

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

RAYSON LEGAL BLANK CO. 10144

Held November 17, 19 86

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 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 Bernard Samples
- J. V. Stone
- Jeffrey Siler
- Acting Clerk of Council Constance Cooper
- City Manager Darryl Kenning
- Administrative Assistant Stephen King
- 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

Mr. Compton moved that Councilman Charles Taylor and Councilman James Singer 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 - October 20, 1986.
- Council Work Session Meetings - October 20, 1986.
- October 27, 1986.
- November 10, 1986.

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

Mayor Heintz reviewed the work of the Zoning Task Force over the past four and one half years. Councilman Samples, as Co-Chairman of the Zoning Task Force, expressed special appreciation to Co-Chairman Christine Snyder. Appreciation awards were presented to Members Bernard Samples, Christine Snyder, Robert Looper, Sally Beals, David Blum and Brooks Compton. Mr. Samples also expressed thanks to the City Staff for their assistance during the tenure of the Task Force. Mr. Samples requested and moved that the Zoning Task Force be disbanded. Mr. Compton seconded the motion. The motion passed unanimously.

Mrs. Phyllis Brooks, Chairman of the Centerville Baha'i Group, presented to Council and the City of Centerville copies of the Universal House of Promise of World Peace.

Mrs. Cooper announced the receipt of a letter of resignation

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from City Beautiful Commission Member Joan S. Hosfeld. Mr. Compton moved that Council accept the resignation of Joan S. Hosfeld with regret. Mr. Siler seconded the motion. The motion passed by unanimous vote.

Mrs. Cooper advised that an Appeal had been received from the Thomas Paine Homeowner's Association, Inc. against a decision rendered by the Planning Commission during their Meeting on November 11, 1986 to approve a Variance Request and Planning Commission Special Approval Application for Thomas Smith to construct mini-warehouses at the northeast corner of Bigger Road and Thomas Paine Parkway in the City of Centerville.

Mayor Heintz announced the issuance of a Proclamation designating Tuesday, November 18, 1986 as Charles Voelker day in the City of Centerville. Mr. Stone read the Proclamation in memory of the late Charles Voelker, a former Alderman for the City of Waterloo, Ontario Canada, and a strong promoter of the Sister City Program between Centerville and Waterloo.

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

The State Route 48/Whipp Road improvement has been Bid by the State of Ohio; the Jergusen Construction Company being the successful bidder. It is anticipated that only preliminary work will begin during the winter months. This improvement extends from approximately the Library to just north of Whipp Road and east on Whipp Road for approximately 200 feet. As part of the project, approaches will be straightened and widened, the traffic signals will be improved.

Sidewalk has been installed along Alexandersville-Bellbrook Road in front of Cross Pointe Shopping Centre and the traffic signal at Cushwa Drive has been put in place. The traffic signal should be operational the end of November, 1986.

The Contractor for I-675 is currently cleaning the ditch for drainage across Marshall Road to the Interstate.

WOODLEY DEVELOPMENT MAJOR USE SPECIAL APPROVAL

Mr. Kenning reported on the Planning Commission Meetings held October 28 and November 11, 1986.

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

The Public Hearing was held concerning the Major Use Special Approval Application submitted by Woodley Development to construct an industrial and office park on 45.55 acres of land zoned Industrial Planned Development located along the north side of Clio Road extension between Steeple Chase Drive and Bigger Road. Mr. Schwab located the subject property on a map and reviewed adjacent zone classifications and land uses. The Plan includes two retention basins, one as a lake on the southwest portion of the property and the other as a lake on the northern portion of the site. The developer proposes a buffer of 50 feet between this development and Steeple Chase Apartments and the

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DAYTON LEGAL BLANK CO. 10111

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Woods Apartments with landscaped mounding, rather than the required 100 foot buffer required between industrial and residential zoned lands. The Planning Commission unanimously recommended approval of this Application subject to the following conditions:

1. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
2. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
3. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basin.
4. Business Parkway is to be a public dedicated street.
5. The two buffer strips on the site be reduced to 50 feet in width with all additional mounding and landscaping to be reviewed and approved by staff.

Mr. Robert Archdeacon, Woolpert Consultants and representing the Applicant, explained how the project will be constructed in phases, the stormwater detention basin for the majority of the property being constructed in the first phase of development. Development of this phase should begin during the spring of 1987. He explained how the landscaped mounding will be more desirable than the 100 foot buffer between this project and the adjacent apartment projects. Upon question of Mayor Heintz, Mr. Archdeacon advised that as many trees as possible will be saved in the heavily wooded area.

