

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

BALTON LEGAL BLANK CO. 10144

Held November 18, 19 85

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular session on Monday, November 18, 1985 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, Pastor of the Heritage Presbyterian Church and City Chaplain, and the Pledge of Allegiance to the Flag led by Boy Scout Troop 316 from Normandy School, with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Charles Taylor
 Councilmembers James Singer
 Barnard Samples
 J. V. Stone
 Jeffrey Siler
 Brooks Compton
 Clerk of Council Marilyn McLaughlin
 City Manager Darryl Kenning
 Assistant City Manager Jon Bormet
 City Planner Alan Schwab
 Service Director Richard Bishop
 Director of Finance William Bettcher
 Chief of Police William Lickert
 Municipal Attorney Robert Farquhar

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

Council Meeting - October 21, 1985.
 Council Work Session Meetings - October 21, 1985.
 - November 11, 1985.

Mr. Samples moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Singer read a Certificate of Appreciation presented by Mayor Heintz to Members of the Drainage Task Force: Kenneth Hahn, Jay McAlpine, D. Gerald Glasgow, Robert Feldmann, James Singer, Jon Bormet and Karl Schab. Mr. Singer brought special attention to the outstanding performance of the three residents, who while representing property owners were able to find a solution to the drainage problem in the Village South area.

Mr. Kenning, representing the International City Management Association, presented to Mayor Heintz and City Council an ICMA Management Innovation Award to the City of Centerville for participation, creation and operation of the Gov-Tech Committee's electronic communications system. This is the second such award won by the City of Centerville during the past several years.

Mrs. McLaughlin announced the receipt of a Notice of Intent to Appeal a decision rendered by the Planning Commission during their Meeting on Tuesday, October 29, 1985 to deny a request for lot split submitted by Michael Darr and R. Michael Parks, 7589 and 7585 Stanley Mill Drive. The Appeal has not been received during the prescribed allotted time.

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Mayor Heintz congratulated Councilmen James Singer, Jeffrey Siler and Bernard Samples on their re-election to City Council.

Mayor Heintz brought special recognition to the completion of State Route 725. This new roadway will be greatly appreciated by all motorists especially during the holiday season.

Mayor Heintz advised that a Proclamation was issued designating November 3-9, 1985 as Key Club Week in the City of Centerville.

Mr. Compton read a Proclamation issued by Mayor Heintz designating December 6, 1985 as Kids Helping Kids Day in the City of Centerville.

THROCKMORTON BROTHERS, INC. TEMPORARY GARDEN CENTER

Mr. Kenning reviewed the Planning Commission Meetings held October 29 and November 12, 1985. Mr. Schwab reviewed a request submitted by Throckmorton Brothers, Inc. for a Temporary Garden Center to be located on the northwest corner of East Franklin Street and Compark Road. The vacant building on the site will be utilized for storage and sales transactions. The time period requested for this temporary center in order to sell Christmas trees would extend from November 15 through December 31, 1985. The Planning Commission by a 3-1 vote recommended approval of this request subject to the temporary sign not being in a "V" shaped configuration, that each sign face be folded back to back so that both sides are not visible at any one point.

Mr. Jerry Throckmorton, representing Throckmorton Brothers, Inc., was present to request approval of their Application.

Mr. Taylor moved that this request submitted by Throckmorton Brothers, Inc., for a Temporary Garden Center be approved in accordance with the recommendation of the Planning Commission and including the sign configuration condition. Mr. Stone seconded the motion. The motion passed unanimously.

AVIS USED CAR DEALERSHIP SITE PLAN

Mr. Schwab reviewed for Council a Site Plan submitted by Avis Used Car Dealership proposed to be located on the north side of Loop Road east of and adjacent to the Voss Chevrolet New Car Dealership. The Planning Commission, by unanimous vote, recommended approval of this Site Plan to City Council subject to the following conditions:

1. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
2. The plan for all exterior lighting shall be subject to the approval of the City Planner. The lighting plan shall minimize the impact of the exterior lights on the adjacent residential neighborhood.
3. Fire hydrant location(s) and water line plans shall be

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subject to the approval of the Washington Township Fire Department.

Mr. Schwab described the light fixtures proposed as down directed with light spill cut off very sharply. Ample parking spaces are included on the Plan.

Mr. Singer, speaking on behalf of the Drainage Task Force, expressed their concerns with the proposed development as follows:

1. The retention area built early last spring will remain, and may be enlarged.
2. The rear slope, now at a grade of 3:1 will not be disturbed.
3. The slope on the east property line will be graded to 3:1.
4. The developed area will fall far short of encroaching on the previously established buffer zone between Loop Road and Village South neighborhood. You should note that the proposed development will go back from Loop Road about one-half as far as Voss Chevrolet.

Mr. E. G. Lewis, Developer representing Avis Used Car Dealership, agreed to all conditions of the Planning Commission, the Drainage Task Force and further agreed that there will be no loudspeakers used upon the site.

