

RECORD OF PROCEEDINGS

290

Minutes of

REGULAR COUNCIL

Meeting

Held October 15, _____ 19 90

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, October 15, 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:

Mayor Shirley Heintz
Deputy-Mayor Brooks Compton
Councilmembers Sally Beals
 C. Mark Kingseed
 Mark Beasley
 J. V. Stone
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Planner Alan Schwab
Acting Municipal Attorney David Eubank
Administrative Assistant Judith Gilleland

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

Council Meetings - September 17, 1990.
 October 1, 1990.
Council Work Session Meetings - September 17, 1990.
 September 24, 1990.
 October 1, 1990.
 October 8, 1990.

Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Compton seconded the motion. The motion passed by unanimous vote; however, Mayor Heintz abstained from the September 24 and October 1 Meeting Minutes.

Mayor Heintz introduced Ms. Carolyn Miller, Substance Abuse Counselor for the Centerville City School District and Chairman of the Red Ribbon-My Choice Drug Free Week in Montgomery County. Ms. Miller outlined a family walk against drugs planned in Centerville for Saturday, October 20, 1990. The walk will begin at 12:00 noon behind the Centerville High School, will continue through the Concept area, and will terminate in the Leonard E. Stubbs Memorial Park. She encouraged the wearing of a red ribbon and the displaying of red ribbons during the entire week beginning October 20, 1990. Ms. Miller outlined the many activities to take place during Red Ribbon Week.

Mr. Compton read a Proclamation issued by Mayor Heintz designating the week of October 20-28, 1990 as Red Ribbon Week in the City of Centerville.

Mayor Heintz administered the Oath of Office to Sister City Committee Member Daniel Sorrels.

Mayor Heintz recognized City Beautiful Commission Chairman Michael Battaglia for the presentation of beautification awards.

DAYTON LEGAL BLANK CO. 10144

Held October 15, 1990 continued 19

Mayor Heintz and Mr. Battaglia presented to Michael Fanning a special award in recognition of his many years of service as the City Beautiful Commission Chairman.

City Beautiful Awards were presented to the following residents and businessmen in the City of Centerville:

MAY AWARD WINNERS

Howard & Norma Gorsuch	150 Bethel Road
Mr. & Mrs. James Stangle	2010 Mapleton Drive
Gary & Joan Bumgardner	6360 Shadow Lake Trail
Mark & Lynne Davis	8024 Station House Road
Star Bank	360 North Main Street

JUNE AWARD WINNERS

Bob & Sue Ellefson	193 Elmwood Drive
Jim & Sudy Hendrickson	1384 Ambridge Road
David & Sandy Sapphire	8231 Rhine Way
Mr. & Mrs. Robert W. Smith	360 Clareridge Lane

JULY AWARD WINNERS

Mr. & Mrs. Ralph Brinkman	6011 Marshall Road
Frank & Ardelle Hodgson	875 Fernshire Drive
Elden & Linda Windle	1335 Brainard Woods Drive
Jim & Mary Lynn Mogan	311 Marsha Jeanne Way
Mr. & Mrs. Ronald McBride	210 Boyce Road
John & Mary Hall	1485 Ambridge Road
Stephen Early	7060 Far Hills Avenue
Kentucky Fried Chicken	6320 Far Hills Avenue

AUGUST AWARD WINNERS

Dick Jarnagin	5077 Glenmina Drive
Dave & Barb Homan	1275 Ambridge Road
Mark, Judy & Molly Tebben	9171 Stephanie Street
Tim & Judy Lange	639 Chipplegate Drive
Bill & Sandy Demoray	8240 Rhine Way
Peter Petrusch	449 Blackstone Drive
Carriage Trace Garden Club	6089 Singletree Drive

Mr. Battaglia introduced City Beautiful Commission Members present at this Meeting.

Mayor Heintz introduced Centerville's Volunteer Coordinator Teresa Sherow. Civic Volunteer recognition was awarded as follows:

50 HOURS	Nancy Messler
	Annamae Siler
	Carol Thom
	Warren Wessendorf
	Ralph Zimmerman
150 HOURS	Roma McCormick
250 HOURS	Joan DeVol
350 HOURS	Dusty Roads
500 HOURS	Howard Craven
	Alice Nace
1000 HOURS	Martin Hohl
1500 HOURS	Karl Pauzar

Held

October 15, 1990 continued

19

Mayor Heintz brought attention to the fact that the Combined Health District, Montgomery County would be administering Flu Shots in the Centerville Municipal Building, Community Room on Thursday, November 1, 1990, from 1:30 to 4:00 PM.

Mayor Heintz announced that Beggars Night in the City of Centerville has been scheduled for Tuesday, October 30, 1990 from 6:00 to 8:00 PM.