Mr. Samples moved that the Major Use Special Approval Application submitted by Woodley Development be approved as recommended by the Planning Commission including all specified conditions for approval. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Siler returned to the Meeting at this time.

THOMAS E. SMITH MINI-WAREHOUSES
VARIANCE APPLICATION AND PLANNING COMMISSION SPECIAL APPROVAL

Mr. Kenning advised that a Variance Application and a Planning Commission Special Approval Application were approved during the Planning Commission Meeting held November 11, 1986, submitted by Thomas E. Smith to construct mini-warehouses on the northeast corner of Bigger Road and Thomas Paine Parkway. These Applications have been Appealed which now brings the matter before Council. The necessary Public Hearing will be scheduled.

Mr. Stone brought to the attention of Council the fact that the Miami Valley Regional Planning Commission is currently studying water problems in the Dayton Miami Valley area and the south suburbs. He, as Chairman of the Lower Great Miami River Basin Council, will periodically report to Council relative to our water supply.

ORDINANCE NUMBER 15-86 PARK LAND ACQUISITION

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The Public Hearing was held concerning Ordinance Number 15-86, An Ordinance Which Establishes Park Land Dedication Or Fees-In-Lieu Requirements For New Residential Subdivisions Or Developments In The City Of Centerville. Mr. Schwab reviewed this proposed Ordinance which provides a mechanism by which, in single and multi family developments, the developer would be required to set aside a certain amount of park land based upon the projected population in the new development, or would be required to donate a fee-in-lieu of the actual acreage in the new development, to provide for the acquisition of park land outside the development to meet future park needs of the community. He reviewed the ratios as outlined in the proposed legislation.

Mr. William Yeck, 5222 Little Woods Lane, Secretary and Treasurer of the Centerville-Washington Park District, on behalf of the Park District supported this document which has been prepared by the Zoning Task Force. The Park District sees it as a major factor in the continuation of the successful land preservation and dedication program. Since 1979 there has been no park land dedication through the density program contained in the Centerville Zoning Ordinance. Programs which formally produced parks in the Centerville area are no longer viable. This proposed Ordinance provides for new residents to pay their own way for open space. Mr. Yeck reinstated the need for additional park land in the future.

Mr. Robert Rhoads, 7175 Forest Brook Boulevard, sees no reason for any change in the current density program to acquire open space. Multi family developments provide open space within their area which take pressure off neighborhood and community parks. He wonders how much park land is really needed, how will additional park land be maintained and whether the Park District has funds to support additional park land.

Mr. Grant Parsons, 55 Zengel Drive, offered his support for the passage of the proposed Ordinance; he reinforced the need for neighborhood parks.

Mr. Karl Zengel, President of Zengel Construction Company, believes that the current density program has provided adequate park land in the Centerville-Washington area, he sees no need for the proposed Ordinance. He stated his opposition to the parkland standard contained in the Ordinance which sets the ratio of at least 17 acres of property for park land for each 1,000 persons residing within the planning jurisdiction. Park areas and programs are provided by the County and the State, there is no need for this duplication by the various park systems. Monies for the acquisition of park land are received through local, county, state and federal taxes. Mr. Zengel proposed that the Park District place a levy on the ballot to let the people decide whether more park land is needed and whether they want to pay for additional park land.

Mrs. Christine Snyder, 7897 Raintree Road, reinforced the need for additional park land in the future; what has worked in the past may not work in the future, 17 acres per 1,000 population was not too much in the past and will not be too much in the future. The proposed Ordinance will provide the source to

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acquire needed park land as our population continues to increase.

Mr. Gregg Taylor, 8746 Normandy Lane, President of John Black Communities, Inc., pointed out the fact that multi family dwellers are not park users. He believes that the Park District should develop the land which they have already acquired.

Mr. James Pichler, 7261 Candlewyck Court, has observed parks in the Centerville area as being few in number and heavily used; play areas do not have a period of time to rest and be reinstated. The number of sport teams continues to increase in our community thus requiring additional fields in the future.

Mr. Zengel suggested that current undeveloped park land be developed.

Upon question of Mr. Siler, Mr. Samples clarified the fact that this proposed Ordinance came to the Planning Commission from the Zoning Task Force.

Mr. Stone emphasized the need for space in the Centerville area in the future. He believes that the proposed legislation is a fair way to acquire additional land for open space. The added development cost will be passed on to the buyer, one who buys in Centerville is willing to pay this added cost.