Mr. Singer moved that the Site Plan for Avis Used Car Dealership be approved in accordance with the recommendation of the Planning Commission including all conditions: those of the Planning Commission, the Drainage Task Force, and that there be no loudspeaker operation on the premises. Mr. Siler seconded the motion. The motion passed unanimously.

LINCLAY CORPORATION CONDITIONAL USE REQUEST

Mr. Singer moved that the Conditional Use Application submitted by Linclay Corporation to locate a Burger King and a Firestone Service Center on the property located north of Alexandersville-Bellbrook Road and east of State Route 48 in the Cross Pointe Shopping Center, be set for Public Hearing on December 16, 1985. Mr. Compton seconded the motion. The motion passed by unanimous vote of Council.

VOSS CHEVROLET SITE PLAN AMENDMENT

Mr. Schwab reviewed for Council a Site Plan Amendment submitted for Voss Chevrolet Used Cars, located on the south side of Loop Road to provide an expansion to the west side of their present used car showroom. The Planning Commission unanimously recommended approval of this Plan to City Council with the following conditions:

1. A revised Site Plan shall be submitted to the Planning Department and subject to the approval of the City Planner incorporating the following:
 - a. Parking and circulation throughout the site including the number of parking spaces, and
 - b. Location and type of any lighting fixtures added to the

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site.

2. Revised building elevations be submitted to Staff for approval.

Mr. Compton moved that the Site Plan Amendment for Voss Chevrolet Used Cars be approved, including all conditions recommended by the Planning Commission. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 14-85 DRAINAGE

The Public Hearing was held concerning Ordinance Number 14-85. Mr. Kenning reviewed this proposed Ordinance to regulate earth disturbing activities which cause or may cause adverse impacts of accelerated surface water runoff, soil erosion, or sediment deposition during the development process. This Ordinance has resulted from concerns of the Drainage Task Force and other property owners in Centerville during previous years.

Mr. Karl Zengel, Zengel Construction Company, believes that reasonable water run off control is needed, but expressed concern with the strict enforcement of the proposed Ordinance, enforcement when adverse wheather conditions exist. Mayor Heintz clarified the intent of the Ordinance to deal with out-of-the-ordinary situations.

Mr. Richard Pavlak, PRD Corporation, expressed concern with the development of many small neighborhood detention ponds to retain water run off, he proposed that an Engineering Task Force be instituted to determine proper locations for large ponds, areas where the water should go, to create pond water areas which could then have a recreation purpose. He solicited the reduction of engineering required on small projects, this will become costly to the developer. Mr. Bormet defined the intent of engineering as included in this proposed Ordinance, the Ordinance will be reasonably enforced.

Upon question of Mr. Jacque Sheley, representing the Home Builders Association of Dayton and the Miami Valley, Mr. Kenning identified the Approving Agent and the appeal procedure as specified in the Ordinance.

Mr. Stone expressed his concern with the creation of small ponds in residential areas, he endorsed Mr. Pavlak's suggestion for large ponds in proper areas.

Mr. Singer suggested that, if this Ordinance is passed, a complete record be kept of problems encountered as the Ordinance is enforced for Council's future consideration.

Mr. Singer sponsored Ordinance Number 14-85, An Ordinance To Establish Standards, Principles And Procedures To Regulate Earth Disturbing Activities Which Cause Or May Cause Adverse Impacts Of Accelerated Surface Water Runoff, Soil Erosion, Or Sediment Deposition, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 28-85 WASTE DISPOSAL

Mr. Kenning reviewed a proposed Contract between the City of

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Centerville and the Montgomery County Garbage and Refuse Disposal District to provide for the receipt and the disposal of solid waste generated by residents in the City of Centerville. Questions previously addressed by City Council as well as other Municipalities have been resolved through language and wording changes in the proposed Agreement. Mr. Taylor sponsored Resolution Number 28-85, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract Between The County Of Montgomery And The City Of Centerville, Ohio, For The Receipt And Disposal Of Solid Waste Through The Montgomery County Garbage And Refuse Disposal District, and moved that it be passed. Mr. Siler seconded the motion. Mr. Compton expressed his desire for the Solid Waste Advisory Committee to offer more input and become more active in this matter in the future. The vote resulted in six ayes in favor of the motion, with Mr. Compton voting no.

RESOLUTION NUMBER 29-85 LIQUOR PERMIT FEES

Mr. Kenning reviewed a proposed Contract between the City of Centerville and the Combined Health District of Montgomery County to provide for the contribution of 10% Liquor Permit Fees received by the State of Ohio on behalf of the City of Centerville, to provide for a program for the prevention of alcoholism and for the treatment and rehabilitation of alcoholics, estimated cost to the City of Centerville being \$1,500.00. Mr. Stone sponsored Resolution Number 29-85, A Resolution Authorizing And Directing The City Of Centerville To Enter Into An Agreement With The Combined Health District Of Montgomery County Concerning Establishment Of A Rehabilitation Program For The Prevention Of Alcoholism And For The Treatment And Rehabilitation Of Alcoholics And Providing For The Payment Of Fees, and moved that it be passed. Mr. Compton 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 following two agenda items.

