

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held May 15, 1989

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, May 15, 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
Sally Beals
Brooks Compton
Jeffrey Siler
Bernard Samples
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
Municipal Attorney Robert Farquhar
City Planner Alan Schwab
City Engineer Norbert Hoffman
Administrative Assistant Michael Haverland

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

Council Meetings - April 17, 1989.
- May 1, 1989.
Council Work Session Meetings - April 17, 1989.
- April 24, 1989.
- May 1, 1989.
- May 8, 1989.

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; however, Mr. Siler abstained from the Minutes of Meetings held April 24 and May 1, 1989 and Mayor Heintz abstained from the Minutes of the May 1, 1989 Meeting.

CITY BEAUTIFUL COMMISSION

Mr. Samples moved that Deborah E. Borger be appointed as a Member of the City Beautiful Commission for the City of Centerville. Mr. Compton seconded the motion. The motion passed by unanimous vote. Mayor Heintz administered the Oath of Office to Miss Borger.

Mrs. McLaughlin announced the receipt of a Petition filed by residents of Whispering Oaks Condominiums asking for removal of the left turn restriction onto Alexandersville-Bellbrook Road from Fallenoak Trace.

Mrs. Marge Foland, 7111 Fallenoak Trace, speaking as Secretary of the Whispering Oaks Condominium Association, asked to be informed and invited to any future Meetings when this Petition may be discussed.

Mayor Heintz announced the issuance of the following

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Proclamations during the past month:

Designating April 28, 1989 as Arbor Day in the City of Centerville.

Designating April 29, 1989 as Lou Wilson Day in Centerville.

Designating the week of May 7, 1989 as Small Business Week in Centerville.

Designating the week of May 14-20, 1989 as Nursing Home Week in Centerville.

Designating the week of May 15, 1989 as Optimist Bike Safety Week in the City of Centerville.

Designating May 15 - 20, 1989 as Clean-up Time in Centerville.

Supporting the VFW Buddy Poppies sale.

Mayor Heintz reviewed the following during her report to the listening audience:

Representatives from Centerville will visit Sister City Waterloo, Ontario Canada on June 16, 17 and 18, 1989.

Centerville participated in Youth in Government Day on Tuesday, April 25, 1989.

Arbor Day was celebrated in Centerville on Friday, April 28, 1989 with a tree planting ceremony around the gazebo in front of Bethany Lutheran Village on Far Hills Avenue.

Representatives from Centerville attended the Business Expansion Program Kick-off held May 11, 1989.

A Veterans Memorial is being planned in the City of Centerville. Mr. Stone, as Chairman of the War Memorial Oversight Committee, reviewed the history of this development, originated by Centerville High School Soccer Coach and Social Studies Teacher Brian Stevens. This Memorial will honor all veterans who have served during war time and peace time. The Memorial will be located in the Leonard E. Stubbs Memorial Park, it will be lighted, and will be dedicated on July 4, 1989.

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

Today begins Spring Clean-up Week in Centerville, large items will be collected on regularly scheduled pick-up days by the Centerville Service Department.

Restrictions concerning the placement of Garage Sale signs should be reviewed prior to erecting them.

Near June 1, 1989, construction will begin for the rebuilding of the South Main Street/Spring Valley Road intersection. This is the most critical of a series of phases to improve these two roadways. The entire project consists of South Main Street from Edenhurst Drive to Sheehan Road and Spring Valley Road from Corporation Line to Corporation Line. Weather permitting, this phase (the intersection) will be completed before winter sets. Mr. Kenning asked motorists to review possible alternative routes to by-pass this construction area.

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

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MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning the Major Use Special Approval Application submitted by Centerville Associates II Limited Partnership to construct an 84,000 square foot shopping center and 3 outlots on property located west of South Main Street, south of Spring Valley Road and north of the existing Centerville Place Shopping Center. The request involves 24.735 acres of land zoned B-PD, zoning which permits this type development. Mr. Schwab reviewed this proposed overall site plan and located it on a map, outlining land uses of surrounding properties. This is an expansion of the Centerville Place Shopping Center. The plan includes two accesses to State Route 48 which will be located directly across from the current curb cuts on the east side of State Route 48. Roadway improvements will be required to South Main Street. The Applicant proposes to develop only one outlot at this time, that being for a Fifth Third Bank facility. Proposed is a brick structure with a pitched roof. The Planning Commission, by unanimous vote, recommended approval of this Application to City Council subject to the following conditions:

1. The developer shall dedicate to the City 60 feet of road right-of-way from centerline along the west side of State Route 48 across the entire eastern portion of the property.

