

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held September 19, 19 88

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 19, 1988 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman James Singer, 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

Jeffrey Siler

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Municipal Attorney Robert Farquhar

City Engineer Norbert Hoffman

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

Council Meetings - August 15, 1988.

- August 29, 1988.

Council Work Session Meetings - August 15, 1988.

- August 22, 1988.

- August 29, 1988.

- September 12, 1988.

Mr. Singer moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Compton seconded the motion. The motion passed unanimously, however, Mr. Compton abstained from the Minutes of the Meetings held August 15, 1988.

Mr. Allen Tuttle, representing the City of Vandalia, was present to extend to the Centerville community an official invitation and Proclamation to attend Sesquicentennial Days in the City of Vandalia October 8 and 9, 1988. He outlined the many activities planned to represent life as it was in 1838.

Mr. Forest Swift, Executive Director of the Regional Transit Authority, updated Council on activities of RTA in the Miami Valley during the past several months and where RTA will go in the future. The Miami Valley Regional Transit Authority is one of eight transit systems nationally and the only Ohio Transit System showing consistent ridership increases above 1987.

Mr. Samples thanked Mr. Swift for RTA's cooperation in working with the Drug Buster Program in 1987.

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

September 17, 1988 - Marching Band Invitational Day in Centerville.

September, 1988 - Home Sewing Month in the City of Centerville.

September 17 - 23, 1988 - Constitution Week in Centerville.

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Mayor Heintz advised that it has been suggested by the Mayors and Managers Association of Montgomery County that October 30, 1988 be observed as Beggars Night in area Municipalities. Mr. Compton moved that October 30, 1988 be designated as Beggars Night in the City of Centerville between the hours of 6:00 P.M. and 8:00 P.M. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

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

The 1988 Street Improvement Program in the City of Centerville is 35 - 40% complete, completion expected in mid to end of October.

He reminded motorists to lookout for small children during the morning and evening hours when darkness sets in; times change as seasons change.

Flooding problems throughout the City of Centerville during the recent rain storm were outlined by the City Manager; many homes and streets experienced flooding. Each problem will be carefully reviewed by the City of Centerville and solutions pursued.

Mr. Gene Kreuzsch, 1302 Norwich Lane, appeared before Council questioning the dumpster for Young Learners World being located approximately 15 feet from Norwich Lane and the parking of a bus in front of the dumpster, in back of the sidewalk. This matter will be reviewed by the City Staff for conformity.

Mrs. June Lavin, 144 Sheldon Drive, outlined for Council the water drainage problem she experienced at her residence during the recent rain storm. A torrent of water flowing from State Route 725, Ridgeway Road, Sheldon Drive, Davis Road and Terrace Village Drive flooded yards and homes in this old established plat in Centerville. The drainage system installed years ago is not adequate for today's water shed. Mrs. Lavin asked the City to research the situation and improve the drainage system in order to divert the water away from their yards and residences during future severe rain storms.

Mr. Joe Tiszai, 153 Sheldon Drive, reinforced Mrs. Lavin's comment concerning the inadequate stormwater drainage system in their plat. He suggested that perhaps underground installation of wiring for new development in the unincorporated area of Washington Township may have caused some of the water drainage problem recently encountered. Upon question of Mr. Tiszai, Mr. Kenning advised that the City will pursue a solution to this drainage problem as quickly as possible.

Mr. Vince Prater, 145 Davis Road, suggested that continuous overlay of asphalt has reduced the curbs in the plat, curbs are not adequate to divert water down the roadway away from yards and residences. He asked the City not to create a problem for others while correcting a problem for another neighbor.

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Mrs. Carol Simons, 125 Sheldon Drive, identified the excessive amount of water which flowed down Sheldon Drive during the recent rain storm. She too experienced water damage in her residence. The Simons must have their drainage system cleaned approximately every six months.

Mr. Fred Chang, 160 Terrace Villa Drive, advised that since moving to Centerville one year ago, they have experienced sanitary back-up three times into their home. He reviewed attempts made to seek clean-up assistance from the City government, Police Department and the Fire Department. Mr. Kenning pointed out the fact that sanitary sewers are maintained by the Montgomery County Sanitary Department. Mr. Kenning will cooperate with Montgomery County Sanitary Department to find a solution to the existing problem.

