) from the 4.8 acre portion of Thomas Paine Settlement south of Clyo Road be transferred to the Phase II portion of this development.

a. Notwithstanding conditions 1 and 2, unconditional approval is given to the Phase I, as described tonight and incorporated in the print submitted tonight, that is not predicated upon the rezoning being granted.

3. The property owner shall petition the City to be assessed for a portion of the cost to construct Clyo Road through their development.

4. The property owner shall dedicate the full right-of-way for Clyo Road across their property.

5. A deed restriction shall be placed on the multi-family zoned acreage located north of future Clyo Road requiring this land to be maintained as open space and prohibit the development of this land. This restriction shall be subject to the approval of the City Attorney.

6. All private streets shall be constructed to City standards subject to approval by the City Engineer.

7. The interior street layout shall be revised subject to the approval of the City Planning Department to incorporate the following:



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a. The plan shall provide a minimum intersection sight distance of 200 feet at all intersections within the development;

b. A minimum sight distance of 200 feet shall be maintained on the street circling the lake, particularly, the curve located at the northeastern part of the street;

c. All streets shall intersect perpendicularly to other streets;

d. A minimum street offset of 125 feet shall be provided for the two streets intersecting the main driveway situated west of the lake; and

e. Blisters of pavement shall be provided at the ends of all parking areas to allow vehicles to conveniently exit from the end parking stalls.

8. All sidewalks shall be setback a minimum of 4 feet from the curb on the private streets.

9. All walkways shall be designed in a manner that eliminates all angled turning movements subject to approval by the Planning Department.

10. The main entrance from future Clyo Road shall be redesigned to widen the "throat" area of the street subject to the approval of the City Engineer.

11. The proposed public street located south of the development shall intersect Bigger Road directly across from the driveway to the Village of Willow Creek subject to the approval of the City Engineer.

12. Sidewalks, 4 feet wide, shall be constructed on both sides of the public street. The sidewalks shall be located at the edge of the right-of-way and not abutting the curb.

13. Bigger Road has a right-of-way of 55 feet measured from the centerline. The plan shows a 43 foot right-of-way. All buildings and the tennis court shall be moved to the east a minimum of 12 feet to maintain the required 50 foot building setback. No variance shall be granted to permit a reduced setback.

14. A 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.

No stormwater drainage plan nor preliminary stormwater drainage calculations were submitted with this application. In addition, no preliminary grading plans were submitted showing the elevation of the building pads in relation to the elevation of the lake. Some buildings around the existing lake at its current elevation are within 2 feet from the surface and situated within 10 feet from the edge of the water. The City Engineer has stated that the elevation of the lake, if used as a detention basin, shall be lowered and the area regraded to provide a 6:1 slope from the buildings to the basin and a 3:1 within the basin. All buildings shall be setback a minimum of 15 feet from the basin.

15. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater detention/retention basins.

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16. An easement shall be required to the retention basin to allow emergency access by the City.

17. Prior to the issuance of any building permit by the City, the developer shall dedicate 1.802 acres of parkland within this development in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance. In lieu of this parkland dedication, the developer, at their option, may dedicate 1.802 acres of parkland on land currently owned by the developer and adjacent to this development subject to the approval of the City Council.

18. All dumpsters shall be screened subject to approval by the City Planning Department.

19. Exterior lighting shall be approved by the City Planning Department.

20. All street names shall be approved by the City Planning Department.

21. Garage and parking spaces explicitly meet all zoning requirements and that the print be changed to reflect the issue.

22. With consultation of the Fire Department, streets and radii be subject to discussions between the Fire Department and approval of the Planning Department.

Mr. John Koverman, Attorney for the Applicant, presented elevations for the two-unit ranch style buildings. He reviewed the plan being considered at this time for the entire development if the rezoning is granted. They are at this time asking for final approval for Phase I (the area not included in the rezoning) and conditional approval for Phase II if the rezoning is approved. If the rezoning is not approved, a redesign of the 4.8 acres will be submitted for approval. Mr. Koverman stated their concurrence with all conditions of approval recommended by the Planning Commission and renewed their offer to dedicate approximately 3 1/2 acres north of proposed Clyo Road to the City of Centerville for park purposes.

Upon question of Mr. Beasley, Mr. Kenning advised that sidewalks along Clyo Road will be a part of the total project.

Mr. Stone moved that the Major Use Special Approval Application submitted by Hills Building & Construction Services Number 3, Inc. be approved subject to all conditions recommended by the Planning Commission and that the City accept the dedication of that acreage north of proposed Clyo Road which Hills Developers is making an offer to convey on the condition that the land be considered in connection with the density requirements of the remaining Hills land. Mrs. Beals seconded the motion. The motion passed unanimously.