Mr. Compton believes that people in Centerville are satisfied, they like a well rounded park system, it is the responsibility of the City to maintain what people want.

Mr. Samples expressed his desire to review this proposed legislation in more detail to determine if there is a viable alternative. He would rather provide the multi family developer the option to dedicate park land as is now provided the single family developer in the density program.

Mr. Compton sponsored Ordinance Number 15-86, An Ordinance Which Establishes Parkland Dedication Or Fees-In-Lieu Requirements For New Residential Subdivisions Or Developments, and moved that it be passed as recommended by the Planning Commission. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Samples voted no.

HILLS DEVELOPERS, INC. CONDITIONAL USE

Mr. Stone moved to reconsider the Conditional Use Request submitted by Hills Developers, Inc. to construct a residential condominium development at the northwest corner of Alexandersville-Bellbrook Road and Bigger Road. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Kenning pointed out the fact that a Revised Plan has been submitted to the Planning Department since Council's previous action to deny said request.

Mr. Schwab compared the Revised Plan with the original Plan which Hills Developers, Inc. submitted with their Conditional Use Application. The overall density on the Revised Plan has been reduced to approximately 7 dwelling units per acre: 8 units on the northern portion, 6 units on the southern portion of the property in question. On the Revised Plan the number of parking spaces and garages has increased, the style of some of the units

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has changed and buildings have been rearranged. The street layout and community recreational facilities remain the same. Mr. Schwab pointed out the fact that the Conditional Use Application falls under the requirements of the previous Zoning Ordinance for the City of Centerville, the zoning of the subject property then being Entrance Corridor. Mr. Schwab reviewed the recommendation of the City Staff that this Revised Plan be approved subject to the following conditions:

1. Sixty feet of right-of-way from the centerline of Alexandersville-Bellbrook Road across the front of the property shall be dedicated to the City.
2. All private streets shall be constructed to standards contained within the City Subdivision Regulations excepting width.
3. The centerline of the southernmost driveway onto Bigger Road shall match the centerline of the driveway on the east side of Bigger Road approximately across from it.
4. The median on Bigger Road shall be altered by the developer at both driveways onto Bigger Road to provide left-turn lanes to each side of Bigger Road at these locations. The City Engineer shall approve the design of these improvements to Bigger Road.
5. Emergency vehicular access to Norwich Lane shall be provided. The emergency access road shall be a 20 foot wide asphalt lane capable of supporting a 75,000 pounds/square foot load and blocked by a locked gate (openable by bolt cutters) at the end of Norwich Lane.
6. A minimum 90 foot in diameter turn-around shall be required at the end for each parking area with a dead-end exceeding 300 feet in length.
7. All proposed street names shall be approved by the City Planning Department.
8. Pedestrian access to Norwich Lane shall be provided.
9. A revised plan of sidewalk locations shall be approved by the City Planner which more completely ties together both the internal sidewalk network and links this internal sidewalk network to the public sidewalks adjacent to the project area.
10. Each sidewalk abutting a parking space shall be a minimum of 6.5 feet in width.
11. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
12. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
13. The plan for all exterior lighting shall be subject to the approval of the City Planner.
14. Dumpster location and screening shall be subject to the approval of the City Planner.
15. A detailed landscape plan approved by the City Planner shall be submitted. Earth berm and landscaping shall be required along Clyo Road and Bigger Road. Evergreen screening shall be required along the western property line.
16. Architectural elevations, including building footprints,

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of the "A" and "B" style buildings on the southern portion of the site shall be subject to the review and approval of the City Planner.

17. "A" and "B" buildings shall be setback a minimum of 20 feet from any internal street, to allow adequate space for the parking of one car in front of each garage door.

18. A revised plan for the development shall be approved by the City Planner which incorporates all the above requirements.

Mr. Schwab pointed out the fact that most of these conditions were included in Planning Commission's previous recommendation for approval.

Mr. Ralph Martin, Board Member of the Greenbrier Commons Condominium Association, expressed concern that what may be approved at this time be the final result.

Mr. John Kovermann, Attorney representing the Applicant, explained how construction will begin inside and work outward to avoid construction traffic through the developed area.

Upon question of Mr. Herbert Brown, 1173 Bournemouth Court, Mr. Schwab explained how the overall density has been calculated on the Revised Plan. Mayor Heintz advised that the density on the southern portion will be controlled by the present Zoning Ordinance for the City of Centerville.

