

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held February 20, 19 89

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, February 20, 1989 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Preston Dawes, City Chaplain, and the Pledge of Allegiance to the Flag with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
 Councilmembers J. V. Stone
 Bernard Samples
 Sally Beals
 Brooks Compton
 Clerk of Council Marilyn McLaughlin
 City Manager Darryl Kenning
 Municipal Attorney Robert Farquhar
 City Planner Alan Schwab
 Administrative Assistant Michael Haverland

Mayor Heintz advised that Councilmember Jeffrey Siler would not be present for this Meeting. Mr. Stone moved that Mr. Siler be excused from this Meeting. Mr. Compton seconded the motion. The motion passed unanimously.

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

Council Meeting - January 16, 1989.
 Council Work Session Meetings - January 16, 1989.
 - January 23, 1989.
 - January 30, 1989.
 - February 6, 1989.
 - February 13, 1989.

Mr. Samples moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Beals seconded the motion. The motion passed unanimously.

Mayor Heintz administered the Oath of Office to the following Commission and Committee Members:
 Phyllis Jean Kinder, City Beautiful Commission Member.
 Alexander Pearl, City Beautiful Commission Member.
 Michael J. Battaglia, Jr., City Beautiful Commission Member.
 Delsie Hollon, City Beautiful Commission Member.
 Charlene Martinovich, City Beautiful Commission Member.
 Virginia A. Siler, City Beautiful Commission Member.
 Cynthia Monter, Sister City Committee.

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

Bids are being received for the purchase of the 1978 Ferrari acquired for the City of Centerville through the conduct of Police Department duties. Bid opening is set for Friday, February 24, 1989 at 4:00 P.M.

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The E-911 Emergency Call System is currently being installed. It should be operational the end of March of this year. He cautioned the listening audience not to use the system until direction has been received through the press.

Mr. Kenning urged all residents to report suspicious occurrences in the neighborhood to the Police Department.

Upon question of Mayor Heintz, Mr. Kenning will investigate the possibility of reducing the speed limit to 35 MPH on Wilmington Pike in the construction area for the relocation of Whipp Road.

ORDINANCE NUMBER 1-89 ZONING ORDINANCE AMENDMENT
ROWLAND REZONING

Mr. Kenning reviewed the Planning Commission Meeting held February 14, 1989. The Planning Commission, by a 5-2 vote, reluctantly recommended approval of a Rezoning Application to City Council, application submitted by Annette E. Rowland for the property located at 7244 Far Hills Avenue from R-1d to O-S. Mr. Compton moved that Ordinance Number 1-89, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 0.50 Acres More Or Less, From R-1d Classification To Centerville Office Service Classification, be set for Public Hearing on April 17, 1989. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 2-89 ZONING ORDINANCE AMENDMENT TEXT

Mr. Kenning reviewed the Planning Commission's unanimous recommendation for approval with minor changes, a proposed Ordinance to amend the Zoning Ordinance for the City of Centerville. This Ordinance comes from the Zoning Task Force through the Planning Commission to City Council. Mr. Stone moved that Ordinance Number 2-89, An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance Of Centerville, Ohio, Enacting Revised Zoning Regulations For The City Of Centerville, Ohio In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, be set for Public Hearing on April 17, 1989. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

HILLS DEVELOPERS, INC. MAJOR USE SPECIAL APPROVAL APPLICATION

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Hills Developers, Inc., to construct 120 dwelling units, a club house, and other improvements on approximately 19.9 acres of land, zoned R-PD (Residential Planned Development). Mr. Schwab located the subject property on a map being situated on the west side of South Main Street (State Route 48), north of Revere Village Apartments, and south of Bristol Drive. The plan includes improvements to State Route 48 at the entrance into the development. The present zoning classification permits an overall

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density of 6.0 dwelling units per acre. Mr. Schwab defined the zoning of adjacent land and pointed out the fact that the five acre tract of land occupied by the existing farm house is excluded from this plan. He advised that apartment complexes in this vicinity are much denser than what is being proposed by Hills Developers. Mr. Schwab reviewed building elevations, being two story structures with a pitched roof, constructed of brick and wood siding. One boulevard street will provide entrance off South Main Street; streets throughout the development will be private streets meeting City standards except for width. The plan includes pedestrian walkways north and south to Virginia Avenue, a sidewalk network through the development and a detention pond in the east portion of the property involved. The Planning Commission, by unanimous vote, recommended approval of this Application to City Council subject to the following conditions:

