

RECORD OF PROCEEDINGS

308

Minutes of

REGULAR COUNCIL

Meeting

Held December 17, 19 90

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 17, 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 led by Boy Scout Troop 316, 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

Director of Finance William Bettcher

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 - November 19, 1990.

Council Work Session Meetings - November 19, 1990.

November 26, 1990.

December 10, 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 Boy Scout Troop 316 present at this Meeting.

Mayor Heintz announced the following during her Report to the listening public:

The week of November 26, 1990 was designated as Pat Young Week in Centerville.

December 8, 1990 was designated as Jacquie R. Sheley Day in the City of Centerville.

December 9, 1990 was proclaimed Human Rights Day in Centerville.

Skateboarding is permitted on parking lots in park areas throughout the City when other activities are not taking place.

The judging of Christmas decorations is now taking place by the City Beautiful Commission.

An ice skating rink has been prepared in the Leonard E. Stubbs Memorial Park.

Mr. Kenning wished all best wishes for the holiday season and the new year.

DAYTON LEGAL BLANK CO. 10144

Held

December 17, 1990 continued

19

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

ST. LEONARD CENTER, INC. MAJOR USE SPECIAL APPROVAL

Mr. Kenning reviewed the Planning Commission Meeting held November 13, 1990.

The Public Hearing was held concerning the Major Use Special Approval Application filed by St. Leonard Center, Inc. for property located along the east side of Clyo Road approximately 670 feet east from the intersection of Clyo Road with Centerville Station Road to construct 33 additional single-family ranch-style, one story cottages for the elderly. Mr. Schwab located this subject Residential Planned Development zoned property on a map and explained how the 33 cottages will be divided into six clusters. The addition of these cottages will bring the grand total to 78. The Planning Commission, by a vote of 6-1, recommended approval of this Major Use Special Approval Application to City Council subject to the following conditions:

1. All proposed street names shall be subject to approval by the Planning Department.
2. All private streets within the development shall be constructed to City Specifications except roadway width.
3. A revised sidewalk plan shall be approved by the City Planner that includes sidewalk to be constructed to Seminary View Drive and to Centerville Station Road.
4. 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.
5. Building elevations shall be subject to approval by the Planning Department.

Mr. Schwab explained the fact that, following discussions between City Council and representatives from St. Leonard's, City Staff met with representatives from St. Leonard Center, Inc. and prepared the following conditions for improvements along Centerville Station Road:

1. An eight foot wide asphalt sidewalk adjacent to Centerville Station Road must be constructed along the entire frontage of St. Leonard's property (the City would be required to pay any additional construction cost that exceeds the cost of constructing a four foot wide portland concrete sidewalk);
2. The storm water drainage side ditch along Centerville Station Road across the entire St. Leonard's frontage is to be regraded to improve the flow of storm water along the roadway (concrete piping will not generally be required except to address a spot problem);
3. With the construction of the stormwater detention basin at the northeast corner of the site, the area where several small streams converge at the inlet to the large culvert underneath Centerville Station Road must be improved in a way acceptable to the City Engineer (concrete piping may be required in this area);

Held _____ December 17, 1990 continued _____ 19____

4. The existing requirement that St. Leonard's add a left turn lane to Centerville Station Road shall be eliminated;

5. The above improvements to Centerville Station Road must be designed to minimize any impact on the existing evergreen trees along the south side of the roadway;

6. Engineering plans for the above sidewalk and stormwater drainage improvements to the entire length of Centerville Station Road adjacent to St. Leonard's are to be submitted and approved by the City Engineer prior to the issuance of a building permit for any additional cottages on St. Leonard's property;

7. All of the above improvements adjacent to Centerville Station Road are required to be constructed with the construction of the buildings and roadways in the last cluster of cottages (sixth cluster of the 87 new cottages in this major use amendment); regardless of any of the conditions above, all above improvements adjacent to Centerville Station Road must be completed by November 1, 1995; and

8. The City and St. Leonard's will work together co-operatively to attempt to find a way that the City can install the sidewalk along Centerville Station Road immediately with St. Leonard's reimbursing the City over time in an equitable fashion for their share of the construction cost.

Dr. Brian Forschner, President and CEO of St. Leonard Center, Inc., outlined the many opportunities St. Leonard's provides for people and groups in the Centerville Community. He asked for relief of improvements along Centerville Station Road as long as possible.

Upon question of Mr. Compton, Dr. Forschner indicated his concurrence with the eight conditions of approval recommended by the City Staff.