Mr. Vernon Lewis, 1231 Chevington Court, solicited consistency in density. He suggested that the City receive a detailed plan for the southern portion of the property before said Revised Plan is approved. He sees no need for the location of dumpsters throughout the development. Mr. Kovermann explained the fact that dumpsters are necessary in the northern portion of the property, they will not be necessary in the southern portion.

Mr. Stone outlined Meetings which have been held between the City and the developer in order to refine the development of the subject property. Mr. Stone moved that the Conditional Use Application and Revised Plan submitted by Hills Developers, Inc. to construct a residential condominium development on the northwest corner of Alexandersville-Bellbrook Road and Bigger Road be approved subject to all conditions as outlined by the City Staff during this Meeting and including an additional condition that a temporary sidewalk to be approved by the City Planner shall be installed along Alexandersville-Bellbrook Road. Mr. Compton seconded the motion. The motion passed unanimously.

CROCKETT/LEEN LOT SPLIT APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Russell E. and Dorothy M. Crockett and Thomas E. And Maxine A Leen, against a decision rendered by the Planning Commission during their Meeting October 14, 1986 to deny said request. Mr. Schwab reviewed this request to split a two family dwelling on a 15,000 square foot lot down the middle to create two lots, each would have separate ownership. The property is located on the north side of Black Oak Drive, east of Clio Road, being 1235 and 1237 Black Oak Drive. The Planning Commission, by unanimous vote, denied the request. Mr. Schwab reviewed the opinion of the Municipal Attorney given to the Planning Commission that the

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request not be granted based upon the fact that undersized lots would be created, as well as the ramifications of such actions should the owners have disputes concerning the maintenance of the property in the future.

Mr. Jack Brainard, 7782 Sterling Place, owner of doubles on each side of the property in question, spoke in favor of this request. He believes that anyone owning a double in Centerville should have the opportunity to split it if so desired, he believes this could only enhance the Centerville community.

Mayor Heintz advised that a letter has been received on behalf of the Crocketts and the Leens requesting that this matter be tabled until they are able to be present. The Leens were unexpectedly called out of town.

Mr. Siler moved that this matter be tabled until the Applicants are able to present their case. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

THOMAS PAINE SETTLEMENT NUMBER THREE

Mr. Kenning reviewed a request submitted by Attorney Barry W. Mancz, on behalf of John G. Black Enterprises, Inc., that the completion date on the Subdividers Agreement for Thomas Paine Settlement Number Three, be extended for a term of six months from December 10, 1986 to June 10, 1987. This same request has been considered by City Council previously due to the fact that six months is the maximum time permitted by Ordinance. This involves primarily the extension of Cloyo Road through Thomas Paine Settlement to Wilmington Pike. Mr. Samples moved that the Subdividers Agreement executed for Thomas Paine Settlement Number Three be extended from December 10, 1986 to June 10, 1987 as requested by the developer. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 19-86 PUBLIC DEFENDER

Mr. Kenning reviewed a proposed Contract between the City of Centerville and the Montgomery County Public Defender Commission to provide legal counsel to indigent persons charged with violations of the City of Centerville's Municipal Code. A Contract is executed each year in order for Centerville to satisfy this legal and moral obligation. The estimated cost of the Contract for 1987 is \$960.00. Mr. Siler sponsored Resolution Number 19-86, 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, 1987 And Terminating On December 31, 1987, and moved that it be passed. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 20-86 CAPITAL INVESTMENTS TRUST FUND

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Kenning reviewed a proposed Resolution to establish a fund in order to accumulate monies for capital projects in the future. The establishment of this fund has been recommended by the Council Finance Committee. Mr. Samples sponsored Resolution Number 20-86, A Resolution Establishing A Capital Investments Trust Fund, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

STATION HOUSE ACRES PERFORMANCE BOND REDUCTION

Mr. Kenning reviewed the recommendation of the City Engineer that the Performance Bond posted on Station House Acres, be reduced from \$235,700.00 to \$25,000.00. At the time of completion, it will be recommended to release the remainder of the Performance Bond, subject to satisfactory compliance with Centerville Specifications. At that time, it will also be recommended that a Maintenance Bond for the duration of one year be posted, based on the original bond figure. Mr. Compton moved that the Performance Bond posted on Station House Acres be reduced as recommended by the City Engineer. Mr. Siler seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Wendell J. Saughlin
Clerk of Council