2. The developer shall add an additional lane of pavement, curb, gutter, storm water drainage, and sidewalk along State Route 48 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 State Route 48 at each of the two (2) entrances to the shopping center 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 State Route 48 in front of the development. The temporary improvements plans must be approved by the City Engineering Department.

3. The alignment of the two (2) driveways to State Route 48 shall be directly opposite the existing driveways on the east side of State Route 48 with the opposing lanes aligned in accordance with plans approved by the City Engineering Department.

4. The driveway to Spring Valley Road shall be widened to three (3) lanes in accordance with plans approved by the City Engineering Department.

5. Pedestrian walkways, approved by the City Planning Department, shall connect Spring Valley Road (along the access private driveway) to the shopping center and shall connect the west end of April Lynne Drive to the shopping center.

6. The 100 foot buffer strip shall not be reduced in width as requested. The buffer strip shall be improved with a minimum 6 foot high earthen mound and landscaping in accordance with detailed plans approved by the City Planning Department.

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7. Dumpster location and required screening shall be approved by the City Planning Department.

8. Building elevations of the shopping center shall be approved by the City Planning Commission.

9. All exterior lighting shall be approved by the City Planning Department.

10. 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.

11. The following conditions pertain to the proposed Fifth Third Bank outlot:

a. Appropriate cross easements for vehicular access and any stormwater drainage lines that feed across the property approved by the City Attorney shall be required before the lot split is granted;

b. The width of the driveway west of the westernmost drive-in window shall be reduced from 30 feet to 20 feet;

c. The width of the non-paved setback area along State Route 48 shall be increased from 19 to 20 feet;

d. The sidewalk adjacent to the east and north side of the building shall be increased to 6-1/2 feet; and,

e. None of the signs shown shall be approved as part of this application.

The Planning Commission agreed that the motion include the following previously agreed upon phasing of improvements to the shopping center if Phase One of the shopping center consists only of the development of the proposed Fifth Third Bank outlot.

1. Dedication of the right-of-way along State Route 48 in front of the bank, including the entrance driveway to State Route 48 adjacent to the bank outlot.

2. No money in escrow would be required for the future improvement of State Route 48 at this time, but the temporary left-turn lane on State Route 48 would be required to be constructed at the southernmost driveway adjacent to the bank outlot.

3. Widening the driveway approach at Spring Valley Road would not be required at this time.

4. Construction of the pedestrian walkways would not be required at this time.

Mr. Eric Hungerford, Legal Counsel for Centerville Associates II Limited Partnership, reaffirmed the fact that there are no immediate plans to proceed with the construction of the Shopping Center. The only building to be constructed at this time is the Fifth Third Bank facility.

Upon question of Mr. Compton, Mr. Schwab advised that plans for the development of other outlots will require Planning Commission approval and any change to the overall development plan will require City Council approval.

Mr. Singer moved that the Major Use Special Approval Application submitted by Centerville Associates II Limited Partnership to construct an 84,000 square foot shopping center and 3 outlots be approved as recommended by the Planning

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Commission including all conditions as outlined previously. Mr. Stone seconded the motion. The motion passed unanimously.

Mr. Siler returned to the Meeting at this time.

Mr. Arthur Corlett, circulator of the Petition presented earlier during this Meeting, pointed out the fact that 4 out of the present 7 Trustees serving the Whispering Oaks Condominium Association have signed the Petition.

Mr. Kenning reviewed four proposed Resolutions to acquire necessary right-of-way and right of access needed for the South Main Street/Spring Valley Road roadway improvement project.