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

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during the Council Meeting held July 16, 1990, be removed from the table. Mr. Beasley seconded the motion. The motion passed unanimously.

Mr. Kenning recommended that this item be returned to the table until the September 17, 1990 Council Meeting. Details are currently being resolved. Mr. Singer moved that the B. P. Oil Company Appeal to Council be tabled until the September 17, 1990 Council Meeting. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

## ORDINANCE NUMBER 14-90 CLYO ROAD/WILMINGTON PIKE IMPROVEMENT

Mr. Kenning reviewed a proposed Ordinance which is a part of the process dealing with the B. P. Oil Company project at the southwest corner of Clyo Road and Wilmington Pike. Mr. Compton sponsored Ordinance Number 14-90, An Ordinance To Appropriate A Fee Simple Interest In Certain Real Property For The Project Known As The Clyo Road - Wilmington Pike Improvement Project Within And Without The Corporate Limits of The City Of Centerville, Ohio And Declaring An Emergency, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 15-90 CLYO ROAD/WILMINGTON PIKE IMPROVEMENT

Mr. Compton moved that Ordinance Number 15-90, An Ordinance To Appropriate A Fee Simple Interest In Certain Real Property For The Project Known As The Clyo Road - Wilmington Pike Improvement Project Within And Without The Corporate Limits of The City Of Centerville, Ohio, be set for Public Hearing on September 17, 1990. Mr. Stone seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 25-90 MUTUAL AID SERVICE

Mr. Kenning reviewed a proposed Resolution to establish mutual aid with service departments patterned after police mutual aid agreements. This Agreement sets forth in writing the informal agreements which have been in effect with other governmental entities in the past. Mr. Beasley sponsored Resolution Number 25-90, A Resolution Authorizing And Directing The City Manager To Execute A Mutual Aid Agreement With Other Political Subdivisions To Obtain Additional Mutually Agreeable Service Protection, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 26-90 CITY PROPERTY

Mr. Kenning reviewed a proposed Resolution to reconvey a certain portion of property to John and Evelyn Bollinger. The Bollinger property was purchased by the City during the proposed golf course acquisition project. This Resolution reconveys only a portion of that property back to the Bollingers. Mrs. Beals

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sponsored Resolution Number 26-90, A Resolution Authorizing And Directing The City Manager To Reconvey Certain Real Estate To John E. Bollinger And Evelyn M. Bollinger, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

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

#### RESOLUTION NUMBER 27-90 ACQUISITION OF CITY PROPERTY

Mr. Kenning reviewed a proposed Resolution to provide for the acquisition of property located on the north side of West Franklin Street directly across from Virginia Avenue. This property may be needed in the future for right-of-way purposes. Mr. Stone sponsored Resolution Number 27-90, A Resolution Authorizing And Directing The City Manager To Execute A Contract For The Purchase Of Real Property Located At 123 West Franklin Street, Centerville, Ohio And To Make Payment For Same, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mr. Compton returned to the Meeting at this time.

#### BOARD OF ARCHITECTURAL REVIEW CHAIRMAN CHARLES GRAHAM

Mayor Heintz advised that the term of Mr. B. Scott Feldmaier as Chairman of the Board of Architectural Review will expire on September 15, 1990. She explained Council's intent to rotate the Chairmanship on various City Boards and Commissions. Mr. Beasley moved that Mr. Charles Graham be appointed as Chairman of the Board of Architectural Review for a one year period commencing September 16, 1990. Mr. Singer seconded the motion. The motion passed unanimously.

#### RESOLUTION NUMBER 28-90 COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Kenning reviewed a proposed Resolution providing for a cooperation Agreement between the City of Centerville and Montgomery County to receive Federal assistance through the Community Development Act of 1974. Since 1976 Centerville has been partnership with Montgomery County in the Community Development Block Grant Program. This Agreement extends this partnership for an additional three years, and enhances the flow of money and services into our region. Mr. Kingseed sponsored Resolution Number 28-90, A Resolution Authorizing And Directing The City Manager To Enter Into A Cooperation Agreement Between The Board Of County Commissioners And The City Of Centerville To Receive Federal Assistance Through The Community Development Act Of 1974, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

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There being no further business, the Meeting was adjourned.

Approved: Shirley F. Kemts  
Mayor

ATTEST:

Marilyn J. Laughlin  
Clerk of Council