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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, March 17, 1986 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 J. V. Stone  
                   Jeffrey Siler  
                   James Singer  
                   Bernard Samples  
                   Charles Taylor  
 Clerk of Council Marilyn McLaughlin  
 City Manager Darryl Kenning  
 City Planner Alan Schwab  
 Service Director Richard Bishop  
 City Engineer Karl Schab  
 Director of Finance William Bettcher  
 Chief of Police William Lickert  
 Municipal Attorney Robert Farquhar  
 Administrative Intern Michael Haverland

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

Council Meeting - February 17, 1986.  
 Council Work Session Meetings - February 17, 1986.  
   - February 24, 1986.  
   - March 3, 1986.

Joint Meeting-City Council/Planning Commission/Board of Architectural Review/Zoning Task Force - February 20, 1986. Mr. Siler moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Compton seconded the motion. The motion passed unanimously; however, Mr. Samples abstained from the Minutes of the March 3rd Council Work Session Meeting.

#### CENTERVILLE PROPERTY REVIEW COMMISSION

Mr. Taylor moved that Mr. Jarred Haney be appointed as a Member of the Centerville Property Review Commission for the City of Centerville. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

#### BOARD OF TAX APPEALS

Mr. Compton moved that Mr. Casimer K. Salys be appointed as a Member of the Board of Tax Appeals for the City of Centerville. Mr. Singer seconded the motion. The motion passed by unanimous vote.

#### PERSONNEL APPEALS BOARD

Mr. Singer moved that Mr. Norman V. Plair be appointed as a

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Member of the Personnel Appeals Board for the City of Centerville. Mr. Taylor seconded the motion. The motion passed unanimously.

## CITY BEAUTIFUL COMMISSION

Mr. Compton moved that Mrs. Vivian Hohl, Mr. Timothy B. Horne, Mr. Alan D. Petersen, Mr. Donald O. Collins and Mrs Constance M. Chamberlain be appointed as Members of the City Beautiful Commission for the City of Centerville. Mr. Samples seconded the motion. The motion passed by unanimous vote.

Mayor Heintz administered the Oath of Office to Planning Commission Member Stanley E. Swartz, and to Casimer K. Salys, Norman V. Plair, Vivian Hohl, Timothy B. Horne, Alan D. Petersen and Donald O. Collins.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control for the transfer of a D5 Permit from Centerville Lanes, Inc. to Atkins Rentz, Inc., DBA Centerville Lanes, 911 South Main Street in the City of Centerville. No objections to the issuance of this Permit were indicated by City Council

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

Proclamation designating March 6, 1986 as International Women's Air and Space Museum Day in the City of Centerville.

Proclamation designating the month of April, 1986 as Fair Housing Month in the City of Centerville.

Proclamation designating April 26, 1986 as Vitiligo Awareness Day in the City of Centerville.

Mayor Heintz advised that review continues by City Council of the new proposed Zoning Ordinance and Zoning Map for the City of Centerville. Public Meetings and Hearings will be forthcoming with proper notification to all property owners in the City of Centerville.

Mr. Kenning advised that the Contractor on the construction of I-675 has resumed work on Alexandersville-Bellbrook Road and north to Loop Road. The apparent completion date is approximately 20% behind schedule, target being late September or October, 1986.

## KROGER FOOD STORES TEMPORARY GARDEN CENTER

Mr. Kenning reviewed the Planning Commission Meeting held February 25, 1986. Mr. Schwab reviewed a request received from the Kroger Food Stores to locate a temporary garden center in their parking lot in the Centerville Place Shopping Center, west side of South Main Street and south of Spring Valley Road, requested time being from April 1 through August 31, 1986. The product line-up will include ground covers only - mulch, nuggets,

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peat moss and top soil. The Planning Commission voted unanimously to recommend approval of this request to City Council. Mr. Compton moved that the request for a temporary garden center submitted by the Kroger Food Stores, be approved as presented. Mr. Samples seconded the motion. The motion passed unanimously.

#### HIDDEN VALLEY FRUIT FARM TEMPORARY GARDEN CENTER

Mr. Schwab reviewed a request submitted by Hidden Valley Fruit Farm to locate a temporary garden center at the southwest corner of the parking lot in the Centerville Square Shopping Center, located west of South Main Street and north of Spring Valley Road for the sale of vegetable and flower plants, top soil, bark mulch, seeds, small trees and shrubs, from April 15 through July 15, 1986. The Planning Commission voted unanimously to recommend approval of this request to City Council. Mr. Samples moved that the request submitted by Hidden Valley Fruit Farm, be approved as submitted. Mr. Siler seconded the motion. The motion passed by unanimous vote.

