

## RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held November 19, 19 90

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 19, 1990 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman 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

C. Mark Kingseed

Mark Beasley

J. V. Stone

James Singer

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

City Planner Alan Schwab

Municipal Attorney Robert Farquhar

Administrative Assistant Judith Gilleland

Administrative Assistant Michael Haverland

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

Council Meetings - October 15, 1990.

November 5, 1990.

Council Work Session Meetings - October 15, 1990.

October 22, 1990.

October 25, 1990.

October 29, 1990.

November 5, 1990.

November 12, 1990.

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

Mayor Heintz introduced the following American Field Service exchange teacher and students spending this year with families in the Centerville area and bestowed upon them Honorary Citizenships of the City of Centerville:

Carmen Arrieta, teacher from Venezuela.

Lilian Lee Chooi Fong, student from Malaysia.

Guido Gianferrari, student from Italy.

Francesca Molendini, student from Italy.

A Certificate of Recognition read by Mrs. Beals was presented by Mayor Heintz to Mr. Floyd Wilson for 29 years of successful business in the City of Centerville. The Lamp Shop at 16 West Franklin Street, owned by Mr. Wilson, will close its operation.

Mrs. McLaughlin announced the receipt of two letters of resignation from Members of the Board of Architectural Review: Mr. B. Scott Feldmaier and Mr. William H. Ropp. Mr. Feldmaier is moving from the City of Centerville and Mr. Ropp has extensive travel due to his occupation.

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Mayor Heintz advised that a Certificate of Appreciation was issued on November 9, 1990 recognizing the dedication of a "Wildlife Observation Trail" at St. Leonard Center. This wildlife nature trail is especially designed for the elderly and the handicapped. The trail is accessible to all interested persons.

Mayor Heintz thanked all who participated in Red Ribbon-My Choice Drug Free Week in Centerville. She detailed the walk which took place on October 20, 1990 from the Centerville High School to the Leonard E. Stubbs Memorial Park.

Mayor Heintz advised that the City of Centerville has a Preliminary Disaster Plan. Mr. Kingseed outlined this emergency disaster plan developed through the cooperation of the Public Health and Safety Council Committee and the City Staff. As a result of a paper drill, improvements are being made to the plan.

Mrs. Beals announced that this month the City celebrates one year of co-mingled recycling in Centerville. She outlined additional items included through the year. Condominium and apartment residents may place recyclables in containers at the Kroger Store on Lebanon Pike. Newspapers may be placed in a truck located on Westpark Road provided by the Dayton Daily News. Mr. Kenning advised that places receiving recyclables will be listed in the Town Crier. Recyclable stickers are available at the Centerville Municipal Building.

Upon question of Mayor Heintz, Mr. Kenning advised that leaf collection in Centerville continues according to schedule; upon completion of the schedule, collection will continue as weather permits.

Mayor Heintz brought attention to the recent resurfacing of Clyo Road from Centerville Station Road to Alexandersville-Bellbrook Road. Mr. Kenning advised that repairs became necessary due to problems below the surface of this roadway. Through State funds the City was able to provide a complete smooth surface rather than spot repairs at the same cost.

## ORDINANCE NUMBER 17-90 MUNICIPAL CODE

The Public Hearing was held concerning Ordinance Number 17-90. Mr. Kenning reviewed this proposed Ordinance which recodifies, renumbers, revises and rearranges sections of the Centerville Municipal Code. This procedure which places City Ordinances of a permanent nature in one document is necessary on a periodic basis. Mr. Kenning recommended that Ordinance 17-90 be tabled at this time due to some technical concerns. 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 tabled



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until the next Council Meeting. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 18-90 SINGLE BIDS

The Public Hearing was held concerning Ordinance Number 18-90. Mr. Kenning reviewed this proposed Ordinance which provides that Sections 153.50 through 153.52 inclusive, of the Ohio Revised Code, have no application to any contracts for work and materials on public improvement projects within the City of Centerville. Upon question of Mayor Heintz, Mr. Kenning clarified the fact that this Ordinance has nothing to do with the open bidding process. Mr. Stone sponsored Ordinance Number 18-90, An Ordinance Providing For Single Bids For Work And Materials In Connection With The Construction Of Public Projects, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

M. K. MILLER/INTERNATIONAL BASIC RESOURCES, INC.  
MAJOR USE SPECIAL APPROVAL

Mrs. Beals moved that the Major Use Special Approval Application submitted by M. K. Miller/International Basic Resources, Inc., be removed from the table. Mr. Singer seconded the motion. The motion passed unanimously.