RESOLUTION NUMBER 30-85 LAND TRADE

Mr. Kenning reviewed a proposed Resolution and proposed Ordinance to provide for a land trade between the City of Centerville and Centerville Builders Supply Company. Land to be traded is railroad right-of-way being purchased by Centerville Builders Supply, for a 32 foot strip located along the north property line of the City owned property on South Suburban Road, and a triangular parcel at the corner of Clyo Road and Centerville Station Road. This trade will provide access to Clyo Road for both properties and will provide for roadway improvements at the southwest corner of Clyo Road and Centerville Station Road. Mr. Taylor sponsored Resolution Number 30-85, A Resolution Authorizing And Directing The City Manager To Execute An Agreement Between The City Of Centerville, Ohio, And Centerville Builders Supply Company, To Provide For Certain Land Trades, and moved that it be passed. Mr. Stone seconded the

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motion. The motion passed unanimously.

ORDINANCE NUMBER 15-85 LAND TRADE

Mr. Kenning reviewed proposed Ordinance Number 15-85 which establishes the procedure for the land trade between the City of Centerville and Centerville Builders Supply Company. Mr. Singer moved that Ordinance Number 15-85, An Ordinance To Authorize The Transfer Of Certain Real Estate Owned By The City Of Centerville To Centerville Builders Supply Co., Inc., In Exchange For Other Real Estate, be set for Public Hearing on December 16, 1985. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Samples returned to the Meeting at this time.

RESOLUTION NUMBER 31-85 GENERAL INSURANCE DEDUCTIBLE TRUST FUND

Mr. Kenning reviewed a proposed Resolution to establish a fund for the depository of moneys necessary to allow the City to increase the deductible limits on its' general liability, automobile liability and comprehensive, and its' building and contents coverages. Mr. Siler sponsored Resolution Number 31-85, A Resolution Establishing A General Insurance Deductible Trust Fund, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 16-85 PERSONNEL

Mr. Kenning reviewed a proposed Ordinance to provide for the City of Centerville to pay the full 8 1/2% employee retirement contribution as part of the employee benefit plan for 1986. Mr. Siler sponsored Ordinance Number 16-85, An Emergency Ordinance Amending Ordinance Number 45-84 As Amended By Ordinance Number 2-85, Providing For The City Of Centerville To Pay All Employee Contributions To The Public Employees' Retirement System Or The Police And Firemen's Disability And Pension Fund Both Of Which Are Administered By The State Of Ohio For All Full-Time And Regular Part-Time Employees Of The City Of Centerville And Making Such Plan Mandatory, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 17-85 PERSONNEL

Mr. Compton moved that Ordinance Number 17-85, An Ordinance Amending Ordinance Number 45-84 As Amended By Ordinance Number 2-85, Providing For The City Of Centerville To Pay All Employee Contributions To The Public Employees' Retirement System Or The Police And Firemen's Disability And Pension Fund Both Of Which Are Administered By The State Of Ohio For All Full-Time And Regular Part-Time Employees Of The City Of Centerville And Making Such Plan Mandatory, be set for Public Hearing on December 16, 1985. Mr. Taylor seconded the motion. The motion passed unanimously.

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CAPITAL IMPROVEMENT PROGRAM 1986-1990

Mr. Kenning reviewed the Capital Improvement Program prepared for the five year period between 1986 and 1990. This is a plan of action as the City envisions for capital improvements in the Centerville Community and provides a financial plan for direction in future years. Mr. Siler moved that the 1986 Capital Improvement Program for the City of Centerville be approved. Mr. Taylor seconded the motion. The motion passed by unanimous vote of City Council.

SPRINGSTONE LEA PERFORMANCE BOND RELEASE

Mr. Kenning reviewed the recommendation of City Engineer Karl Schab that the Performance Bond posted on Springstone Lea be released subject to the receipt of a Maintenance Bond in the amount of \$6,400.00, to remain in effect for one year from the date of receipt. All improvements have been made and meet City specifications and standards. Mr. Singer moved that the Performance Bond posted on Springstone Lea be released in accordance with the recommendation of Mr. Schab pending the receipt of the specified Maintenance Bond. Mr. Taylor seconded the motion. The motion passed unanimously.

THOMAS PAINE SETTLEMENT NUMBER THREE

Mr. Kenning reviewed a request received on behalf of John G. Black Enterprises, Inc., for the extension of the Subdivider's Agreement on Thomas Paine Settlement Number Three, which includes a portion of the extension of Clyo Road. The extension requested is for six months, from December 10, 1985 to June 10, 1986. Mr. Samples moved that the Subdivider's Agreement on Thomas Paine Settlement Number Three be extended six months as requested by the Developer. Mr. Compton seconded the motion. The motion passed by unanimous vote.

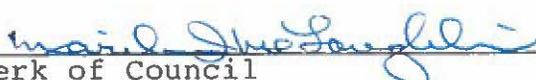
BOARD OF ARCHITECTURAL REVIEW

Mr. Compton moved that Mr. Stanley Swartz be reappointed to another term as a Member of the Board of Architectural Review. Mr. Stone seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: 
Mayor

ATTEST:


Clerk of Council