#### HARTZELL FLOWERS INC. TEMPORARY GARDEN CENTER

Mr. Schwab reviewed for Council an application submitted by Hartzell Flowers Inc. to locate a temporary garden center in the Centerville Place Shopping Center, west side of South Main Street, south of Spring Valley Road and located just south of the main entrance into the Shopping Center. Requested time is from April 15 to August 31, 1986, as weather permits. The Planning Commission recommended unanimously to City Council that this request be approved.

Mr. David Schepmann, Sales Manager, outlined the difference between this outside sales facility and their permanent store located in the Shopping Center. The temporary garden center will be utilized to sell bedding and blooming plants while craft items and foliage plants are sold in the permanent facility. August 31, 1986 has been requested in order to sell mums and other late season products. Mayor Heintz expressed concern with a temporary facility remaining in operation from April 15 to August 31. Mr. Siler moved that the temporary garden center requested by Hartzell Flowers Inc., be approved as requested. Mr. Taylor seconded the motion. The motion passed by a 5-2 vote with Mayor Heintz and Mr. Compton voting no.

#### THROCKMORTON BROTHERS INC. TEMPORARY GARDEN CENTER

Mr. Schwab reviewed a request submitted by Throckmorton Brothers Inc. to locate a temporary garden center at the northwest corner of East Franklin Street and Compark Road. The proposal includes the use of the SOHIO building at that location, time requested being from April 1 through June 30, 1986. The Planning Commission voted unanimously to recommend approval of this request to City Council. Mr. Samples moved that the request submitted by Throckmorton Brothers Inc. to operate a temporary

## RECORD OF PROCEEDINGS

Minutes of

Meeting

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garden center be approved as presented. Mr. Siler seconded the motion. The motion passed by unanimous vote.

## LEONARD K. SNELL OFFICE PARK SITE PLAN

Mr. Schwab reviewed a proposed Site Plan for the Leonard K. Snell Office Park, location being east of Loop Road, north of Alexandersville-Bellbrook Road, across from and north of the Gold Circle Store and north of the Alex-Bell Veterinary Clinic. The proposal includes approximately 4.6 acres of B-2 zoned land, road improvements include sidewalk along Loop Road in front of the development and the construction of a new road (Rentz Way) off Loop Road. Two curb cuts are proposed off Rentz Way, one continuing through the parking area to the south vacant property, and one off Loop Road. The Site Plan conforms to a previously prepared Concept Plan for the total area and conforms to Deed Restrictions limiting curb cuts off Loop Road. Mr. Schwab reviewed the unanimous vote for approval by the Planning Commission with the following conditions:

1. The Site Plan shall show the exact location and dimensions of the property proposed for development, including the proposed ownership of the land between Loop Road and the apparent property proposed for development.
2. The portion of the office development located in the apparent R-4 multi-family zoned land shall be eliminated.
3. A Record Plan approved by the City shall be recorded with the County dedicating Rentz Way as a public street prior to the staff approval of this Plan. The proposed Plan for the office park access to Rentz Way shall be evaluated and changed, if necessary, to accomodate the final design of Rentz Way.
4. The location of the intersection of the public street, Rentz Way, and Loop Road shall be in accordance with the Deed Covenant on the land. The intersection shall be at a 90 degree angle instead of the slight angle shown.
5. A five foot wide sidewalk shall be constructed by the developer along Loop Road across the entire front of the project.
6. An access easement shall be recorded providing two-way access between Renty Way and the undeveloped business-zoned land to the east and the south.
7. The curb cut to Loop Road shall be widened to permit two-way vehicular travel.
8. The minimum width of all double loaded two-way aisle parking bays shall be 60 feet.
9. Dumpster locations shall be shown on the Plan and appropriately screened from view.
10. A Deed Covenant, approved by the City, requiring a planted strip a minimum of ten feet in width across the entire length of the property east of this property shall be recorded.
11. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
12. A stormwater drainage plan shall be approved by the City showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during

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construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance. If the stormwater retention or detention is provided off-site, then a perpetual easement approved by the City shall be recorded to provide for the use and future maintenance of this stormwater drainage system.

13. A plan showing the architectural elevations of the buildings proposed on the site.

14. A plan for all exterior lighting.

15. No sign shall be approved as part of this application, unless additional information is provided of sufficient detail to determine if the sign is in compliance with the City sign requirements.

