

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

Held June 16, 19 86

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, June 16, 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 James Singer
 Charles Taylor
 Bernard Samples
 Jeffrey Siler
 Clerk of Council Marilyn McLaughlin
 City Planner Alan Schwab
 City Engineer Karl Schab
 Director of Finance William Bettcher
 Chief of Police William Lickert
 Municipal Attorney Robert Farquhar
 Administrative Assistant Stephen King
 Administrative Intern Michael Haverland

Mayor Heintz advised that Councilman J. V. Stone would not be present for this Meeting due to a previous commitment. Mr. Siler moved that Mr. Stone be excused from this Meeting. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

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

Council Meeting - May 19, 1986.
 Council Work Session Meeting - May 19, 1986.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Samples seconded the motion. The motion passed unanimously.

Mayor Heintz advised that two Certificates of Appreciation have been awarded during the past month: one to the Kuntz Foundation for the kitchen installed in the Asahel Wright House, and one to the Fifth Third Bank for the conference table for use in the Asahel Wright House.

Mr. Siler read a Certificate of Congratulations prepared for Members of the Centerville High School "Olympics of the Mind" team for winning the title in the State of Ohio. Certificates were given to Irene Chow, Laura McTaggart, Amy Miller, Stephanie Phibbs, Trina Sustersic, Kim Uddin and Dawn Watkins, by Mayor Heintz.

Mr. Samples read a Certificate of Appreciation presented to the following participants in the Centerville-Washington Township Clean-up, Spruce-up, Fix-up Week in the City of Centerville:
 Centerville Kiwanis
 Centerville High School Key Club
 Centerville Lions Club

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Centerville Lioness
 South Dayton Ambucs
 Welcome Wagon
 Centerville Mill
 Centerville East Neighborhood Girl Scouts
 Southminster Singles
 Grass Roots Garden Club
 Centerville Rotary
 Red Coach Garden Club
 Washington Square Dance Club
 Centerville Builders Supply

Jo Ann Ropp, Executive Director, Seniors, Inc., outlined activities and services being provided through and in the Center on Clys Road; membership has reached 529.

Mayor Heintz made the following announcements:

A Proclamation has been issued designating the weekend of July 4, 1986 as Centerville Invitational Soccer Classic Weekend in the City of Centerville.

A Neighborhood Watch Appreciation Night was held during the month of June.

The Sugarcreek Baptist Cemetery, the oldest cemetery in the City of Centerville, has been rededicated.

Mayor Heintz attended the Mayors Association of Ohio Meeting held in Cincinnati June 6 and 7, 1986.

Mayor Heintz congratulated the City Beautification Award winners in the City of Centerville for the month of May, 1986.

Chief Lickert, Acting City Manager, reviewed the Planning Commission Meeting held June 3, 1986. The Planning Commission has recommended approval of the three Ordinances which effect the new Zoning Ordinance and Zoning Map for the City of Centerville. These documents will be addressed by Council later during this Meeting.

TIFTON GREENS CONDITIONAL USE

The Public Hearing was held concerning a Conditional Use Request filed by Donese Development for Tifton Greens to construct 77 single and multi-family condominium units on approximately 17,505 acres of land located along the south side of proposed Clys Road, approximately 1,200 feet from the intersection of proposed Clys Road with Bigger Road.

Mr. Schwab located the subject property on a map, being west and north and adjacent to the Greenbrier Commons Condominium development. Proposed is the erection of one and one half story units at a density of 4.34 dwelling units per acre. All streets are proposed to remain private through the development. The Planning Commission voted unanimously to recommend approval of this Use to City Council subject to the following conditions:

1. A revised site plan, subject to approval by the City Planner, shall be submitted that incorporates the following changes:

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a. Norwich Lane shall be extended along the southern portion of the property from Olde Greenbrier Lane to the west property line. Proper bonding should occur to insure the construction of Norwich Lane. The construction of Norwich Lane shall occur at the time the final section is developed.

b. This extended section of Norwich Lane shall be a public dedicated street, shall be recorded prior to the issuance of a zoning certificate for this project and shall be improved in accordance to the subdivision regulations of the City of Centerville, Ohio.

c. The intersection of Clys Road and Pinehurst Trail shall be relocated to the east to match the location of the curb-cut presently under construction. Any change in the location of this intersection must meet with the approval of the City Engineer.

d. Pinehurst Trail shall intersect Clys Road at a right angle to Clys Road.

e. Pinehurst Trail shall be extended to the south and connect to the new extended section of Norwich Lane.

f. Golf Court shall be situated no closer than one hundred (100) feet to the right-of-way line of the extended Norwich Lane.

g. Private streets within the development shall be a minimum of 26 feet wide where no raised curbs are present and shall be a minimum of 28 feet wide when raised curbs are present. This width will allow parking on both sides of the street and one through lane between cars parked on each side of the street.

h. Buildings located adjacent to Norwich Lane shall be setback a minimum of 30 feet from the right-of-way line.

i. Buildings located adjacent to the outside property lines of the tract shall be setback a minimum of 20 feet from that property line.

j. Buildings shall be setback a minimum of 20 feet from the edge of pavement of any internal private street.