Mr. Singer questioned the use of asphalt instead of concrete for the eight foot sidewalk along Centerville Station Road and the relative costs involved. Mr. Schwab advised that asphalt is less expensive than concrete and is more suitable for the potential use for this sidewalk. City Staff estimates the cost of an eight foot asphalt walkway along Centerville Station Road in front of St. Leonard's to be approximately \$5,000.00 more than a four foot concrete sidewalk in the same location.

Discussion followed relative to the method by which this walkway along Centerville Station Road in front of St. Leonard's will join the sidewalk already installed in front of the Black Oak South Subdivision.

Mr. Stone moved that the Major Use Special Approval Application submitted by St. Leonard Center, Inc. for property located at the southeast corner of Clio Road and Centerville Station Road to construct an additional 33 cottages, be approved subject to the conditions recommended by the Planning Commission and the eight conditions recommended by City Staff as outlined during this Meeting. Mr. Kingseed seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mrs. Beals returned to the Meeting at this time.

Held

December 17, 1990 continued

19

NESTLE CREEK SECTION ONE RECORD PLAN

Mr. Schwab reviewed the Record Plan submitted for Nestle Creek, Section One, a single-family residential development along the east side of Bigger Road, north of Alexandersville Bellbrook Road. Proposed is the development of this 4.2187 acre tract of land, zoned R-1c, into eight lots. He located the subject property on a map and defined zone classifications and land uses of adjacent properties. The entrance into this development is opposite the entrance into Willow Creek off the west side of Bigger Road. Mr. Schwab explained how the continuation of Clys Road will take place through a portion of this development. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Plat covenant Number 22 shall be changed from 1300 to 1400 square feet as the minimum floor area of a single-family dwelling.

2. Plat covenant Number 34 shall be changed to show the minimum rear yard as 25 feet, and the minimum side yard as 5 feet. However, no buildings may be constructed closer than 20 feet from each other regardless of the minimum side or rear yard dimensions.

3. The Record Plan and Construction Drawings shall be changed, subject to the approval of the City Engineer, to show a 4 foot wide sidewalk in the public right-of-way on the north side of Baldwin Drive from the sidewalk on the east side of Bigger Road to the eastern stub of Baldwin Drive.

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

5. In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer.

6. Prior to the signing of the Record Plan by the City, the developer shall dedicate parkland in accordance with the residential cluster plan for Nestle Creek approved by the City and the provisions of City Ordinance Number 15-86, The City Parkland Dedication Ordinance.

Mr. Schwab outlined concerns expressed by Council to assure the maintenance of green space by the Homeowners Association in this development. He recommended that approval of this Record Plan be granted conditioned also upon homeowners documents being drawn up by the Attorney for the developer, they being reviewed and approved by the City attorney to assure that the issues of maintenance, etc. are dealt with in an adequate fashion in that homeowners document.

Held

December 17, 1990 continued

19

Mr. Kenning reviewed the recommendation of the City Engineer that this Record Plan be approved subject to the receipt of the following:

1. Acceptable Subdivider's Agreement.
2. A Performance Bond to cover the public improvements (pavement, curbs, storm sewers, sidewalks, etc) in the amount of \$75,000 of which \$10,840 is for sidewalks).
3. Executed agreement to assure dedication of 5.9 acres for parkland development.
4. Inspection fee in the amount of \$308.00.

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

Mr. Gregg Taylor, Representing the developer John G. Black Enterprises, Inc., indicated his concurrence with all conditions outlined previously.

Mr. Compton moved that the Record Plan for Nestle Creek, Section One, be approved subject to all conditions recommended by the Planning Commission, the City Planner and the City Engineer. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 19-90 WHIPP ROAD RELOCATION

The Public Hearing was held concerning Ordinance Number 19-90. Mr. Kenning reviewed this proposed Ordinance to correct some small right-of-way and alignment problems encountered during the relocation and construction process of Whipp Road at Wilmington Pike. Mrs. Beals sponsored 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, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 17-90 MUNICIPAL CODE

Mr. Kenning recommended that Ordinance Number 17-90 be re-tabled until the next Regular Council Meeting. The Municipal Code is being brought up to date, adoption should take place after this process has been completed. Mr. Compton 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 re-tabled until the next Regular Council Meeting. Mr. Singer seconded the motion. The motion passed unanimously.

DAYTON LEGAL BLANK CO. 10134

Held December 17, 1990 continued 19

ORDINANCE NUMBER 20-90 1990 APPROPRIATIONS

Mr. Kenning reviewed proposed Ordinance Number 20-90, referred as a clean-up Ordinance required by State Law to adjust funds to cover expenditures. The Ordinance reflects maximum amounts of revenue estimated to be expended for fiscal year 1990. Mr. Singer sponsored Ordinance Number 20-90, An Emergency Ordinance To Repeal Ordinance 25-89 In Its Entirety And to Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1990, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 21-90 1990 APPROPRIATIONS

Mrs. Beals moved that Ordinance Number 21-90, An Ordinance To Repeal Ordinance 25-89 In Its Entirety And To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1990, be set for Public Hearing on January 21, 1991. Mr. Singer seconded the motion. The motion passed unanimously.

