

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held November 16, 19 87

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 16, 1987 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 Brooks Compton
 Councilmembers James Singer
 Jeffrey Siler
 J. V. Stone
 Bernard Samples
 Sally Beals
 Clerk of Council Marilyn McLaughlin
 City Manager Darryl Kenning
 City Planner Alan Schwab
 Municipal Attorney Robert Farquhar
 Administrative Assistant Stephen King

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

Council Meeting - October 19, 1987.
 Council Work Session Meetings - October 19, 1987.
 November 2, 1987.
 November 9, 1987.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Stone seconded the motion. The motion passed by unanimous vote; however Mr. Siler abstained from the Minutes of the Meeting held on November 9 and Mr. Samples abstained from the Meetings held on October 19 and November 2.

COUNCIL APPOINTMENT SALLY BEALS

Mr. Singer moved that Councilwoman elect Sally D. Beals be appointed to fill the unexpired term of Councilman Charles G. Taylor. Mr. Samples seconded the motion. The motion passed by unanimous vote. The Oath of Office was administered to Mrs. Beals by Mayor Heintz. Mayor Heintz outlined the many contributions which Mrs. Beals has made to the Centerville community during the past several years.

Mr. Compton read a Certificate of Recognition which Mayor Heintz presented to each member of the Alter High School Boys Soccer Team recognizing them as AAA Boys Soccer Champs in the State of Ohio.

Executive Director Edwin Kovar, representing the Miami Valley Disaster Services, publicly recognized Mr. Kenning for his many years of service as a member of the Board of Directors.

Mrs. Kathy Hutter, representing the Centerville Classroom

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Teachers Association, outlined student activities during the past week in celebration of American Education Week in the City of Centerville.

Mayor Heintz presented to Mr. Paul Boeh, representing the Union Camp Corporation, a Certificate of Congratulations for their involvement in the Job Training Partnership Act. Mr. Boeh outlined their participation in this government project. Kathy Ebbitt, Centerville Marketing Representative for the Montgomery County Job Training Partnership Act, outlined their activities to find jobs for disadvantaged persons and how they prepare them for the work world.

Mrs. McLaughlin announced the receipt of a letter of resignation from Board of Architectural Review Member Sally Beals. Mr. Singer moved that the resignation of Sally Beals as a Member of the Board of Architectural Review be accepted with regret. Mr. Compton seconded the motion. The motion passed unanimously.

Mayor Heintz congratulated Brooks Compton and J. V. Stone on their recent re-election to City Council for additional four year terms, and Sally Beals for her election as a Councilmember.

Mayor Heintz advised that she has been attending the White House Conference for Drug Free America, attended by eight States and held in Cincinnati, Ohio.

LEONARD K. SNELL MAJOR USE SPECIAL APPROVAL MODIFICATION

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Leonard K. Snell for the property located north of Alexandersville-Bellbrook Road, south of I-675 and east of Loop Road. Mr. Snell has requested modification of an existing PUD-R plan to incorporate single family condominiums, along with modification of the location and footprint of four-story units in the Chardonay Valley Development.

Mr. Schwab located the subject 48.8 acres of land on a map and identified the 147 single family residential dwelling units and the 144 multi-family residential units on the modified plan. The configuration of the lakes have been slightly changed. Roadway improvements to Alexandersville-Bellbrook Road and parkland dedication are required. Mr. Schwab reviewed Planning Commission's unanimous recommendation that this modified plan be approved, subject to the following conditions:

1. The developer shall dedicate the 60 foot wide right-of-way from centerline along the north side of Alexandersville-Bellbrook Road across the southern portion of the property.

2. Alexandersville-Bellbrook Road shall be improved in accordance with a plan approved by the City Engineering Department. This plan shall include the following:

- a. A right-turn deceleration lane on Alexandersville-Bellbrook Road into the new private roadway

