

# RECORD OF PROCEEDINGS

170

Minutes of

REGULAR COUNCIL

Meeting

Held September 18, \_\_\_\_\_ 19 89

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 18, 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
  - Bernard Samples
  - Jeffrey Siler
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- City Planner Alan Schwab
- Municipal Attorney Robert Farquhar
- Administrative Assistant Michael Haverland

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

- Council Meeting - August 21, 1989.
- Council Work Session Meetings - August 21, 1989.
  - August 28, 1989.
  - September 11, 1989.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Samples seconded the motion. The motion passed by unanimous vote; however Mr. Siler abstained from the Minutes of Meetings held August 21, 1989 and Mr. Stone abstained from the September 11, 1989 Meeting Minutes.

Mrs. McLaughlin announced the receipt of a letter of resignation from Planning Commission Member Marian Simmons. Mr. Siler moved that the resignation of Marian Simmons as a Member of the Planning Commission be accepted, with regret. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mayor Heintz reported the following during her Mayor's Report:

September 6, 1989 was proclaimed Drug Prevention Day in Centerville. On this day the students at the Centerville High School were presented one of the few awards granted in the United States for Drug Prevention Programs.

The week of September 17-23, 1989 was proclaimed Constitution Week in the City of Centerville.

October 2, 1989 was proclaimed Score Appreciation Day in Centerville.

Mayor Heintz attended the Conference of Mayors held in Washington, D.C. September 16 and 17, 1989. Discussion was devoted to the prevention of crime and drugs.

Held September 18, 1989 continued 19

The Mayors and Managers Association, Montgomery County, has recommended that Beggars Night be held on Monday, October 30, 1989 between the hours of 6:00 P.M. and 8:00 P.M. Mrs. Beals moved that Centerville accept the recommendation of the Mayors and Manager Association that Beggars Night be held October 30, 1989 from 6:00 P.M. to 8:00 P.M. Mr. Compton seconded the motion. The motion passed unanimously.

Mrs. Beals outlined Sessions she attended during the Ohio Municipal League Conference held in Akron, Ohio on September 13 and 14, 1989. Discussed during one Session was the problem of solid waste reduction - what is currently being done and what can be done in the future. The Centerville Recycling Committee has been Meeting and will propose a pilot program beginning January 1990 in the City of Centerville.

Mr. Singer, reporting for the Stormwater Drainage Task Force Steering Committee, advised that the Request for Proposal has been reviewed by the Committee. Subsequently, the RFP has been issued. A recommendation should come forth to City Council during the October 16, 1989 Council Meeting.

Mr. Kenning thanked all volunteers for contributing many hours to the City of Centerville.

Mr. Kenning advised that Adrienne Saint Pierre, has been retained as Curator for the Walton House Museum, employment to begin October 9, 1989.

#### CHELTENHAM SECTIONS TWO, THREE, FOUR RECORD PLANS

Mr. Kenning reported on the Planning Commission Meeting held August 29, 1989. Mr. Schwab reviewed Record Plans submitted for Sections Two, Three and Four of Cheltenham, a development under construction north of Alexandersville-Bellbrook Road and west of Wilmington Pike. Mr. Schwab located the subject property on a map, being a total of 35.402 acres zoned R-1c, Single-Family Residential. Development of these Sections is as follows: Section Two (15.094 acres) into 24 lots; Section Three (8.648 acres) into 9 lots; and Section Four (11.66 acres) into 20 lots. Parkland requirement will be satisfied with the dedication of 3.3 acres for public open space. The Planning Commission, by unanimous vote, recommended approval of these Record Plans to City Council, subject to the following conditions:

1. Section 2 Record Plan shall be changed to simplify the lot lines between lots 41, 42 and 43, and between 46, 47 and 48 subject to the approval of the Planning Department.

2. Prior to the signing of the Section Two Record Plan by the City, the developer shall convey to the Centerville-Washington Park District the 3.318 acre park lot shown in the Section Three Record Plan in compliance with the requirements of the City Parkland Dedication Ordinance.

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

Held September 18, 1989 continued 19

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 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.

Mr. Kenning reviewed the recommendation of the City Engineer that approval be subject to the receipt of the following:

1. Acceptable Subdivider's Agreement.
2. Performance Bonds to cover the public improvements (pavement, curbs, storm sewers, sidewalks, etc.) as follows:
  - a. Section Two - \$289,000 of which \$40,425 is for sidewalks.
  - b. Section Three - \$127,000 of which \$18,565 is for sidewalks.
  - c. Section Four - \$197,000 of which \$28,875 is for sidewalks.
3. Inspection Fees as follows:
  - a. Section Two - \$1,152.
  - b. Section Three - \$502
  - c. Section Four - \$766.