Mr. Schwab located the subject property on a map being situated along the east side of Loop Road, north of Alexandersville-Bellbrook Road, and south of Interstate 675. This is a Preliminary Development Plan for a business park on a 13.341 acre parcel, zoned B-PD, Business Planned Development. Mr. Schwab identified adjacent zone classifications and current land uses. The plan includes roadway improvements to Alexandersville-Bellbrook Road. Mr. Schwab reviewed the original plan submitted with the Application and a revised plan which addressed several concerns expressed by the Planning Commission. The Planning Commission, by a 4-1-1 vote, recommended approval of the 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.



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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 by the Applicant to City Council following the Public Hearing held October 15, 1990 which moves the public street slightly to the south in an attempt to satisfy a problem with access to the Dr. Barry Diehl property. The access off Loop Road into the business park would cul-de-sac, access to the Dr. Diehl property would be a separate curb cut off Loop Road. A five foot strip of land separates the business park access roadway from the Dr. Diehl property. The spacing between curb cuts, centerline to centerline is approximately seventy feet. Upon review of the revised plan by City Staff, approval is recommended subject to the conditions recommended by the Planning Commission with the elimination of the first two conditions. City Engineer Norbert Hoffman finds spacing between the curb cut into the Diehl property and the new public street, and between the new street and Alexandersville-Bellbrook Road acceptable.

Mr. Robert Seeley, Attorney for the Applicant, sees the revised plan as a workable plan to provide a fine development in this location. He outlined the inability to cooperate with Dr. Diehl for a joint access.

Mr. Benjamin Allbery, Attorney for Dr. Diehl, asked Council to deny the revised plan for Loop Road Business Park at this time so that negotiations can proceed between Mr. Miller and Dr. Diehl.



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Upon question of Mr. Singer, Mr. Schwab advised that an Applicant has the opportunity to submit revisions to a proposed plan during the review process. In this case a revision was submitted to City Council which he believes is not a significant change to the overall Major Use Special Approval Application; thus resubmittal to the Planning Commission would not be necessary. Discussion followed relative to the lack of negotiations between Mr. Miller and Dr. Diehl, and the plan before the Planning Commission being viewed by City Staff as the preferred plan and the revised plan as an acceptable plan.

Mr. Kingseed expressed concern with the revised plan; the closeness of the Diehl curb cut with the new public street.

Mr. David Oakes, Civil Engineers of Southwest Ohio and engineer for the Applicant, outlined improved safety aspects with the revised plan.

Mr. Singer expressed concern with certain safety factors relative to the revised plan.

Mr. Stone moved that the Major Use Special Approval Application submitted by M. K. Miller/International Basic Resources, Inc. be approved, the original plan be replaced with the alternate plan presented to Council and discussed during this Meeting, and subject to the conditions recommended by the Planning Commission, excluding the first two conditions. Mrs. Beals seconded the motion. Upon suggestion by Mr. Beasley, Mr. Stone amended his motion to include that walkways along Loop Road be widened as follows:

Loop Road - permanent walkway be increased from five feet to eight feet to provide for bikeway.

Alexandersville-Bellbrook Road - temporary walkway be increased from five feet to eight feet to provide for bikeway. Mrs. Beals agreed with the amendment to the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Kingseed and Mr. Singer voted no.

