

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held

June 19,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, June 19, 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

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 Bernard Samples would not be present for this Meeting. Mr. Singer moved that Mr. Samples 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 - May 15, 1989.

Council Work Session Meetings - May 15, 1989.

- May 22, 1989.

- June 5, 1989.

- June 12, 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.

Mrs. McLaughlin announced the receipt of an Appeal filed by National Amusements, Inc., against a decision rendered by the Planning Commission during their Meeting on May 30, 1989 to deny a Variance Application to construct a single, double-sided, free-standing ground sign for identification and attraction purposes with a total of approximately 180 square feet of sign face area per side for a total of approximately 360 square feet of area, with a height of 18 feet, 11 inches. The Public Hearing has been set for Council to hear this Appeal.

Mr. William Shade was present at this Meeting to receive a Proclamation issued by Mayor Heintz and read by Deputy-Mayor James Singer, designating June 19, 1989 as United States Coast Guard Auxiliary Day in the City of Centerville.

Mayor Heintz announced the issuance of the following Proclamations during the past month:

May 22-29, 1989, Buckle Up America! Week in the City of Centerville.

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August 10, 1989, Soaring Sounds Drum Corps International Day in Centerville.

Message of peace and good will to people in East and West Germany through the Hand Bell Choir from Epiphany Church in Centerville.

Mrs. Beals outlined Centerville's visit to Sister City Waterloo, Ontario Canada the weekend of June 16-18, 1989.

Mr. Stone, speaking as Chairman of the War Memorial Oversight Committee, announced the dedication of a War Memorial to take place on July 4, 1989 in the Leonard E. Stubbs Memorial Park at 3:30 P.M. He invited all Citizens to participate in this special event.

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

Assistance in the way of grants and loans is available from the Federal Government for those residents who have suffered loss and damage caused by the recent heavy rains. He listed regional centers which have been opened for this purpose on a temporary basis. The City continues to work on drainage problems in all areas of Centerville. Montgomery County Sanitary Department continues to work on problems of back-up in those areas experiencing problems.

Major street construction projects in the City are behind schedule due to weather related conditions.

EAST PARK PLACE RECORD PLAN

Mr. Kenning reported on the Planning Commission Meeting held May 30, 1989. Mr. Schwab reviewed the Record Plan for East Park Place, a single family residential development on approximately 6.796 acres, zoned R-1c to be divided into 11 lots. Two existing homes are located on 2 of these 11 lots. Thoroughfare improvements are required along Centerville Station Road. The development includes one public street which ends in a cul-de-sac. Mr. Schwab located the subject property on a map being that land situated south of Centerville Station Road, east of Southbury Drive and adjacent to Forest Field Park. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council, subject to the following conditions:

1. In lieu of requiring an additional lane of pavement, sidewalks, curb, and storm sewers, Centerville Station Road shall be improved by the developer to the extent that provides safe ingress and egress, stormwater drainage and includes a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Centerville Station Road.

2. Sidewalks shall be constructed on both sides of the new cul-de-sac street.

3. The plans for water lines and fire hydrants shall be

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subject to the approval of the Washington Township Fire Department.

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 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.

6. Prior to the signing of the Record Plan by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

Mr. Kenning reviewed for Council the following recommendation of City Engineer Norbert Hoffman:

A detention facility is proposed in the rear of lots 8, 9 and 10 that is being designed to effectively restrict the rate of storm water runoff to predevelopment conditions. An easement around the detention area is being provided for emergency access should the need arise. Maintenance will be the responsibility of the individual lot owners.

Approval of this Record Plan should be subject to receipt of

1. An acceptable Subdivider's Agreement.

2. A Performance Bond in the amount of \$60,200.00 to cover the East Park Place pavement, curbs, storm sewers and sidewalks in the public right-of-way and the detention facility construction. If a separate sidewalk bond is posted the amount should be \$6,580.00.

3. Establishment of an escrow account equal to the monetary difference between the full width (12' lane) widening (pavement, curb, storm sewer and sidewalk) of Centerville Station Road along the frontage of the East Park Place subdivision and the improvements that are covered under the Performance Bond in Item 2. The difference in the above construction costs is estimated at \$24,525.00.

4. Inspection Fee of \$323.00.

5. Fee in lieu of park land dedication.

A one year Maintenance Bond should be posted when the public right-of-way improvements are completed and the Performance Bond is released. The amount of the Maintenance Bond will be determined at that time.

Mr. Kenning advised that discussion has taken place between the developer and the City to remove the hump in Centerville State Road in front of East Park Place. Consideration will be given to this roadway improvement during budget review, details will be worked out between the developer and the City of Centerville.