Upon question of Mr. Taylor, Mr. Schab defined stormwater drainage from this property to the east. Discussion followed relative to two-way traffic from Rentz Way through the parking area to the southern property and access from Rentz Way to the property to the east and south when said property is developed. Mr. Singer moved that this Site Plan be tabled for further interaction with the developer, in consideration of accesses needed to the total acreage in the future. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

#### ORDINANCE NUMBER 3-86 VILLAGE SOUTH DRAINAGE DITCH

The Public Hearing was held concerning Ordinance Number 3-86. Mr. Kenning reviewed this proposed Ordinance which provides for the assessment of funds from property owners for the improvement of the drainage ditch in the Village South Plat. The project was originally set up so that each involved property owner would pay no more than \$500.00 for each parcel of land. Due to circumstances during the project, costs have been lowered to approximately \$375.00 per parcel; property owners have the option of paying their share in cash by April 17, 1986 or having it placed upon their tax duplicate to be collected as other taxes. Mr. Singer pointed out the fact that this project was a result of a petition from property owners and only involves 25 property owners in the Village South Plat. Mr. Singer sponsored Ordinance Number 3-86, An Ordinance Levying Special Assessments For Paying The Cost Of Improving Certain Drainage Facilities In The City Of Centerville, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

#### ORDINANCE NUMBER 5-86 CLYO ROAD EXTENSION

The Public Hearing was held concerning Ordinance Number 5-86. Mr. Kenning reviewed this proposed Ordinance which provides for special assessments to extend Clyo Road from Alexandersville-Bellbrook Road to just west of Bigger Road, and provides for the taking of bids for its construction. Mr. Taylor sponsored Ordinance Number 5-86, An Ordinance Determining To Proceed With The Improvement Of Clyo Road In The City Of Centerville In Accordance With Resolution Number 27-85, And Providing For The Taking Of Bids For Such Improvement, and moved

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that it be passed. Mr. Samples seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 6-86 BOARD OF TAX APPEALS

The Public Hearing was held concerning Ordinance Number 6-86. Mr. Kenning reviewed this proposed Ordinance which changes the one year annual terms for Members of the Board of Tax Appeals to three year staggered terms. Mr. Compton sponsored Ordinance Number 6-86, An Ordinance Amending Section 191.15 (b) (1) Of The Centerville Municipal Code By Changing The Terms Of The Members Of The Board Of Tax Appeals, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 7-86 PERSONNEL RULES AND REGULATIONS

Mr. Kenning reviewed a proposed Ordinance to authorize the City Manager to promulgate rules and regulations for employees of the City of Centerville. These rules and regulations have been a part of the Administrative Code and thus require Council action for change. Mr. Siler moved that Ordinance Number 7-86, An Ordinance Amending Chapter 165 Of The Administrative Code Relative To Personnel Rules And Regulations And Repealing All Previous Ordinances, be set for Public Hearing on April 21, 1986. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 4-86 ADVANCE OF TAXES

Mr. Kenning reviewed a proposed Resolution to ratify the action taken to request an advance of taxes collected in the amount of \$170,000.00, by the Montgomery County Auditor on behalf of the City of Centerville. Upon question of Mr. Compton and Mr. Siler, Mr. Bettcher explained the fact that the amount designated was based upon the City's final settlement in 1985. Mr. Taylor sponsored Resolution Number 4-86, A Resolution Ratifying The Request Of An Advance Of One Hundred Seventy Thousand Dollars (\$170,000.00) Out Of The Current Collection Of Real Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 5-86 CITY INSURANCE

Mr. Kenning reviewed the following Bids received for a package insurance policy to include property, general liability and automotive liability coverage for the City of Centerville:

Home Insurance Company (Complete package)	\$153,462.00
Gen Star Indemnity (General liability only)	105,883.00
Ohio Casualty Company (Property, equipment and employee	15,360.00

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bonding only)

Mr. Kenning, following his complete review of the Bids received, recommended the acceptance of the Bid received from Home Insurance Company for general and auto liability, and the Bid received from Ohio Casualty Company for property, equipment and bonding. Discussion followed relative to these rates as compared with rates in 1985. Mr. Kenning pointed out the fact that these rates are for a one year period.

Mr. Stone sponsored Resolution Number 5-86, A Resolution Accepting The Bid Of Ohio Casualty Company To Supply Property, Equipment And Employee Bonding Coverage To 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. Taylor seconded the motion. The motion passed by unanimous vote.