1. The developer shall dedicate the 60 foot wide right-of-way from centerline along the west side of State Route 48 across the entire eastern portion of the property.
2. State Route 48 shall be improved in accordance with a plan approved by the City Engineering Department. This plan shall include the following:
 - a. A left-turn lane on State Route 48 into the new private roadway entrance to the development and
 - b. A temporary sidewalk along State Route 48 across the frontage of the development.
3. All private streets shall be constructed to City Standards excepting roadway width subject to approval by the City Engineering Department.
4. A mound, 2 to 3 feet in height, shall be constructed along the north property line abutting the Concept Neighborhood and the property lines abutting the 4.683 acre tract owned by Jack Fritzsche and that the trees be placed on the mound in an alternating fashion subject to the approval by the Planning Department.
5. The treeline and all vegetation along with the south property line abutting Revere Village Apartments shall be preserved.
6. In the parking areas in the front of each building, raised island walkways shall be provided to assure emergency access to the buildings from the parking area. The design and location of these islands is subject to the approval of the City Engineering Department.
7. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
8. A stormwater drainage plan shall be approved by the City Engineer 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.
9. Prior to the issuance by the City of any zoning or building permits for the development, the developer shall pay the fee-in-lieu of parkland dedication.

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Mr. John Kovermen, Attorney for Hills Developers, Inc., emphasized the success the developer has had with their present development at the corner of Bigger Road and Cloyo Road. This development will be the same type except all buildings will be two story. The developer accepts and agrees with all recommendations made by the Planning Commission. Mr. Koverman further advised that the proposed pedestrian walkways to north and south Virginia Avenue will be deleted to prevent the development from becoming a walk-through from South Main Street to Virginia Avenue and to the Leonard E. Stubbs Memorial Park. State Route 48 will be widened to provide for a left turn lane so that vehicular stacking may occur from the south; this improvement will be put in place prior to this development's beginning and completion.

Upon question of Mrs. Bridgette Livingston, 134 Bristol Drive, Mr. Schwab pointed out the fact that the continuation of Virginia Avenue is not included in this plan; however, this does not mean that Virginia Avenue will never be continued south, the future of Virginia Avenue will be considered when the property to the west is developed.

Mr. Mike Ricke, Staff Planning Director for Hills Developers, Inc., clarified the fact that construction traffic and heavy equipment will enter the development off State Route 48; contractors will be advised accordingly.

As questioned by Mr. Compton, Mr. Schwab advised that the type and location of the sidewalk along State Route 48 will be refined internally by the City Engineering and Planning Departments. All sidewalks will be located on the final plan approved by City Staff.

Mrs. Beals requested that Hills Developers, Inc. put forth every effort to keep Virginia Avenue and State Route 48 clear of mud during construction.

Mrs. Beals moved that the Major Use Special Approval Application submitted by Hills Developers, Inc., to construct a 120 unit condominium development on the west side of State Route 48, north of Revere Village Apartments and south of Bristol Drive, be approved as recommended by the Planning Commission, including all conditions outlined by the Planning Commission and additional conditions as stated above. Mr. Samples seconded the motion. The motion passed unanimously.

Mr. Lee Alton, 325 Annette Drive, appeared before Council requesting that the City consider the purchase of the property to the west of that property being developed by Hills Developers, Inc., for parkland purposes.

RESOLUTION NUMBER 3-89 PURCHASE PROPERTY ZIMMERMAN

Mr. Kenning reviewed a proposed Resolution to ratify his action taken to purchase approximately 29 acres located just west of that property being developed by Hills Developers, Inc. and presently owned by J. Milton Zimmerman, in order to increase the Leonard E. Stubbs Memorial Park, at a purchase price of \$374,569.00. Mr. Samples sponsored Resolution Number 3-89, A

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Resolution Authorizing And Directing The City Manager To Enter Into A Contract With J. Milton Zimmerman For The Purchase Of 28.813 Acres More Or Less Located In The City Of Centerville, Ohio And Authorizing The Payment Of \$374,569.00 Therefore Together With All Closing Charges, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with five members of Council voting yes, Mayor Heintz voted no.