Mr. Charles Bisbee, 150 Terrace Villa Drive, detailed the force of the water which flowed down Terrace Villa Drive during the rain storm. He asked that pressure be placed upon Montgomery County Sanitary Department in order to solve the sanitary sewer problem. He explained the fact that a neighbor boy was swept down stream by the current of the water under a bridge in the activity center, to finally be pulled clear by another person. He has also had sanitary back-up into his home.

Mr. Duane Swank, 141 Sheldon Drive, verified the fact that water in the street was up to his three ton truck, streets were completely flooded with water. He believes that the drainage system for the entire area must be analyzed.

Mr. Donald Sortman, 125 Davis Road, identified the water overflow in the plat. The drainage system is poorly designed, it has not kept pace with construction in the area.

Mayor Heintz thanked residents for their comments concerning water problems they experienced during the recent very heavy rain storm. Mr. Kenning and the City Staff will carefully review all problems defined, will work with Montgomery County Sanitary Department, and will find short and long term solutions to water problems encountered by residents in Centerville

ORDINANCE NUMBER 6-88 ZONING ORDINANCE AMENDMENT
METROPOLITAN CONCEPTS, INC. REZONING

Mr. Kenning reported on the Planning Commission Meeting held August 30, 1988. One item considered by the Planning Commission was a Rezoning Request filed by Ted A. Donnell on behalf of Metropolitan Concepts, Inc. for property located north of West Franklin Street, east of Normandy Lane, involving .53 acres of land, requested change from R-1c to A-P classification. Mrs. Beals moved that Ordinance Number 6-88, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning .53 Acres More Or Less, From Centerville R-1c

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Classification To Centerville A-P Classification, be set for Public Hearing on November 21, 1988. Mr. Siler seconded the motion. The motion passed unanimously.

PARK PLACE RECORD PLAN

Mr. Schwab reviewed the Record Plan for Park Place, a single-family residential development on 4.3996 acres of land zoned R-1c, located along Centerville Station Road, east of Station House Road and west of Forest Field Park. Proposed are 7 lots (one of which includes the existing residence) designed along a cul-de-sac and roadway improvements along Centerville Station Road. 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 of 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 Forest Field Court.

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

4. Detailed stormwater drainage calculations and plans incorporating retention an/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 Plat 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. Schwab reviewed the recommendation of the City Engineer that this Record Plan be approved, subject to the receipt of the following:

1. A Subdivider's Agreement.

2. A Performance Bond in the amount of \$59,500 to cover the costs of pavement, curb and gutter, storm sewers and sidewalk improvements within public right-of-way.

3. The establishment of an escrow account equal to the monetary difference between the full width widening of Centerville Station Road along the frontage of this subdivision and the improvements that are being included as part of this development. The difference in the above construction costs is estimated at \$12,800.

4. Inspection Fee in the amount of \$300.00.

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5. Fee in-lieu of park land dedication.

Mr. Richard Pavlak, representing PRD Corporation, the Developer, stated his concurrence with all conditions of approval recommended by the Planning Commission and the City Engineer. Mr. Compton moved that the Record Plan for Park Place be approved as recommended by the Planning Commission and the City Engineer including all recommended conditions outlined previously. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

M. K. MILLER MAJOR USE SPECIAL APPROVAL

The Public Hearing was opened concerning a Major Use Special Approval Application filed by M. K. Miller for a Development Plan on approximately 13.326 acres of land zoned B-PD (Business Planned Development) located at the northeast corner of Alexandersville-Bellbrook Road and Loop Road.

Mrs. McLaughlin read a letter received from Victor A. Green on behalf of Meredith Business Associates Inc., withdrawing this Application from consideration. A different approach will be made toward the development of the site in question.

ORDINANCE NUMBER 4-88 STREET LIGHTS

The Public Hearing was held concerning Ordinance Number 4-88. Mr. Kenning reviewed this proposed Ordinance to extend the existing Contract for the lighting of streets in the City of Centerville effective January 1, 1989. This Contract extension includes no increase in rates charged the City of Centerville. Mr. Samples sponsored Ordinance Number 4-88, An Ordinance Authorizing And Directing The City Manager To Enter Into A Contract Extension With The Dayton Power & Light Company To Provide Street Lighting, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 5-88 SR 725 RESURFACING

The Public Hearing was held concerning Ordinance Number 5-88. Mr. Kenning reviewed this proposed Ordinance for the resurfacing of Alexandersville-Bellbrook Road (State Route 725) from approximately Loop Road east to Centerville's Corporation Line. This is a State of Ohio, Department of Transportation Project in which Centerville's share is 10% of the cost. Upon request of Mr. Singer, Mr. Kenning will update Council concerning the rebuilding of the bridge located in the area to be resurfaced. The resurfacing of this roadway is expected to take place in 1989. Mrs. Beals sponsored Ordinance Number 5-88, 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, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 7-88 COMPETITIVE BIDDING