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

Scheduled leaf pick-up began this date, schedules have been published in the Town Crier.

Reclamite, an asphalt extender, will be put in place this week on certain streets in the Black Oak South subdivision.

M. K. MILLER MAJOR USE SPECIAL APPROVAL

Mr. Kenning reported on the Planning Commission Meetings held September 11 and 25, 1990.

The Public Hearing was held concerning a Major Use Special Approval Application filed by M. K. Miller/International Basic Resources, Inc., for property located along the east side of Loop Road, north of Alexandersville-Bellbrook Road, and south of Interstate 675.

Mr. Schwab located this 13.341 acre parcel, zoned B-PD, on a map and identified adjacent zone classifications and current land uses. Proposed is a Preliminary Development Plan for the subject property. The plan includes roadway improvements to Alexandersville-Bellbrook Road. Mr. Schwab reviewed the original plan submitted with the Application and a revised plan which now addresses several concerns expressed by the Planning Commission. The revised plan includes a public cul-de-sac off Loop Road accessing five commercial lots. The buffer zone has been increased to 100 feet as required by the Zoning Ordinance. The Planning Commission, by a 4-1-1 vote, recommended approval of this revised plan to City Council subject to the following conditions:

1. A ten foot wide green strip shall be required along the north side of the proposed public street adjacent to the veterinary clinic.

2. The location of the access driveway from the proposed public street to the veterinary clinic shall be subject to approval by the City Engineer.

3. 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.

4. 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.

DAYTON LEGAL BLANK CO. 10114

Held October 15, 1990 continued19

5. The required 100 foot buffer strip along the eastern property lines abutting the Chardonay Valley Condominiums shall be maintained in its natural state except that a portion of the stormwater retention/detention basin may be permitted in the southeast corner of the buffer strip. In no case shall any of the existing trees be removed to accommodate the basin and no grading shall occur in the buffer strip that will result in the destruction of the existing trees. Additional evergreen landscape screening shall be planted in the buffer strip. Detailed landscape and grading plans for this buffer strip shall be subject to approval by the Planning Department.

6. The developer shall dedicate 60 feet of right-of-way along Alexandersville-Bellbrook Road to the City.

7. The developer shall add an additional lane of pavement, curb, gutter, stormwater drainage, and sidewalk along Alexandersville-Bellbrook Road in accordance with plans approved by the City Engineering Department. In lieu of the above mentioned improvement, the City Engineering Department may accept monies, of an amount equal to the aforementioned improvement, to be placed in escrow with the City to be used for the future widening of Alexandersville-Bellbrook Road in front of the development.

8. A temporary sidewalk shall be constructed along the entire frontage of Alexandersville-Bellbrook Road subject to approval by the City Engineer.

9. A permanent sidewalk, five feet in width, shall be constructed along the entire frontage of Loop Road and on both sides of the new public street. The sidewalk shall be installed at the right-of-way line and not adjacent to the curb.

Mr. Schwab reviewed a revised plan submitted this date for consideration by Council which moves the public street slightly to the south in an attempt to satisfy a problem with access to the property to the north of the M. K. Miller parcel. The Planning Department approves the realignment as projected on the plan but expresses concern with the potential removal of trees in order to provide for water retention in the buffer zone and the designation of lot number 6 as a separate lot.

Mr. David Oakes, Civil Engineers of Southwest Ohio, Engineer for the project, advised that the retention basin can be redesigned so that trees in the buffer zone will not be disturbed; he also stated their concurrence with the elimination of lot number 6 as a separate lot.

Upon question of Mr. Peter Petrusch, 449 Blackstone Drive, Mr. Schwab advised that, according to recommendation by the Planning Commission, the property owner would maintain the water retention area.

Mr. Benjamin Allbery, Attorney for Dr. Barry Diehl, advised that his client was not notified of Public Hearings before the Planning Commission and City Council. Contacts and negotiations have not taken place between the Applicant and Dr. Barry Diehl (the property owner to the north of the subject property). He expressed concern with changes in elevations on the revised plan and the effect they will have upon the Diehl property. Mr. Schwab explained the procedure followed for Public Hearing

Held October 15, 1990 continued19

notifications.

Discussion followed between Mr. Jim Spangler, Realtor for the Applicant, and Dr. Barry Diehl relative to contacts and negotiations and the fact thereof, concerning the Major Use Special Approval Application of M. K. Miller.

Mr. Joseph Harmon, representing Mrs. Dorothy Harmon, 531 Willowhurst Street, stated their concurrence with the plan as recommended for approval by the Planning Commission. They are pleased with the 100 buffer strip.