ORDINANCE NUMBER 3-89 TRAFFIC SIGNALIZATION

Mr. Kenning reviewed a proposed Ordinance to install the necessary equipment to interconnect traffic signals within the City of Centerville to a central computer system. This is a State of Ohio project to improve traffic flow in our community. Emergency legislation has been requested by the State of Ohio, Department of Transportation. Construction on this project will probably begin in 1990 and will coincide with other proposed traffic improvements in the City of Centerville. Mr. Singer sponsored Ordinance Number 3-89, An Emergency Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director of Transportation, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 4-89 TRAFFIC SIGNALIZATION

Mr. Samples moved that Ordinance Number 4-89, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, be set for Public Hearing on March 20, 1989. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 4-89 TAX RATES

Mr. Kenning reviewed a proposed Resolution to accept amounts and tax rates as determined by the Montgomery County Budget Commission for the City of Centerville; Centerville's total property tax millage being 3.04 mills which is slightly lower than in 1988. Mrs. Beals sponsored Resolution Number 4-89, A 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. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBERS 5-89, 6-89, 7-89, 8-89, 9-89, 10-89 SPRING VALLEY/SOUTH MAIN IMPROVEMENT

Mr. Kenning reviewed six proposed Resolutions to acquire property necessary for right-of-way purposes in order to improve Spring Valley Road and State Route 48. The City is currently negotiating with 23 property owners for the purchase of right-of-

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way or to acquire temporary right-of-way for this improvement. The cost of property acquired thus far is well within the appraised value of said properties. Mr. Stone sponsored Resolution Number 5-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With John P. And Linda Heinz And Neil And Ellen McDonald For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Of \$6,738.00 Therefore; Resolution Number 6-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Township Properties, Inc. For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Of \$11,000.00 Therefore; Resolution Number 7-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Daniel Doepke For the Purchase Of Real Property For Road Right Of Way Purposes And Authorizing the Payment Of \$7,000.00 Therefore; Resolution Number 8-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Richard And Donna Kuszpa For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Of \$2,500.00 Therefore; Resolution Number 9-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With John R. Guarasci And Don L. Ashby For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Of \$6,650.00 Therefore; Resolution Number 10-89, A Resolution Accepting The Terms Of A Temporary Right Of Way Agreement And Authorizing Payment Therefore As Therein Provided; and moved that these Resolutions be passed. Mr. Compton seconded the motion. The motion passed unanimously.

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

SPRINGSTONE LEA BOND RELEASE

Mr. Kenning, making reference to a memo received from the City Engineer, advised that sidewalks within the public right-of-way, required by the Subdivider's Agreement in the Springstone Lea Subdivision, have been installed according to City specifications and inspection requirements. He recommended release of the \$8,500.00 Performance Bond posted for sidewalks in this subdivision. No Maintenance Bond is required. Mr. Samples moved that the Performance Bond posted for sidewalks in Springstone Lea be released. Mr. Compton seconded the motion. The motion passed unanimously.

Mrs. Beals returned to the Meeting at this time.

PARK PLACE BOND REDUCTION

Mr. Kenning advised that all preliminary improvements have been made in Park Place. Final improvements will be completed as soon as weather permits. The developer has requested a reduction in the original Letter of Credit submitted to the City of Centerville in lieu of a Performance Bond for this

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subdivision. Mr. Kenning recommended that the Letter of Credit be reduced to \$21,500.00 to cover the balance of the public improvements in Park Place. Upon completion of the project, a Maintenance Bond will be required for one year. Mr. Singer moved that the Letter of Credit for Park Place be reduced to \$21,500.00 as recommended by the City Manager. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

PERSONNEL APPEALS BOARD, PROPERTY REVIEW COMMISSION
CITY BEAUTIFUL COMMISSION

Mayor Heintz advised that terms of the following Board and Commission Members will soon expire, all are interested in serving another term:

- Norman V. Plair - Personnel Appeals Board.
- Jared Haney - Property Review Commission.
- Vivian Hohl - City Beautiful Commission.

Mr. Compton moved that reappointments be made as outlined above. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Maile McLaughlin
Clerk of Council