CAPITAL IMPROVEMENT PROGRAM 1991-1995

Mr. Kenning reviewed the Capital Improvement Program prepared for the City of Centerville for the next five years. He outlined the financial plan for 1991 and emphasized those projects anticipated for completion the coming year. Mayor Heintz defined this as a dynamic plan for the City of Centerville of which priorities can change depending upon need. Mr. Singer pointed out the fact that 1991 will be a busy year for the City of Centerville. Mr. Compton moved that the 1991-1995 Capital Improvement Program for the City of Centerville be adopted. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Beasley voted no.

RESOLUTION NUMBER 39-90 INCOME TAX ALLOCATION

Mr. Kenning reviewed proposed Resolution Number 39-90, a Resolution to split income tax receipts between various funds; splits to be made as follows:

General Fund	38.5 %
Capital Improvements Fund	41.7 %
Street Construction and Maintenance Fund	6.3 %
Recreational Projects Fund	5.2 %
Special Assessment Improvements Fund	8.3 %

Mr. Stone sponsored Resolution Number 39-90, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Received On And After January 1, 1991 Between The General Fund, Capital Improvements Fund, Street Construction And Maintenance Fund, Recreational Projects Fund And Special Assessment

Held _____ December 17, 1990 continued _____ 19____

Improvements Fund Of The City of Centerville, and moved that it be passed. Mrs. Beals seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 22-90 1991 APPROPRIATIONS

Mr. Kenning reviewed proposed Ordinance Number 22-90, the financial plan for the City of Centerville for fiscal year 1991; grand total appropriations being \$24,504,375. Mr. Singer, as Chairman of the Council Finance Committee, outlined the budget review and preparation process followed over the past several months by City Staff and the entire Council. Mr. Kingseed sponsored Ordinance Number 22-90, An Emergency Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1991, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 23-90 1991 APPROPRIATIONS

Mr. Compton moved that Ordinance Number 23-90, An Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1991, be set for Public Hearing on January 21, 1991. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 24-90 PERSONNEL

Mr. Kenning reviewed proposed Ordinance Number 24-90, the Ordinance which implements salary increases for employees of the City of Centerville for the year 1991. Mr. Stone stated his objection to the Paychart Schedule attached to this Ordinance. Mr. Compton, a member of a Committee composed also of Mr. Beasley and Mr. Kingseed, outlined the Committee's finding that the Paychart Schedule works well and is successful. Mr. Kingseed defined the system as providing fair compensation. Mr. Singer pointed out the fact that included in this Ordinance is an Employee Merit and Longevity Program. Mr. Compton sponsored Ordinance Number 24-90, An Emergency Ordinance To Repeal Ordinance Number 27-89 In Its Entirety, To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Beasley seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Stone voted no.

ORDINANCE NUMBER 25-90 PERSONNEL

Mr. Compton moved that Ordinance Number 25-90, An Ordinance To Repeal Ordinance Number 27-89 In Its Entirety, To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. 10134

Held December 17, 1990 continued 19

Hearing on January 21, 1991. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Stone voted no.

ORDINANCE NUMBER 26-90 WASTE COLLECTION

Mrs. Beals moved that Ordinance Number 26-90, An Ordinance Amending Chapter 50: Garbage And Refuse, Section 50.06: Fees, Of The Municipal Code For The City Of Centerville, Ohio, be set for Public Hearing on January 21, 1991. Mr. Compton seconded the motion. The motion was passed unanimously.

RESOLUTION NUMBER 40-90 UNIFORM RENTAL

Mr. Kenning reviewed a proposed Resolution to Repeal Resolution Number 38-90, the Resolution which was passed on November 19, 1990 accepting the Bid for uniform rental from Capitol Varsity Company. Resolution Number 38-90 accepted the Bid at a total cost rather than a per unit cost. The proposed Resolution accepts the Bid at a per unit cost; the unit price is the same in both Resolutions and remains the low and best bid. Mrs. Beals sponsored Resolution Number 40-90, A Resolution Repealing Resolution Number 38-90 And 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. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 41-90 ALCOHOLISM PREVENTION