Mr. Kingseed expressed concern with the lack of notification. Upon question of Mr. Kingseed, Mr. Schwab advised that the plan upon which the street off Loop Road is moved further to the south is a better plan in consideration of the curb cut across the street into the shopping area. Both plans provide for adequate space between the street and the Loop Road/Alexandersville-Bellbrook Road intersection. The City Engineer gives slight preference for the plan presented to Council this date. Responding to concern expressed by Mr. Kingseed, Mr. Schwab outlined how the storm water detention/retention plan for the area can be reengineered to bypass the tree line in the buffer strip.

Mr. Beasley suggested that the temporary asphalt walkway along Alexandersville-Bellbrook Road be increased from 5 feet to 8 feet in width. Upon question of Mr. Beasley, Dr. Diehl advised that he has no problem accessing onto the public street if this can be negotiated between him and M. K. Miller representatives.

Following additional discussion relative to issues outlined previously, the Applicants Mr. David Oakes and Mr. Jim Spangler agreed to a continuation of this matter until the Council Meeting scheduled for November 19, 1990. Mr. Stone moved that the Major Use Special Approval Application submitted by M. K. Miller be continued until the November 19, 1990 Council Meeting. Mr. Compton seconded the motion. The motion passed unanimously. Council encouraged the parties involved to communicate so that certain matters can be clarified prior to the November Meeting of City Council.

C.L.H. PLAT RECORD PLAN

Mr. Schwab reviewed the Record Plan for the C.L.H. Plat and located this 1.970 acre tract of land, zoned I-1, on a map. The plan splits the acreage into two lots. Mr. Schwab reviewed adjacent zone classifications and current land uses. The City Staff recommended approval of this Record Plan to the Planning Commission subject to the following conditions:

1. A sidewalk shall be constructed in the right-of-way across the entire frontage of Thomas Paine Parkway subject to the approval of the City Engineer.

2. In lieu of completion of the required sidewalk prior to 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.

DAYTON LEGAL BLANK CO. 10144

Held October 15, 1990 continued19

The Planning Commission, by a 5-0 vote, recommended approval of this Record Plan to City Council as submitted. Members of the Planning Commission felt that the sidewalk should not be required until construction of the lots take place; if installed now it may be damaged during the lot development process.

Mr. Schwab pointed out the fact that Thomas Paine residents have pressured the City for the construction of sidewalk from their site to Bigger Road.

Mr. Beasley expressed concern with the stream which runs through Lot Number 1. Mr. Schwab advised that this is a buildable lot requiring much imagination.

Mr. Compton moved that the Record Plan for C.L.H. Plat be approved subject to a sidewalk being constructed in the right-of-way across the entire frontage of Thomas Paine Parkway subject to the approval of the City Engineer. Mr. Stone seconded the motion. The motion passed by unanimous vote.

Mr. Val Lapsins, VL Associates, engineer for the property owner, stated their concurrence with the recommendation of the Planning Commission. They do not feel that a sidewalk is necesasry at this time in view of the fact that the lots are not currently being developed and sidewalk does not exist along other areas of Thomas Paine Parkway.

B. P. OIL COMPANY APPEAL TO COUNCIL

Mayor Heintz advised that the Appeal filed 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 was tabled numerous times until this Council Meeting. Mr. Kenning advised that matters have been resolved concerning this case and the Appeal is no longer an issue. Mr. Compton moved that this Appeal filed by B. P. Oil Company against a decision rendered by the Planning Commission be denied. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 17-90 MUNICIPAL CODE

Mrs. Beals moved that Ordinance Number 17-90, An Ordinance Enacting A Revised Code Of General Ordinances For The City Of Centerville, Ohio, Recodifying, Renumbering, Revising and Rearranging Sections Of The Municipal Code And Other Existing Ordinances Of The City, Adding New Matter And Repealing Various Ordinances, be set for Public Hearing on November 19, 1990. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 18-90 SINGLE BIDS

Mr. Compton moved that Ordinance Number 18-90, An Ordinance Providing For Single Bids For Work And Materials In Connection With The Construction Of Public Projects, be set for Public Hearing on Novmeber 19, 1990. Mr. Stone seconded the motion. The motion passed by unanimous vote.