2. A cross easement for vehicular access between Masters Court in the Tifton Greens Condominiums and Glastonbury Lane in the Greenbrier Commons Condominiums shall be approved by the City Attorney and legally recorded. The City of Centerville shall be included as party to this easement and approval by the City shall be required before this easement is modified or waived.

3. All proposed street names shall be approved by the Washington Township Fire Department.

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

5. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

Mr. Schwab advised that a Revised Plan has been received this date, incorporating Planning Commission's conditions, which includes 78 units and which does not include a setback change from Norwich Lane.

Mr. Herbert Brown, 1173 Bournemouth Court, stated objection to a roadway from this new development accessing into the Greenbrier Commons development in consideration of increased vehicular traffic through their complex.

DARTON LEGAL PLANE CO. 10144

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Mr. Paul Wieser, 6817 Kantwell Lane, reinforced Mr. Brown's objection: he objects to the public use of their private streets, these private streets are maintained by the association at their expense.

Mr. John Judge, John W. Judge Engineering Company and representing the developer, stated his willingness not to continue Glastonbury Lane at this time, the construction of Norwich Lane could also be delayed until a later date. He is most interested in beginning construction of the northern portion of the subject property.

Mr. Schwab pointed out the need for internal traffic circulation within developments, these two developments (Tifton Greens and Greenbrier Commons) were at one time proposed to be developed as a whole.

Mr. Judge clarified the fact that he is not aware of any agreement for a cross easement for vehicular access between Masters Court in the Tifton Greens Condominiums and Glastonbury Lane in the Greenbrier Commons Condominiums. Discussion followed relative to the existence and non-existence of this cross easement and whether the City could require such an easement if an agreement has not been provided on the Deed. Mr. Brown pointed out the fact that Glastonbury Lane does not continue to their property line, therefore the streets cannot be connected without an easement, the Greenbrier Condominium Association will not grant such an easement in the future.

Mr. Singer expressed his desire that through streets in developments such as this be made public streets, they are available for the general use of the public and should be public dedicated streets. He also suggested that private streets in this development be constructed in accordance with City Standards. Mr. Judge defined their intent in Tifton Greens to discourage the use of Pinehurst Trail as a cut through street to the south, Clyo Road should be used for this purpose, for this reason they proposed Pinehurst Trail as a private roadway. He clarified the fact that the private streets in Tifton Greens will be built to City Specifications.

Upon question of Mr. Compton, Mr. Judge advised that the Revised Plan for this development includes sidewalk along the east side of Pinehurst Trail from Clyo Road to Norwich Lane.

Mr. Siler moved that the Conditional Use Request submitted by Donese Development for Tifton Greens be approved as recommended by the Planning Commission including their conditions not otherwise deleted, in accordance with the Revised Plan submitted and approved by the City Planning Department dated June 3, 1986 and also in accordance with a Revised Plan submitted this date June 16, 1986, and subject to the following conditions:

1. The deletion of Planning Commission condition number 2 (A cross easement for vehicular access between Masters Court in the Tifton Greens Condominiums and Glastonbury Lane in the Greenbrier Commons Condominiums shall be approved by the City Attorney and legally recorded. The City of Centerville shall be included as party to this easement and approval by the City shall be required before this easement is modified or waived).

2. Planning Commission condition number 1.h. be changed to

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require a setback of 20 feet instead of 30 feet.

3. The developer shall submit a plan to the City of Centerville stubbing Masters Court in the Tifton Greens Condominiums and Glastonbury Lane in the Greenbrier Commons Condominiums, this plan shall be subject to the approval of the City Planner.

4. Sidewalk shall be constructed along the east side of Pinehurst Trail.

Mr. Samples seconded the motion.

Mr. Singer moved to amend the previous motion to require all private streets in the development to be constructed in accordance with the Street Specifications for the City of Centerville. Mr. Siler seconded the motion. The motion passed unanimously.

Mr. Singer moved to amend the previous motion to provide that no gates, electric or otherwise, be permitted to block entrance or exit to Pinehurst Trail off Cloy Road or Norwich Lane. Mr. Siler seconded the motion. Mr. Siler and Mr. Taylor expressed concern with the placing of restrictions on private streets. A roll call vote resulted in five nays against the motion; Mr. Singer voted yes.