Mr. Kenning reviewed a proposed Resolution to provide for an Agreement between the City of Centerville and the Combined Health District of Montgomery County to establish a rehabilitation program for the prevention of alcoholism and for the treatment and rehabilitation of alcoholics in the City of Centerville. This is funded through 10% of the liquor permit fees collected by the State of Ohio for the City. Mr. Compton sponsored Resolution Number 41-90, A Resolution Authorizing And Directing The City Of Centerville To Enter Into An Agreement With The Combined Health District Of Montgomery County Concerning Establishment Of A Rehabilitation Program For The Prevention Of Alcoholism And For The Treatment And Rehabilitation Of Alcoholics And Providing For The Payment Of Fees, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 42-90 AMPHITHEATER

Mr. Kenning reviewed the Bid received for the construction of the shell and decking for the Centerville Amphitheater to be located in the Leonard E. Stubbs Memorial Park. He recommended that the low and best Bid submitted by Lamfab Wood Structures, Inc. be accepted in the amount of \$79,500.00. Mr. Stone

RECORD OF PROCEEDINGS

316

Minutes of

Meeting

Held

December 17, 1990 continued

19

sponsored Resolution Number 42-90, A Resolution Accepting The Bid Of Lamfab Wood Structures, Inc. For The Construction Of The Centerville Community Amphitheater For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

THOMAS PAINE SETTLEMENT NUMBER THREE

Mr. Kenning reviewed a request received from Attorney Barry Mancz on behalf of John G. Black Enterprises, Inc, for an extension of the Subdivider's Agreement on Thomas Paine Settlement Number Three-Clyo Road for a term of six months, from December 10, 1990 until June 10, 1991. Mr. Compton moved that the Subdivider's Agreement for Thomas Paine Settlement Number Three-Clyo Road be extended from December 10, 1990 until June 10, 1991. Mr. Singer seconded the motion. The motion passed unanimously.

STATION HOUSE ACRES PERFORMANCE BOND RELEASE

Mr. Kenning reviewed a recommendation from City Engineer Norbert Hoffman that the Performance Bond posted on Station House Acres in the amount of \$39,500 be released. All public improvements have been completed according to the requirements established. Mr. Compton moved that the Performance Bond for sidewalks in Station House Acres in the amount of \$39,500 be released. Mr. Stone seconded the motion. The motion passed unanimously.

PLEASANT WOODS PERFORMANCE BOND REDUCTION

Mr. Kenning reviewed a recommendation from Mr. Hoffman that the Performance Bond posted on sidewalks in Pleasant Woods Subdivision be reduced. The developer has requested a reduction of this Bond from the original \$14,750 to \$5,100 which is sufficient to cover the sidewalk installation on the remaining five undeveloped lots in this subdivision. Mrs. Beals moved that the Performance Bond posted on sidewalks in Pleasant Woods be reduced from \$14,500 to \$5,100 as requested by the developer. Mr. Singer seconded the motion. The motion passed by unanimous vote.

BOARD OF ARCHITECTURAL REVIEW PATRICK HANSFORD

Mayor Heintz advised that Mr. Patrick A. Hansford has indicated a desire to be appointed as a Member of the Board of Architectural Review. Mr. Compton moved that Mr. Patrick A. Hansford be appointed as a Member of the Board of Architectural Review to fill the unexpired term of Mr. William H. Ropp. Mr. Singer seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

317

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

Held December 17, 1990 continued 19

PERSONNEL APPEALS BOARD RICHARD RICE

Mayor Heintz advised that the term of Richard F. Rice as a Member of the Personnel Appeals Board will soon expire. Mr. Rice is interested in continuing his service in this capacity. Mr. Singer moved that Mr. Richard F. Rice be reappointed as a Member of the Personnel Appeals Board. Mrs. Beals seconded the motion. The motion passed unanimously.

CENTERVILLE PROPERTY REVIEW COMMISSION JOHN LOHBECK DAN CARFAGNO

Mayor Heintz advised that the terms of John Lohbeck and Dan Carfagno will soon expire as Members of the Centerville Property Review Commission. Mr. Singer moved that Mr. John Lohbeck and Mr. Dan Carfagno be reappointed to additional terms on the Centerville Property Review Commission. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

WASTE COLLECTION

Mr. Kenning outlined a need to increase the fee for residential waste collection from the current \$10.50 to \$12.50 per month beginning March 1, 1991. Beginning January 1, 1991 the City of Centerville will pay to Montgomery County \$22.75 per ton for refuse disposal as opposed to the current rate of \$17.75 per ton. Mayor Heintz further emphasized the need for this increase in household pick-up. Mr. Compton moved that the recommendation of the City Manager and the Council Finance Committee to raise the residential waste collection fee to \$12.50 per month, effective March 1, 1991 be accepted. Mrs. Beals seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz Mayor

ATTEST:

Maureen D. Laughlin Clerk of Council