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

RESOLUTION NUMBER 29-89 SOUTH MAIN STREET/SPRING VALLEY ROAD

Mr. Compton sponsored Resolution Number 29-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With George C. And Helen S. Schubert For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 30-89 SOUTH MAIN STREET/SPRING VALLEY ROAD

Mr. Compton sponsored Resolution Number 30-89, A Resolution Accepting Terms Of A Temporary Right Of Way Agreement And Authorizing Payment Therefore As Therein Provided, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 31-89 SOUTH MAIN STREET/SPRING VALLEY ROAD

Mr. Compton sponsored Resolution Number 31-89, A Resolution Accepting Terms Of A Temporary Right Of Way Agreement And Authorizing Payment Therefore As Therein Provided, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 32-89 SOUTH MAIN STREET/SPRING VALLEY ROAD

Mr. Compton sponsored Resolution Number 32-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Beta Group For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

TAX BUDGET 1990

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Mr. Kenning advised that in accordance with the Ohio Revised Code the City of Centerville is required to submit a Tax Budget for the next fiscal year to the County Auditor before July 15, 1989; said Budget having been approved by the Legislative Body. Mr. Siler moved that the Tax Budget for 1990 for submission to the Montgomery County Auditor, be set for Public Hearing on June 19, 1989. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 33-89 SOUTH MAIN STREET/SPRING VALLEY ROAD

Mr. Kenning reviewed the following Bids received for roadway improvements for South Main Street and Spring Valley Road - Phase I:

John R. Jurgensen Company Cincinnati, Ohio	\$1,071,120.07
Don S. Cisle Contractor Inc. Hamilton, Ohio	1,095,471.20
TdM Construction Company, Inc. Centerville, Ohio	1,103,865.50
W. G. Stang Inc. Hamilton, Ohio	1,115,194.40
SK Construction Middletown, Ohio	1,634,505.45

Mr. Kenning recommended acceptance of the lowest and best Bid submitted by the John R. Jurgensen Company in the amount of \$1,071,120.07. He further recommended that City Council authorize additional expenditures not to exceed \$53,000.00 over the bid price. Mr. Kenning pointed out the fact that the Bid of John R. Jurgensen is approximately 15% below the cost estimate prepared by the City Engineer. Mr. Siler brought attention to the closeness of Bids received. Upon question of Mayor Heintz, Mr. Kenning advised that construction should begin at the intersection approximately June 1, weather permitting. Mr. Kenning identified that area which is involved in Phase I of the South Main Street/Spring Valley Road improvement project. Sidewalk will be installed from the new construction area along the north side of Spring Valley Road to the Leonard E. Stubbs Memorial Park. Mr. Compton sponsored Resolution Number 33-89, A Resolution Accepting The Bid Of John R. Jurgensen Company For Roadway Improvements For South Main Street And Spring Valley Road - Phase I, In 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. Singer seconded the motion. The motion passed by unanimous vote.

Mrs. Beals returned to the Meeting at this time.

RESOLUTION NUMBER 34-89 SOUTH MAIN STREET/SPRING VALLEY ROAD

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Mr. Kenning advised that it will be necessary for the City to borrow money in the amount of \$275,000 for the purpose of paying part of the reconstruction and widening of the South Main Street/Spring Valley Road intersection. In order to do this the Fiscal Officer must certify maximum maturity of Bonds and Notes. Mr. Stone sponsored Resolution Number 34-89, A Resolution Requesting Fiscal Officer To Certify Maximum Maturity of Bonds And Notes, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 14-89 SOUTH MAIN STREET/SPRING VALLEY ROAD

Mr. Kenning reviewed a proposed emergency Ordinance to authorize the issuance of \$275,000 Bond Anticipation Notes in order to pay part of the reconstruction and widening of the South Main Street/Spring Valley Road intersection. This is an emergency Ordinance due to the fact that it is impossible to obtain low interest rates well in advance and is provided for by the Centerville City Charter. Based upon quotes received this date, the City anticipates to borrow money at 6.83% interest from Society Bank, Dayton. Mr. Samples sponsored Ordinance Number 14-89, An Ordinance Authorizing The Issuance Of \$275,000 Of Bond Anticipation Notes Of The City Of Centerville, Ohio, For The Purpose Of Paying Part Of The Cost Of Reconstructing And Widening South Main Street And Spring Valley Road At Their Intersection In The City Of Centerville, Ohio, And Paying Other Lawful Costs Incidental Thereto And To The Issuance Of Bonds, Or Notes Issued In Anticipation Thereof, And Declaring An Emergency, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST: Marilyn J. Haddock
Clerk of Council