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 Bond will be determined at that time.

Mr. Roger Terrell, Woolpert Consultants, was present to answer any questions concerning this development. He stated their concurrence with all conditions of approval recommended by the Planning Commission and the City Engineer.

Mr. Singer moved that the Record Plans for Cheltenham, Sections Two, Three and Four be approved, as recommended by the Planning Commission, subject to all conditions outlined by the Planning Commission and the City Engineer. Mr. Samples seconded the motion. The motion passed unanimously.

#### VOSS CHEVROLET, INC. PARKING/PAVING VARIANCE APPEAL TO COUNCIL

The Public Hearing was held concerning the Appeal filed by Voss Chevrolet, Inc., against a decision rendered by the Planning Commission during their Meeting on August 8, 1989. Mr. Schwab located the subject property on a map, being situated along the south side of Loop Road, just east of Voss Chevrolet. Requested was a Variance Application to permit paving and parking for the front yard setback along Loop road of 0 feet instead of the required 10 foot setback from the front property line; a side yard setback of 0 feet instead of the required 10 foot setback from the side property line; and a front yard setback along I-675 of 0 feet instead of the required 5 foot setback from the front property line. Two Applications were considered concurrently by the Planning Commission, the other being a Planning Commission Special Approval Application to develop the subject property into a vehicle sale and storage lot. The Special Approval Application

# RECORD OF PROCEEDINGS

173

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

Held September 18, 1989 continued

19

was approved while the Variance Application was denied. The Planning Commission, by unanimous vote, denied the Variance Application based upon the fact that it did not meet the standards set forth for granting a Variance.

Mr. Paul Striebel, Paul Striebel & Associates, Inc. and representing the Applicant, explained their request for 0 setback along Loop Road due to their desire to continue the setback for this property consistent with other setbacks to the west already established.

Mr. John Voss, Applicant and owner of the property, pointed out the fact that Loop Road is perceived as auto row. All properties have 0 setbacks and he believes this lot should be consistent. There should be consistency with alignment of light poles and vehicle display rows.

Mrs. Beals expressed concern with a potential sight distance problem at the curve if the 0 setback is granted along Loop Road.

Mr. Siler believes that this property should be consistent with others to the west. He favored the continuation of asphalt to the lot line along I-675.

Upon question of Mr. Compton, Mr. Schwab advised that a 10 foot setback along Loop Road would improve the sight distance for motorists at the curve, but it has not been determined how much.

As questioned by Mr. Stone, Mr. Schwab explained the fact that the 10 foot setback requirement was provided in the Zoning Ordinance in order to prevent seas of asphalt; previous front setbacks were established according to previous Zoning Ordinances.

Mr. Samples saw merit in making the use of properties along Loop Road consistent, however, he believed that the setback along the east property line should be maintained according to the Zoning Ordinance.

Mr. Striebel stated their concurrence with the setback along Loop Road being 0 to a point and then tapering to 10 feet at the east property line to improve sight distance at the curve and provide consistency with future setback when the lot to the east of this property is developed.

Mr. Siler requested that this Variance be divided into three different issues : Loop Road setback, I-675 setback, and east property line setback.

Mr. Compton moved that the decision of the Planning Commission be modified eliminating the required 5 foot setback along I-675, a part of the Variance Application submitted by Voss Chevrolet, Inc. Mr. Siler seconded the motion. The motion passed by a 5 to 2 vote; Mrs. Beals and Mr. Stone voted no.

Mr. Siler moved that the decision of the Planning Commission be modified to permit 0 setback along the east property line, a part of the Variance Application submitted by Voss Chevrolet, Inc. Mr. Compton seconded the motion. A roll call vote resulted in five nays against the motion; Mr. Siler and Mr. Samples voted yes.

Mr. Samples moved that the decision of the Planning Commission be modified to permit 0 setback along Loop Road, a part of the Variance Application submitted by Voss Chevrolet, Inc. Mr. Compton seconded the motion. A roll call vote resulted

# RECORD OF PROCEEDINGS

174

Minutes of

Meeting

Held September 18, 1989 continued

19

in four nays against the motion; Mr. Siler, Mr. Samples and Mr. Compton voted yes.