Mr. Rick Pavlak, Vice President of the PRD Corporation, stated their concurrence will all conditions of approval.

Upon question of Mr. Compton, Mr. Kenning identified possible roadway improvements to span in front of Park Place, Forest Field Park and East Park Place.

Mrs. Beals moved that the Record Plan for East Park Place be approved as recommended by the Planning Commission and the City

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Engineer including all conditions previously listed. Mr. Compton seconded the motion. The motion passed unanimously.

STONE LAKES RECORD PLAN

Mr. Schwab reviewed the Record Plan for Stone Lakes, a single family residential development on 23,648 acres of land zoned R-1c to be divided into 48 lots. He located the subject property on a map being situated north of Whipp Road and east of Marshall Road. Roadway improvements will be necessary to Marshall Road for which monies will be required to be placed in escrow. All streets within the development will be private. Mr. Schwab reviewed two previous Applications for the land in question: 1. a Planning Commission Special Approval Application to provide for a residential cluster development and 2. a Variance Application to increase the density from 44 lots to 48 lots. The Variance was granted by the Planning Commission as a trade for the restoration of the old stone house presently located on the property. The private streets throughout the development will tie into Marshall Road and Essex Way, both of which will be gated and electronically opened. Private streets will be constructed according to City Standards. The center area of this development will be owned and maintained by a homeowners association which will include the retention ponds, lakes and landscaping. Mr. Schwab reviewed Planning Commission's unanimous recommendation for approval of this Record Plan to City Council, subject to the following conditions:

1. A deed covenant shall be placed on the Record Plan pertaining to Lot #48 (the lot containing the historic limestone house) requiring specific approval by the City of Centerville for any alteration, addition, improvement, or demolition of the house. The wording of this covenant shall be subject to the approval of the City Law Director.

The Planning Commission indicated that the proposed addition to the stone house is acceptable without changing the northern addition angle to a right angle.

2. Stone Lake Drive shall be designated on the plan as a private street; Stone Lake Boulevard shall be eliminated as a separate private street name; and the plan shall be changed to clarify that the new Marshall Road right-of-way is the only additional public right-of-way being dedicated to the City.

3. In lieu of adding one (1) lane of pavement including curb, gutter, sidewalk, and stormwater drainage improvements, across the entire frontage along Marshall Road, the developer shall pay an amount approved by the City Engineer to the City to be used for the future widening of Marshall Road.

4. The developer shall enter into a Subdivider's Agreement with the City including a Performance Bond in an amount approved by the City Engineer to assure construction of the private streets.

5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

6. A stormwater drainage plan shall be approved by the City

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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.

7. The final grading plans and stormwater drainage plans shall be approved by the City Engineering Department with particular emphasis on the design of the mound at the rear of the proposed lots abutting existing single-family lots.

8. Prior to the issuance of the City of any zoning or building permits for the development, the developer shall pay the fee-in-lieu of parkland dedication. The amount of the fee shall be determined in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

9. The City Engineer shall approve the design of the gates across the private roadways. The design of the gates shall allow convenient emergency access by the fire and police departments and shall allow manual operation of the gates during a power failure.

Mr. Robert Archdeacon, Woolpert Consultants and representing the developer, stated their concurrence will all conditions recommended by the Planning Commission. He outlined the history for the restoration of the old stone house; it will be modified and designed to be compatible with the other homes to be constructed in the area while retaining its historic character. Proposed is the construction of a wing to the front and an angled wing to the rear in order to provide access to a three car garage, a view of the lake area and to expose as much original stone as possible.

Mr. George Wishart, 6289 Millbank Drive, expressed concern with storm water drainage in his neighborhood. Mr. Kenning advised that no additional water from this development will drain into the Marshall/Millbank ditch.

Upon question of Mrs. Barb Hines Cervay, 1470 Ambridge Road, Mr. Kenning defined the flow of water from Stone Lakes to the west rather than the east; it will not flow into the Centerville tributary in Black Oak.

Mr. Kenning presented to Council the City Engineer's recommendation for approval of this Record Plan, subject to the following:

A combination of ponds and a dry basin are proposed for storm water detention to assure post development runoff is controlled to predevelopment conditions.

A Subdivider's Agreement.

A Performance Bond in the amount of \$342,700.00 to cover the costs to construct the private streets, storm sewer, sidewalks and detention facility.

Establishment of an escrow amount of \$75,983.00 for full lane widening, storm sewer, curb and sidewalk along Marshall Road frontage.

Inspection Fee in the amount of \$2,042.00.

Park Land Fee in lieu of dedication.

A Maintenance Bond for the duration of one year should be posted after completion of the private streets, sidewalks and detention facilities. Amount of Bond will be determined when

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improvements are in place.