RESOLUTION NUMBER 37-90 PUBLIC DEFENDER

Mr. Kenning reviewed proposed Resolution Number 37-90, a Resolution authorizing a Contract between the City of Centerville and the Montgomery County Public Defender Commission to provide for legal counsel to indigent persons charged with violations of the City's Municipal Ordinances. By law each Municipality must provide for this service. The City contracts with Montgomery County for this service annually, the cost is estimated at \$2,000.00 to be adjusted according to reality. Mr. Beasley sponsored Resolution Number 37-90, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons; Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1991 And Terminating On December 31, 1991, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.



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ORDINANCE NUMBER 19-90 WHIPP ROAD RELOCATION

Mr. Kenning reviewed proposed Ordinance Number 19-90, an Ordinance to make technical corrections to Ordinance Number 12-88 previously passed by City Council. Said Ordinance vacates certain right-of-way along Old Whipp Court and relocated Whipp Road. Mrs. Beals moved that Ordinance Number 19-90, An Ordinance Vacating 0.057 Acres Of Right-Of-Way Along Existing Whipp Road (Now Named Old Whipp Court) And Correcting The Previous Vacation By The City In Ordinance 12-88. Also, This Ordinance Vacates 0.054 Acres Of Right-Of-Way Along Relocated Whipp Road, be set for Public Hearing on December 17, 1990. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 38-90 UNIFORM RENTAL

Mr. Kenning reviewed Bids received for the rental of uniforms for use by the Service Department. Bids were received from Capitol Dry Cleaning, Aratex Services, Inc., Van Dyne Crotty, and Mechanics Laundry. Mr. Kenning recommended acceptance of the low and best Bid submitted by Capitol Dry Cleaning in the amount of \$121.40 total weekly cost for a two year contract. Mr. Compton sponsored Resolution Number 38-90, A Resolution Accepting The Bid Of Capitol Varsity Company To Supply Uniform Rental To 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.

PLYMOUTH COLONY BOND REDUCTION/RELEASE

Mr. Kenning reviewed a recommendation made by the City Engineer relative to Performance Bonds posted on Plymouth Colony. Public improvements have been completed except for 400 lineal feet of sidewalk on three undeveloped lots. Regular inspections have been conducted to assure the improvements were completed according to City specifications and standards. The City Engineer recommends release of the \$15,000.00 Performance Bond for streets and storm sewers, subject to the receipt of a Maintenance Bond for \$7,000.00 for the duration of one year. He further recommends that the Performance Bond for sidewalks be reduced from \$17,430 to \$4,000.00 to cover the remaining sidewalks installation. Mr. Kingseed moved that Performance Bonds be released and reduced in accordance with the City Engineer's recommendation relative to Plymouth Colony. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

SATELLITE JUVENILE COURT

Mr. Kenning advised that meetings have taken place between Washington Township Administrator Michael Morton, Montgomery County Juvenile Court Administrator and himself to develop a program outline for the operation of a Satellite Juvenile Court

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to serve the City of Centerville and Washington Township. This is a workable plan which the Juvenile Court Administrator believes the Court will approve of and allow participation on the Board. Mr. Kenning read the outline prepared by the Administrators. The Washington Township Trustees are reviewing this same program outline this date.

Mr. Singer commended the Administrators for putting this document together. He recognizes this as an outstanding initiative by both the City of Centerville and Washington Township.

Mrs. Beals moved that the program outline prepared for the establishment of a Satellite Juvenile Court to serve both the City of Centerville and Washington Township be adopted. Mr. Singer seconded the motion.

Mr. Compton congratulated Mr. Beasley and Deputy David Skidmore for initiating such a worthwhile project for our Community which the Community can support.

Mr. Kingseed sees this as an excellent way for the two entities to work together on a joint project.

The motion passed unanimously.

CENTERVILLE HISTORICAL COMMISSION REAPPOINT THOBABEN AND RISNER

Mayor Heintz advised that the terms of Janet Thobaben and Winifred Risner will soon expire as Members of the Centerville Historical Commission. Both have indicated a desire to continue their service on said Commission. Mr. Beasley moved that Janet Thobaben and Winifred Risner be reappointed to another term as Members of the Centerville Historical Commission. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz  
Mayor

ATTEST:

Maril Anne Saughel  
Clerk of Council