Mr. Siler moved that the decision of the Planning Commission be modified concerning a portion of the Variance Application submitted by Voss Chevrolet, Inc. to permit 0 setback along Loop Road for a distance of 200 feet east from the west property line, at which point it shall taper and become a 10 foot setback at the east property line. Mr. Samples seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Stone, Mr. Singer and Mrs. Beals voted no.

## ORDINANCE NUMBER 16-89 SWIMMING POOLS

Mr. Kenning reviewed a proposed Ordinance to provide for the proper maintenance of swimming pools in terms of stagnant water. Mr. Siler moved that Ordinance Number 16-89, An Ordinance Amending Ordinance Number 33-84 To Provide For The Regulation Of Swimming Pools Within The City, be set for Public Hearing on October 16, 1989. Mr. Compton seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 53-89 STREET LIGHTS

Mr. Kenning reviewed a proposed Contract between the City of Centerville and the Dayton Power & Light Company for street lights over a four year period. The previous Contract has been rebuilt and now serves the City and the power company reasonably well. Costs are predictable over this four year period according to the proposed Contract. Mrs. Beals sponsored Resolution Number 53-89, A Resolution Authorizing The City Manager To Enter Into A Contract For Electric Lighting Services For Use On Public Grounds And Streets In The City Of Centerville, Ohio, For A Period Of Forty-Eight (48) Months Commencing January 1, 1990, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 54-89 BLACK OAK DRIVE STORM SEWER IMPROVEMENTS

Mr. Kenning reviewed the one Bid received for Black Oak Drive Storm Sewer Improvements 1989 from Pyper Construction Company in the amount of \$41,375.00. This project has been re-bid and this bid price is less than the two previously received. In view of the fact that this problem has existed for many years and it is appropriate to proceed with the project at this time, Mr. Kenning recommended that this Bid be accepted. Mrs. Beals sponsored Resolution Number 54-89, A Resolution Accepting The Bid Of Pyper Construction Company For Black Oak Drive Storm Sewer Improvements 1989, 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 by unanimous vote.

## CHELTENHAM SECTION ONE PERFORMANCE BOND REDUCTION

# RECORD OF PROCEEDINGS

175

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10134

Held September 18, 1989 continued 19

Mr. Kenning reviewed a request received from the developer of Cheltenham that the Performance Bond posted on Section One be reduced to 15% of the original Bond. Based upon inspections, some completed curb work and pavement work needs to be corrected, the final course of asphalt be put in place, some street signs have yet to be installed and there remains some seeding and mulching. In consideration of this, the City Engineer has recommended that the Performance Bond be reduced to \$65,000 to cover the balance of the Cheltenham Phase I public improvements. Mr. Siler moved that the Performance Bond posted on Cheltenham Phase I be reduced to \$65,000 as recommended by the City Engineer. Mr. Singer seconded the motion. The motion passed unanimously.

**RESOLUTION NUMBER 55-89 WILMINGTON PIKE/SR725 IMPROVEMENT**

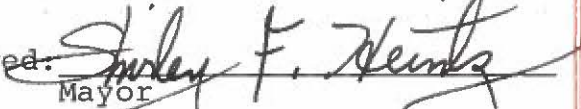
Mr. Kenning reviewed a proposed Project Grant Agreement between the City of Centerville and the Ohio Public Works Commission. In 1988 the City submitted several projects for Issue 2 funding when monies became available, one project being the Wilmington Pike, State Route 725 intersection improvement. This is a joint project between the City of Centerville and Greene County. Centerville's share of the project (approximately \$50,000) has been approved for Issue 2 funding. This improvement replaces the backward left turn with a standard T intersection. Proposed construction to begin in 1990.

Mr. Stone stated his objection to a provision of State Law and a part of this Agreement which requires all contractors and subcontractors working on projects to conform to the prevailing wage requirements contained in Sections 4115.03 to 4115.16 of the Ohio Revised Code. He suggested that public officials begin to protest this provision.

Mrs. Beals sponsored Resolution Number 55-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Project Grant Agreement Between The City Of Centerville And The Ohio Public Works Commission For Issue 2 Funding, Project Number CD 114, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stone voted no.

Mr. Stone reported on a Meeting he attended the previous week in Phoenix, Arizona - The National Conference of Cable Operators and Technicians. Two big issues currently to be considered are 1. telephone companies want to install cable into homes, and 2. the regulation of cable rates.

There being no further business, the Meeting was adjourned.

Approved:   
Mayor

Attest:   
Clerk of Council