Held October 15, 1990 continued 19

RESOLUTION NUMBER 34-90 EMERGENCY MANAGEMENT AUTHORITY

Mr. Kenning reviewed proposed Resolution Number 34-90, a Resolution authorizing the City of Centerville to participate in the formation of the Miami Valley Emergency Management Authority. This is the creation of a regional authority and an advisory board that will in turn appoint an executive committee to oversee the operations of the director and staff of the agency. This agency will work jointly with the Local Emergency Planning Commission. Mrs. Beals sponsored Resolution Number 34-90, A Resolution Authorizing And Directing The City Manager To Execute An Agreement Between The City Of Centerville And The Miami Valley Emergency Management Authority, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 35-90 TAX RATES

Mr. Kenning reviewed a proposed Resolution to certify tax rates to the Montgomery County Auditor for the year 1991. Centerville's share of the property tax rate will be 2.72 mills for 1991 as opposed to 3.04 this year. Mr. Stone sponsored Resolution Number 35-90, Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 36-90 JUVENILE COURT

Mr. Kenning reviewed a proposed Resolution to support the establishment of a Satellite Juvenile Court, a cooperative effort between the City of Centerville and Washington Township. By the establishment of such a court, juveniles can be dealt with in a more representative manner of our community.

Mr. Bernard Samples, 1810 Hibiscus Court, speaking as a Trustee of Fade, Inc. (Fight Against Drug Epidemic) offered support for the passage of this Resolution. He outlined the many hours which have been spent to put preliminary information together for the establishment of such a court to serve our community.

Upon question of Mrs. Beals, Deputy David Skidmore advised that the juvenile court will not deal with traffic violations, traffic violations will be referred to Montgomery County Juvenile Court. Any and all guidelines established by the Satellite Juvenile Court must fall under the blanket of juvenile court, all policies and procedures must be in line with the Montgomery County Juvenile Court. Cases referred to the satellite court will be unofficial and will be heard by a referee, not a judge.

Mr. Beasley recognizes this proposal as a very effective and sound way to handle a problem in the Montgomery County Juvenile Court system.

DAYTON LEGAL BLANK CO. 10144

Held October 15, 1990 continued19

Mr. Kingseed believes this is an excellent idea, it provides a fair and quick action on certain matters, and is an excellent opportunity for the City and the Township to cooperate on a joint venture to benefit the total community.

Mr. Compton thanked Mr. Beasley for bringing this proposal forth to City Council.

Mayor Heintz recognizes this as a judicial function, she proposed certain conditions for the hiring of staff and operation of the satellite court. She encouraged the inclusion of a sunshine provision so that the system would be reviewed following a year of existence.

Mr. Stone looks forward to reviewing the proposal in detail.

Mr. Beasley sponsored Resolution Number 36-90, A Resolution Expressing City Council Support To Establish A Satellite Juvenile Court For The City Of Centerville And Washington Township, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

THOMAS PAINE SETTLEMENT SECTION TWO BOND RELEASE

Mr. Kenning reviewed a memo received from City Engineer Norbert Hoffman stating that all improvements covered by the Performance Bond for Thomas Paine Settlement, Section Two, were completed several years ago. Minor reconstruction items have been addressed to the satisfaction of the City. Mr. Hoffman recommends release of the outstanding Performance Bond and waiver of a one year Maintenance Bond due to the fact that original improvements are already several years old. Mrs. Beals moved that the Performance Bond for Thomas Paine Settlement, Section Two, be released, and the one year Maintenance Bond be waived, as recommended by the City Engineer. Mr. Kingseed seconded the motion. The motion passed unanimously.

CEDAR COVE SECTION TWO BOND REDUCTION

Mr. Kenning reviewed a memo received from the City Engineer stating that all improvements have been completed in Cedar Cove, Section Two, except for the final course of asphalt and minor miscellaneous items. He recommends reduction of the \$43,700.00 Performance Bond to \$13,000.00 which will cover the remaining asphalt work and miscellaneous items. Mr. Compton moved that the Performance Bond posted on Cedar Cove, Section Two, be reduced to \$13,000.00 as recommended by the City Engineer. Mr. Stone seconded the motion. The motion passed by unanimous vote.

CITY BEAUTIFUL COMMISSION REAPPOINT KRAUS

Mayor Heintz advised that the term of Alice Kraus will soon expire as a Member of the City Beautiful Commission; she is interested in serving another term. Mrs. Beals moved that Alice Kraus be reappointed as a Member of the City Beautiful Commission. Mr. Beasley seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

298
Meeting

Minutes of

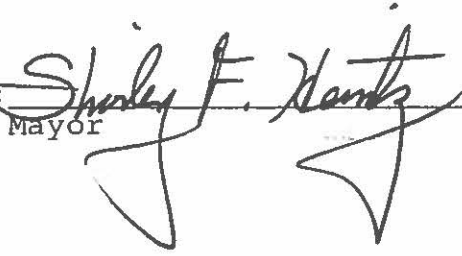
Held October 15, 1990 continued _____ 19____

Mayor Heintz advised that Councilman James Singer was unable to attend this Council Meeting due to a prior commitment. Mr. Compton moved that Mr. Singer be excused from this Meeting. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the Meeting was adjourned.

Approved: _____

Mayor



ATTEST:

Maile J. Daugherty
Clerk of Council