The main motion passed by unanimous vote of City Council. Emphasis was placed upon the general consensus of all concerned, that sometime in the future, Norwich Lane will continue to the west.

KETTERING BIKE SHOP, INC. APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by the Kettering Bike Shop, Inc., against a decision rendered by the Planning Commission during their Meeting on April 29, 1986 to deny permission to erect a 48 square foot sign on the south wall of the Bike Shop located at 895 South Main Street in the Centerville Square Shopping Center. Mr. Schwab reviewed the Variance Application denied by the Planning Commission to erect signage on two sides of the building instead of just one side in accordance with the requirements of the Zoning Ordinance for the City of Centerville. Total signage permitted is 75 square feet, one sign only; the applicant proposes to split this total signage, locating 48 square feet on the south wall and 27 square feet on the east wall of the building, the building is located on the south east corner of the shopping center. The City Staff recommended denial of the Variance Request to the Planning Commission based upon the fact that this was not a unique situation.

Mr. Roy Boucher, Attorney for the Applicant, pointed out the fact that the Bike Shop sits behind other retail businesses (Shell Service Station, Pizza Hut and Bank One) thus interfering with their exposure. He cited a Variance having been granted to the Lindclay Corporation allowing not two, but three "Anchor Shop" signs on the north, west, and south sides of its building at Cross Pointe Centre. Mr. Boucher further emphasized the need for exposure by east and west bound traffic on Spring Valley Road, currently visibility is blocked by a Garden Center. An Ice

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Cream Store previously operating in same location was permitted to erect a sign on the south side of the building as is now being requested by the Bike Shop.

Mr. Robert Looper, 50 Zengel Drive, Member of the Zoning Task Force and City Planning Commission, stated opposition to the granting of this Appeal. The Anchor Shop sign and the Ice Cream Shop sign were both granted under requirements of a previous Sign Ordinance.

Mr. Harry Tegtmeyer, Applicant, explained his need for exposure from both sides of his building.

Mr. Taylor recognizing this request as a unique situation the need for visibility, and recognizing the fact that total sign square footage requested does not exceed that which is permitted, moved that the decision of the Planning Commission rendered against the Variance Application submitted by the Kettering Bike Shop, Inc. be reversed and the Appeal be granted. Mr. Compton seconded the motion. The motion passed five in favor; Mr. Samples voted no.

TAX BUDGET 1987

The Public Hearing was held concerning the proposed Tax Budget for the City of Centerville for the fiscal year ending December 31, 1987. Mr. Lickert reviewed this Tax Budget to be submitted to the Montgomery County on or before July 15, 1986, total estimated \$6,855,704.00. Mr. Siler moved that this proposed Tax Budget be approved for submittal to the Montgomery County Auditor. Mr. Taylor seconded the motion. The motion passed by unanimous vote of City Council

CITY BEAUTIFUL COMMISSION

Mayor Heintz advised that the term of Michael Fanning will soon expire as a Member of the City Beautiful Commission. Mr. Compton moved that Michael Fanning be reappointed as a Member of the City Beautiful Commission for a term of three years. Mr. Taylor seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 11-86 ZONING ORDINANCE AMENDMENT TEXT

Mayor Heintz explained the fact that the next three agenda items are a result of the work of the Zoning Task Force to revise the current Zoning Ordinance and Zoning Map for the City of Centerville.

Mr. Compton moved that Ordinance Number 11-86, An Ordinance Enacting Revised Zoning Districts And Regulations For The City Of Centerville, Ohio, In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code. Also, This Ordinance Repeals Ordinance Number 15-61, The Zoning Ordinance Of Centerville, Ohio - 1961 And All Amendments Thereto, be set for Public Hearing on July 21, 1986. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 12-86 FEES

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Mr. Singer moved that Ordinance Number 12-86, An Ordinance Establishing A Schedule Of Fees For Certain Applications And Permits Required By The Zoning Ordinance Of The City Of Centerville, Ohio, And Other Ordinances Of This Municipality Which May be Specified Herein, be set for Public Hearing on July 21, 1986. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 13-86 PLANNING COMMISSION

Mr. Taylor moved that Ordinance Number 13-86, An Ordinance Establishing A Planning Commission For The City Of Centerville, Ohio, In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code. This Ordinance Repeals Ordinance Number 2-39, To Create A City Planning Commission For The Village Of Centerville, Montgomery County, Ohio, As Amended By Ordinance Number 6-60, Ordinance Number 25-69, Ordinance Number 51-69, Ordinance Number 16-74, Ordinance Number 76-75, And All Amendments Thereto, be set for Public Hearing on July 21, 1986. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 12-86 INCOME TAX ALLOCATION