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- entrance to the development;
- b. A left-turn lane on Alexandersville-Bellbrook Road into the new private roadway entrance to the development; and
 - c. A temporary sidewalk along Alexandersville-Bellbrook Road across the frontage of the development.
3. The entrance drive onto Alexandersville-Bellbrook Road shall be redesigned to incorporate a third lane which will allow separate right and left-turn lanes exiting the development.
 4. Overview Drive shall be extended an additional distance as a public dedicated street to provide an access street to the vacant BP-D zoned land east of the Interstate Executive Center Development.
 5. All private streets shall be constructed to City Standards excepting roadway width subject to approval by the City Engineering Department.
 6. The private streets shall be a minimum of 26 feet wide if no raised curb is used at the edge and a minimum of 28 feet wide (back-of-curb to back-of-curb) if a raised curb is used.
 7. A sidewalk plan within the development approved by the City Planning Department shall be required.
 8. A sidewalk in the public right-of-way shall be required along Loop Road across the frontage of the development. The City Engineering Department shall review and approve the design.
 9. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
 10. 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.
 11. The final grading plans and stormwater drainage plans shall be approved by the City Engineering Department as complying with the City Flood Damage Prevention Ordinance.
 12. The four story buildings shall not exceed 65 feet in height.
 13. Each single family dwelling shall be setback a minimum of twenty feet from the edge of street pavement in front of the building.
 14. Individual building elevations of the single family buildings shall not be required to be reviewed by the City Planning Commission or City Council.
 15. The multi-family condominium buildings shall require a minimum of two parking spaces per dwelling unit.
 16. Detailed plans of the four story condominium buildings including architectural elevations of the exterior and underground parking lot design shall be submitted to the City Planning Commission for review and approval.
 17. The 6 foot high walls shown along Alexandersville-Bellbrook Road and Overview Drive shall be eliminated from the plan. Any other walls along Alexandersville-Bellbrook Road and Overview Drive to be proposed for consideration shall be

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submitted for review by the Planning Commission.

18. 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 by an appraisal by a qualified independent appraiser approved by the Planning Commission in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

19. After a zoning and a building permit are issued for the first phase of the development, the developer may locate a temporary sales office trailer on the property for a maximum of one year after the above permits are issued or until the first building is completed for the development. The City Department of Development shall review and approve the location and site plan for the trailer before the trailer may be placed on the property.

Mr. Robert Archdeacon, Woolpert Consultants, representing the Applicant, reviewed this modification to a previously approved development plan for Chardonnay Valley. The plan includes 8 4-story buildings at the previously approved height of 65 feet. This is a condominium development with all streets being private, and having recreation facilities consisting of a clubhouse, a pool and tennis courts. The lake is approximately 50 feet below I-675 and will serve as water retention and detention for the area. The 4-story buildings will serve as a transition between Gold Circle to the west and the multi-family development to the east. The cost of the land in question demands a high quality development. Mr. Archdeacon compared I-675 with the height of the structures in this development.

Upon question of Mr. Siler, Mr. Archdeacon advised that the density in the modified plan is the same as the previously approved plan.

Mr. Archdeacon clarified the fact that a sidewalk plan will be developed for the entire community at the time the first phase of construction occurs.

Mr. Compton suggested that condition number 19 be clarified so that the construction trailer remain no longer than one year or until the first building is completed, whichever occurs first.

Mr. Singer moved that the Major Use Special Approval Application submitted by Leonard K. Snell for the modification of an existing PUD-R plan for Chardonnay Valley be approved, subject to all conditions recommended by the Planning Commission and incorporating the clarification of condition number 19. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

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

CB DEVELOPMENT COMPANY APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by the CB Development Company against a decision of the Planning Commission rendered during their Meeting on August 25, 1987

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denying a Variance Application to eliminate the construction of sidewalk in front of the property located at 72 Westpark Road. This requirement surfaced as a result of an addition to an existing building. This requirement became a reality through the passage of the Zoning Ordinance in 1986. Mr. Schwab located the subject property on a map and explained the fact that Planning Commission's unanimous denial of the Variance Application was based upon their belief that requirements of the Zoning Ordinance should be met or the Ordinance changed.

Applicant Charles Bossi, advised that he is in favor of the sidewalk requirement as contained in the Zoning Ordinance, but in this case, he believes the appearance of the street will be spoiled with the installation of one small piece of sidewalk. The sidewalk will never be connected, Westpark Road is a mature and fully developed roadway. The sidewalk has nowhere to go, it will spoil the overall appearance of the area. Mr. Bossi believes that it is most practical to grant a Variance in this case to eliminate the requirement of a sidewalk in front of his property.

Upon question of Mrs. Beals, Mr. Bossi stated his willingness to install sidewalk at the time that sidewalk would be put in place along the entire street.

Mr. Robert Miller, partner in Centerville Commercial Park, supported Mr. Bossi's position. He outlined various burdensome improvements required to buildings when tenants change in the Industrial area of Centerville.