Upon question of Mr. Compton, Mr. Archdeacon advised that sidewalks will be installed along one side of the outer streets. Sidewalks and streets will be constructed according to City Standards.

Mr. Stone moved that the Record Plan for Stone Lakes be approved as recommended by the Planning Commission and the City Engineer including all conditions previous stated. Mr. Siler seconded the motion. The motion passed unanimously.

CEDAR COVE SECTION TWO RECORD PLAN

Mr. Schwab reviewed the Record Plan for Cedar Cove, Section Two, a R-PD development on approximately 6.6 acres of land located north of Norwich Lane and east of Clio Road. This Plan is in accordance with the Major Use Special Approval Application approved by Council previously. This Section extends from Norwich Lane to Section One of Cedar Cove currently under construction. It includes Norwich Lane, a 60 foot public street with sidewalks along both sides. All interior streets will be private throughout the development. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following condition:

1. In lieu of the completion of the public improvements prior to the signing by the City of the Record Plan, the developer shall post a Performance Bond and shall pay an Inspection Fee in amounts approved by the City Engineer and shall enter into a Subdivider's Agreement with the City.

Mr. Kenning reviewed the City Engineer's recommendation for approval of this Plan as follows:

A series of ponds and a dry basin are proposed to control the rate of storm water runoff to predevelopment conditions.

A Subdivider's Agreement.

A Performance Bond in the amount of \$43,700.00 to cover the costs for improvements within the public right-of-way (500' of Norwich Lane including pavement, storm sewer, curb and sidewalks, and restoration of existing drive on Clio Road opposite Steeplechase.)

An Inspection Fee in the amount of \$318.00.

A Maintenance Bond for the duration of one year should be posted after completion of public improvements. The amount of the Maintenance Bond to be determined when improvements are in place.

Mr. Robert Archdeacon, Woolpert Consultants and representing the developer Charles Simms, identified this two and three family residential development, clustered around ponds, as the last phase of the Cedar Cove development. He stated their concurrence will all conditions recommended for approval.

Mrs. Beals moved that the Record Plan for Cedar Cove, Section Two, be approved as recommended by the Planning Commission and the City Engineer, including all conditions previously listed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

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Mrs. Beals invited all listeners to attend the Americana Ball being held on Saturday, July 1, 1989. Tickets are available from Members of the Americana Ball Committee.

TAX BUDGET 1990

The Public Hearing was held concerning the proposed Tax Budget for the City of Centerville for submission to the Montgomery County Auditor for the next succeeding fiscal year ending December 31, 1990. Mr. Kenning advised that this is a procedure required by the Ohio Revised Code designed primarily to consider local government allocations and distributions. Mr. Siler, Chairman of the Council Finance Committee, defined this as a routine procedure which merely begins the City's budget cycle for the coming year. Mr. Siler moved that this proposed Tax Budget for the City of Centerville be approved for submission to the Montgomery County Auditor. Mr. Singer seconded the motion. The motion passed unanimously.

Mrs. Barb Hines Cervay, 1470 Ambridge Road, appeared before Council to outline a severe water run-off problem caused from the Centerville tributary to the rear of her property during recent heavy rains. She cited new construction and developments upstream that she believes have contributed to this problem. She believes detention and retention basins are not designed properly to control water run-off adequately. She fears the loss of personal property and lives. Mrs. Cervay requested that the City of Centerville take immediate steps to correct the situation. Mayor Heintz outlined requirements now placed upon a developer through the passage of a drainage control Ordinance to improve water run-off situations. Mr. Kenning reviewed contacts being made with the Centerville-Washington Park District and the State of Ohio to perhaps obtain additional detention and retention basins to provide for a gradual water run-off flow downstream. Upon question of Mr. Kenning, Mrs. Cervay advised that she would have to reconsider the question if the City proposed enclosing the ditch, she bought the property because of this attraction. Mr. Kenning reminded Mrs. Cervay to limit vegetation and structures which might hamper the flow of water when the ditch overflows its banks. Mrs. Cervay requested a periodic update on the situation. Mr. Singer brought attention to the size of the culvert under Bigger Road and to the fact that retention possibilities exist in the area of I-675. Mr. Siler emphasized the unusual heavy rains which the Centerville area has experienced during the past months.

Mrs. Brenda Mitchell, 6287 Millbank Drive, reviewed for Council damage which she sustained during the heavy rains of June 10, 1989. 30% of her rear yard was washed away by rapid waters in the Millbank ditch. She requested that the City of Centerville improve this ditch by the placement of rip rap and mesh to prevent this disaster from happening another time. Upon question of Mr. Kenning, Mrs. Mitchell would welcome the enclosure of this ditch located along her rear lot line.