Mr. Samples sponsored Resolution Number 12-86, A Resolution To Amend Resolution 33-85 In Its Entirety And To Authorize And Direct The Allocation Of Income Tax Receipts Received On And After June 1, 1986 Between The General Fund, Street Construction And Maintenance Fund, Debt Retirement Fund, Capital Improvements Fund, Equipment Reserve Fund, Central Vehicle Purchase Fund And General Insurance Deductible 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 13-86 SIDEWALK IMPROVEMENTS

Mr. Lickert reviewed the following two Bids received for the 1986 Sidewalk Improvement Program in the City of Centerville:

R. A. Miller Construction Company	
Hamilton, Ohio	\$67,880.00
T.d.M. Construction Company	
Centerville, Ohio	64,992.50

Mr. Schab recommended the acceptance of the lowest and best Bid submitted by T.d.M. Construction Company in the amount of \$64,992.50. Mr. Singer sponsored Resolution Number 13-86, A Resolution Accepting The Bid Of T.d.M. Construction Company, Inc., For 1986 Sidewalk Improvements 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.

RESOLUTION NUMBER 14-86 BIKEWAY CLYO ROAD

Mr. Lickert advised that due to the fact that it has been

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deemed desirable to provide a bikeway along Clyo Road between Bigger Road and Alexandersville-Bellbrook Road, this would be the appropriate time for this construction while Clyo Road extension is being put in place, estimated to cost approximately \$23,000.00. Mr. Taylor sponsored Resolution Number 14-86, A Resolution Authorizing The Expenditure Of Twenty Three Thousand Dollars (\$23,000.00) For A Change Order For Construction On Clyo Road To Provide For A Widened Sidewalk and Bikeway, and moved that it be passed. Mr. Samples seconded the motion. The motion passed by unanimous vote.

BLACK OAK FOREST SECTION TWO

Mr. Schab reviewed his recommendation that the Performance Bond posted on sidewalks in Black Oak Forest, Section Two, including Forest Brook Boulevard, Deer Run Road and Tamarind Trail, be released subject to the receipt of a Maintenance Bond of \$1,000.00 for the duration of one year. All missing links have been installed by Kelchner Excavating, Inc. Mr. Siler moved that the Performance Bond in the amount of \$13,000.00 posted on Black Oak Forest, Section Two, be released subject to receipt of a Maintenance Bond of \$1,000.00 for the duration of one year. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 15-86 CLYO ROAD

Mr. Schab reviewed for Council the need for a change order in the Contract for the Clyo Road Improvement Project. The new traffic light at the intersection of Alexandersville-Bellbrook Road and Clyo Road provides left turn arrows for the east-west traffic on Alexandersville-Bellbrook Road. The north-south traffic can make left turns, but said traffic does not have a protected left turn. Mr. Schab recommended that a change order be authorized to: 1. Modify the planned traffic light to include left turn arrows for the north-south traffic, and 2. Install a left turn lane south of the intersection (in existing Clyo Road) to assure safe left turn movements. The estimated cost of these modifications is \$13,500.00. Mr. Singer sponsored Resolution Number 15-86, A Resolution Authorizing The Expenditure Of Thirteen Thousand Five Hundred Dollars (\$13,500.00) For A Change Order For Construction On Clyo Road To Provide For Installation Of New Left Turn Lane In Existing Clyo Road South Of Alexandersville-Bellbrook Road And Providing Of Left Turn Arrows In New Traffic Light, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 14-86 ZONING ORDINANCE AMENDMENT REZONING
ST. ELIZABETH CORPORATION

Mr. Siler moved that Ordinance Number 14-86, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance By Rezoning 121.083 Acres More Or Less, From Centerville R-1 Classification To Centerville Entrance Corridor

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Classification, be set for Public Hearing on August 4, 1986. This is the Rezoning Request submitted by St. Elizabeth Corporation for property located at St. Leonards, 8100 Cloyo Road. Mr. Taylor seconded the motion. The motion passed unanimously.

ST. ELIZABETH CORPORATION CONDITIONAL USE

Mr. Compton moved that the Conditional Use Request submitted by St. Elizabeth Corporation for property located along the south side of Centerville Station Road, approximately 30 feet from the intersection of Cloyo Road with Centerville Station Road, to develop a continuing care retirement community, be set for Public Hearing on August 4, 1986. Mr. Siler seconded the motion. The motion passed unanimously.

Mayor Heintz reviewed a recommendation from the City Beautiful Commission that Centerville become a "Tree City" in the United States of America. Mr. Compton moved that the City of Centerville take necessary steps to meet all requirements for Centerville to achieve "Tree City, USA" status. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the Meeting was adjourned.

Approved: _____
Mayor

Shirley F. Heintz

ATTEST:

Marilyn D. Saugh
Clerk of Council