Based upon Mr. Bossi's presentation, Mr. Singer moved that the decision of the Planning Commission be reversed and the Variance be granted to eliminate the construction of sidewalk in front of the property at 72 Westpark Road. Mr. Siler seconded the motion. The motion passed by a 5-1 vote with Mrs. Beals voting no.

TRADIN' POST APPEAL TO COUNCIL

The Public Hearing was continued concerning the Appeal filed by the Tradin' Post against a decision by the Planning Commission rendered during their Meeting on August 25, 1987 denying a Variance Application to eliminate the construction of sidewalk in front of 7975 South Suburban Road in Centerville. Mrs. McLaughlin announced the receipt of a letter from Mr. James Arbogast requesting that this matter be withdrawn from further consideration. Mr. Schwab located the subject property on a map and pointed out that this Variance is very similar to that requested by Mr. Bossi.

Mr. Stone emphasized the need for the City to finally decide when a sidewalk should or should not be required in areas of this type.

Mr. Siler moved that the decision of the Planning Commission be reversed and the Variance be granted to eliminate the construction of sidewalk in front of the 7975 South Suburban Road. Mr. Compton seconded the motion. The motion passed by a 5-1 vote with Mrs. Beals voting no.

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Mr. Samples returned to the Meeting at this time.

RESOLUTION NUMBER 31-87 COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Kenning reviewed a proposed Resolution to ratify action taken by him to sign an Agreement with Montgomery County for Centerville's participation in the Community Development Block Grant Program. Montgomery County has been designated by the Federal Government as an "urban county" to apply for and receive grants from the Community Development Block Grant Program for Municipalities in Montgomery County. Under the direction of City Council, the Agreement has been signed in order to meet a filing deadline date. Mr. Stone sponsored Resolution Number 31-87, A Resolution Ratifying The Action Taken By The City Manager To Execute A Cooperation Agreement With The Board Of County Commissioners Of Montgomery County To Provide That Montgomery County Receive Federal Money On Behalf Of The City Of Centerville, Ohio, From The Community Development Block Grant Program, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 32-87 PUBLIC DEFENDER

Mr. Kenning reviewed a proposed Resolution authorizing a Contract with the Montgomery County Public Defender Commission to provide legal counsel to indigent persons charged with violation of the City's Municipal Ordinances. The City has a legal obligation to provide this service. The estimated cost to the City of Centerville for 1988 is \$1,500.00, however, the City will be charged based upon case load. Mr. Siler sponsored Resolution Number 32-87, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons; Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1988 And Terminating On December 31, 1988, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Samples left the Meeting at this time.

PLANNING COMMISSION REAPPOINTMENTS HOSFELD, LOOPER

Mayor Heintz advised that the terms of Robert Hosfeld and Robert Looper will soon expire as Members of the Planning Commission; both are interested in serving an additional term. Mr. Compton moved that Robert Hosfeld and Robert Looper be appointed to an additional term of four years as Members of the Planning Commission for the City of Centerville. Mr. Singer seconded the motion. The motion passed unanimously.

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CITY BEAUTIFUL COMMISSION APPOINTMENT KRAUS

Mr. Singer moved that Alice Y. Kraus be appointed as a Member of the City Beautiful Commission for a term of three years. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

BOARD OF ARCHITECTURAL REVIEW APPOINTMENT GARTNER

Mayor Heintz advised that due to the resignation of Sally Beals as a Member of the Board of Architectural Review a vacancy exists. Mrs. Beals moved that Edward D. Gartner be appointed as a Member of the Board of Architectural Review to fill the unexpired term of Sally Beals. Mr. Stone seconded the motion. The motion passed unanimously.

PLYMOUTH COLONY BOND REDUCTION

Mr. Kenning reviewed a report received from the City Engineer recommending that the Performance Bond posted on Plymouth Colony be reduced. The major part of the road improvements is in place, including storm sewer system, detention area, curbs and gutter and the first layer of blacktop. The developer has requested reduction of the Performance Bond from \$125,349.00 to \$8,125.00. In consideration of the adverse weather which is approaching and the fact that construction traffic might cause some deterioration of certain areas of the road surface, Mr. Kenning recommended that the Performance Bond for streets and storm sewers be reduced to \$15,000.00; the Performance Bond for sidewalks in the amount of \$17,430.00 should not be altered since installation of sidewalks will take place over a period of time as individual homes are constructed. Mr. Stone moved that the Performance Bond posted on Plymouth Colony for streets and storm sewers be reduced to \$15,000.00 as recommended by the City Manager. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Marion J. McLaughlin
Clerk of Council