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Mr. Gerald Ellis, 6285 Millbank Drive, defined the problem with the Millbank ditch as the S curve which is located to the rear of Mrs. Mitchell's residence. He too would be in favor of an enclosed ditch.

Mr. George Wishart, 6289 Millbank Drive, expressed concern with water run off from rains too heavy to flow through the tile if the ditch is enclosed. Mr. Kenning explained how this water would then flow over the tile in a swale created for that purpose.

Mr. Singer pointed out the fact that the Millbank ditch feeds the Centerville tributary. Solving one problem could impact another downstream.

PLANNING COMMISSION

Mayor Heintz advised that Applicants have been interviewed for appointment to the Planning Commission. Mr. Singer moved that Mr. James Geoffrey Durham be appointed as a Member of the Planning Commission to fill the unexpired term vacated by Mr. Robert Chappell. Mrs. Beals seconded the motion. The motion passed five ayes in favor of the motion, Mr. Stone abstained.

RESOLUTION NUMBER 35-89 SPRING VALLEY ROAD/SR48

Mr. Kenning reviewed a proposed Resolution to acquire property for right-of-way purposes needed for the Spring Valley Road/State Route 48 Improvement. Mr. Siler sponsored Resolution Number 35-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Jam Corporation For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 36-89 INCOME TAX ALLOCATION

Mr. Kenning reviewed a proposed Resolution to make minor reallocations of income tax receipts in various City of Centerville funds beginning June 1, 1989. Mr. Compton sponsored Resolution Number 36-89, A Resolution To Amend Resolution 30-88 In Its Entirety And To Authorize And Direct The Allocation Of Income Tax Receipts Received On And After June 1, 1989 Between The General Fund, Street Construction And Maintenance Fund, Capital Improvements Fund, Central Vehicle Purchase Fund, General Insurance Deductible Trust Fund, And Capital Investments Trust Fund Of The City Of Centerville, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 37-89 PUBLIC DEPOSITORIES

Mr. Kenning reviewed a proposed Resolution to advertise for Public Depositories for the deposit of City monies. The Ohio

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Revised Code requires that this be done every two years. Mr. Stone sponsored Resolution Number 37-89, A Resolution Estimating The Probable Amount Of Public Monies To Be Deposited, Setting A Date For The Designation Of Public Depositories And Authorizing Notice, and moved that it be passed. Mr. Singer seconded the motion. The motion passed five ayes in favor of the motion, Mr. Siler abstained.

RESOLUTION NUMBER 38-89 SPRING VALLEY/SR48

Mr. Kenning reviewed a proposed Resolution declaring it necessary to acquire certain real estate for right-of-way purposes needed for the Spring Valley Road/State Route 48 Improvement. Said property being that owned by Richard A. and Donna J. Kuszpa, located at 107 West Spring Valley Road. Mr. Singer sponsored Resolution Number 38-89, A Resolution Declaring A Necessity To Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio And Declaring An Emergency, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

THOMAS PAINE SETTLEMENT NUMBER THREE CLYO ROAD

Mr. Kenning reviewed a request for extension of the Subdivider's Agreement for Thomas Paine Settlement Number Three - Clyo Road, for an additional six months, from June 10, 1989 to December 10, 1989. This extension has been requested by Attorney Barry Mancz on behalf of John G. Black Enterprises, Inc. Mr. Compton moved that the Subdivider's Agreement for the development of Thomas Paine Settlement Number Three - Clyo Road, be extended as requested until December 10, 1989. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 39-89 SIDE LOAD REFUSE PACKER

Mr. Kenning reviewed the Bids received by the City of Centerville for the purchase of one satellite side load refuse packer for the City of Centerville. The following Bids were received:

Bob Ross GMC, Inc.	\$11,015 Chassis Only
Midwest Epoke	
TR31403 GMC	31,994
Isuzu 11500 GVW	36,860
Isuzu 13250 GVW	37,810

Mr. Kenning recommended acceptance of the lowest and best Bid of Midwest Epoke for TR31403 GMC in the Amount of \$31,994.00. He identified the use of this type equipment which improves the efficiency of our waste collection process. The side loader

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works the routes and empties into large packers to transport refuse to the depositories. It cuts down runs by large packers and provides for improved removal of refuse in long driveways. Upon question of Mr. Singer, Mr. Kenning advised that it appears that Midwest Epoke is the regional distributor of this equipment, thus the reason for only one Bidder for the complete unit. Mrs. Beals sponsored Resolution Number 39-89, A Resolution Accepting The Bid Of Midwest Epoke For One Satellite Side Load Refuse Packer, TR31403 GMC 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. Siler seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heints
Mayor

ATTEST:

Mauiel McLaughlin
Clerk of Council