#### RESOLUTION NUMBER 6-86 CITY INSURANCE

Mr. Stone sponsored Resolution Number 6-86, A Resolution Accepting The Bid Of Home Insurance Company To Supply General Liability And Auto Liability Coverage 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. Taylor seconded the motion. The motion passed unanimously.

Mr. Siler encouraged City Insurance becoming a top priority item for the City during 1986, alternatives must be reviewed now. Mr. Kenning advised that work has been in process for joint insurance between Cities in the Miami Valley Cable Council, an opinion from the Attorney General as to the legality of such a project, should be received in the near future.

#### RESOLUTION NUMBER 7-86 ROAD IMPROVEMENTS

Mr. Kenning reviewed the following Bids received for the 1986 road improvement program in the City of Centerville:

John R. Jurgensen Company	\$298,230.50
Alternate	388,155.50
Barrett Paving Materials, Inc.	295,126.00
R. H. Miller Construction Company (Concrete only)	173,245.50
R. E. Holland Excavating Company	266,250.95
Alternate (recycled asphalt)	-1.58/ton
Trojan Asphalt, Inc.	309,626.64
T.d.M. Construction Company, Inc.	277,620.50

Mr. Kenning, having fully reviewed the Bids received and considered references made, recommended the acceptance of the low and best Bid received from T.d.M. Construction Company, Inc. Mr. Kenning further recommended that the total amount be increased to the budgeted figure of \$350,000.00 plus \$14,000.00 for asphalt work behind the Centerville Municipal Building.

Mr. Taylor sponsored Resolution Number 7-86, A Resolution Accepting The Bid Of T.d.M. Construction Company, Inc. For The 1986 Road Improvements In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection

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Therewith, total amount being the bid price of \$277,620.50, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Compton and Mr. Singer voted no.

RESOLUTION NUMBER 8-86 CLYO ROAD EXTENSION

Mr. Kenning reviewed the following Bids received for the extension of Clys Road in the City of Centerville:

T.d.M. Construction Company	\$1,151,254.27
Alternate	-6,000
Dyno Construction Company	1,198,330.80
S.K. Construction Company	1,234,870.92
Barrett Paving Materials, Inc.	1,257,996.30
R. E. Holland Excavating Company	1,135,067.03
Sycamore Builders, Inc.	1,170,086.02
L. P. Cavett Company	1,276,683.56
B. G. Danis Company	1,365,696.71
John R. Jurgensen Company	1,185,269.64
Alternate #1	1,205,710.55
Alternate #2	1,194,772.77
Alternate #3	1,175,894.40

Mr. Kenning, following a careful review of all Bids received, recommended the acceptance of the low and best Bid of T.d.M. Construction Company in the amount of \$1,151,254.27. Upon question of Mayor Heintz, Mr. Schab advised that preliminary work should begin shortly after a Contract has been executed.

Mr. Compton sponsored A Resolution Accepting The Bid Of R. E. Holland Excavating Company For the Extension Of Clys Road 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. A roll call vote resulted in five nays against the motion, Mr. Compton and Mr. Singer voted yes. The Chair declared the motion defeated.

Upon question of Mr. Bob Holland, R. E. Holland Excavating Company, Mr. Kenning advised that his recommendation was based upon performance records received.

Mr. Samples sponsored Resolution Number 8-86, A Resolution Accepting The Bid Of T.d.M. Construction Company, Inc. For The Extension Of Clys Road 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. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Compton and Mr. Singer voted no.

RESOLUTION NUMBER 9-86 CLYO ROAD EXTENSION

Mr. Kenning reviewed this proposed Resolution certifying the maximum maturity of bonds and notes for the extension of Clys Road in the City of Centerville. Mr. Stone sponsored Resolution Number 9-86, 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.

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ORDINANCE NUMBER 8-86 CLYO ROAD EXTENSION

Mr. Kenning reviewed a proposed Ordinance authorizing the issuance of \$735,575.00 bond anticipation notes to pay that portion of the Clyo Road Extension project being assessed property owners. Property owners will be given the opportunity to prepay their share of the assessment before the issuance of bonds. Mr. Compton sponsored Ordinance Number 8-86, An Ordinance Authorizing The Issuance of \$735,575 Of Bond Anticipation Notes Of The City Of Centerville, Ohio, For The Purpose Of Paying Part Of The Cost of Making Improvements To Clys Road 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 with Mr. Siler abstaining.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Dentz  
Mayor

ATTEST:

Marie DuBois  
Clerk of Council