Mr. Kenning reviewed a proposed Ordinance to raise the bid limit for the City of Centerville to \$10,000.00. The City's bid limit has been \$5,000.00 since 1975. The State of Ohio has raised the bid limit for statutory Cities to \$10,000.00. Mr. Stone moved that Ordinance Number 7-88, An Ordinance Amending Section 105.01 Of The Centerville Municipal Code, be set for Public Hearing on October 17, 1988. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 8-88 WHIPP ROAD RELOCATION

Mr. Kenning reviewed proposed legislation to provide for a change in the configuration of Whipp Road at Wilmington Pike. The existing Whipp Road will cul-de-sac, the new Whipp Road will intersect Feedwire Road at Wilmington Pike. The Emergency Ordinance will permit the City to advertise for bids immediately after passage so that the project may move forward as quickly as possible. Mr. Siler sponsored Ordinance Number 8-88, An Ordinance Determining To Proceed With The Improvement Of Whipp Road In The City Of Centerville In Accordance With Resolution Number 17-88, Providing For The Taking Of Bids For Such Improvement, And Declaring An Emergency, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously. Upon question of Mr. Singer, Mr. Kenning clarified the fact that only one property owner is being assessed in this project.

ORDINANCE NUMBER 9-88 WHIPP ROAD RELOCATION

Mr. Compton moved that Ordinance Number 9-88, An Ordinance Determining To Proceed With The Improvement Of Whipp Road In The City Of Centerville In Accordance With Resolution Number 17-88, Providing For The Taking Of Bids For Such Improvement, be set for Public Hearing on October 17, 1988. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 10-88 CLYO ROAD RESURFACING

Mr. Kenning reviewed a proposed Ordinance to provide for the resurfacing of Clyo Road from Centerville Station Road to Alexandersville-Bellbrook Road. This is a State and Federally funded project with the City's share being 25% of the total cost. Mr. Singer moved that Ordinance Number 10-88, 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 October 17, 1988. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 11-88 DOGS

Mr. Kenning reviewed a proposed Ordinance to provide for a

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technical change to the Centerville Municipal Code relating to the barking and/or howling of dogs. This change will provide for control of barking or howling of dogs rather than requiring that both elements exist. Mr. Samples moved that Ordinance Number 11-88, An Ordinance Amending Section 505.09(a) Of The Centerville Municipal Code Relating To Barking Or Howling Dogs, be set for Public Hearing on October 17, 1988. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 20-88

Mr. Kenning reviewed a proposed Resolution to establish a Law Enforcement Fund for the depository of contraband forfeiture moneys. Mr. Siler sponsored Resolution Number 20-88, A Resolution Establishing A Law Enforcement Fund, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 21-88 SPRING VALLEY/STATE ROUTE 48

Mr. Kenning reviewed a proposed Resolution ratifying his action accepting a proposal from Robert E. Hunter, Attorney at Law, to provide for negotiations and acquisition of necessary right-of-way to improve Spring Valley Road and State Route 48. Mr. Stone sponsored Resolution Number 21-88, A Resolution Ratifying The Action Taken By The City Manager To Accept A Proposal Prepared By Robert E. Hunter, Attorney At Law, For Securing Right Of Way Necessary For The Spring Valley Road/State Route 48 Improvement, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 22-88

Mr. Kenning reviewed a proposed Resolution to authorize an Agreement between the City of Centerville and Alpha & Omega Data Processing, Inc. for the purchase of a 911 emergency system. Bids were taken and analyzed by Montgomery County, Alpha & Omega being considered the low and best bidder. The City's share in this project is approximately \$12,400.00. The system should be operational in 1989. Mrs. Beals sponsored Resolution Number 22-88, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement Between Alpha & Omega Date Processing, Inc. And The City Of Centerville For The Purchase Of An Enhanced 9-1-1 System, and moved that it be passed. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

WALNUT HILLS II SECTION ONE

Mr. Kenning advised that PRD Corporation has requested the release of the Performance Bond posted for Walnut Hills II, Section One; all work has been completed. Mr. Samples moved that the Performance Bond posted on Walnut Hills II, Section One, be released. Mr. Singer seconded the motion. The motion passed unanimously.

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There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Marilyn J. Sandlin
Clerk of Council