

~~BAYTON LEGAL BLANK CO. 10144~~

Held December 19, 1983

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 19, 1983 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 United Presbyterian Church and City Chaplain, and the Pledge of Allegiance to the Flag led by Webelos, Den 2, Pack 516. Mayor J. V. Stone presided at the Meeting. Councilmembers and City Staff present were as follows:

Councilmembers James Singer
 Shirley Heintz
 Jeffrey Siler
 Bernard Samples
 Russell Sweetman
 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 Assistant Jon Bormet

Mayor Stone advised that Deputy-Mayor Charles Taylor was unable to attend this Council Meeting due to a previous commitment. Mr. Siler moved that Mr. Taylor be excused from this Meeting. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Council Meeting - November 21, 1983.

Council Work Session Meetings - November 21, 1983.

December 12, 1983.

Mr. Sweetman moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Stone administered the Oath of Office to Councilman Elect Russell Sweetman. Mr. Sweetman will be on military leave January 1, 1984, the day on which the Oath shall be administered in accordance with the City Charter.

Mayor Stone read and presented to Mr. Kenning a Certificate of Appreciation for his outstanding service as City Manager for the City of Centerville during much of Mayor Stone's tenure in office.

Mayor Stone advised that following our invitation to Centerville's Sister City Bad Zwischenahn in West Germany, we have been notified that 46 guests will visit Centerville on May 28 and May 29, 1984; festivities will be planned and homes are needed for hosting these people. Anyone interested in billeting should contact Sister City Chairman Ron Helms or the City of Centerville.

During his City Manager's Report, Mr. Kenning reviewed property tax rates received from the Montgomery County Auditor for the year 1984. The total rate for property owners in the City of Centerville is \$58.80 per \$1,000.00 assessed evaluation.

Mayor Stone introduced State Representative Robert Corbin in the audience.

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present to review recent activities in the State Legislature. He encouraged the passage of an Ordinance to regulate the erection of political signs in the City of Centerville.

ZONING ORDINANCE AMENDMENT SIDEWALK SALES

Mr. Kenning reviewed the Planning Commission Meeting held November 29, 1983. The Commission recommended that Council set for Public Hearing an Ordinance to amend the Zoning Ordinance for the City of Centerville to provide additional regulations for sidewalk sales in the Business Districts. Mr. Sweetman moved that An Ordinance Amending Ordinance 15-61 And 41-77 Relating To Sidewalk Sales In Business Districts, be set for Public Hearing on February 20, 1984. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESURRECTION EVANGELICAL LUTHERAN CHURCH CONDITIONAL USE

Mr. Kenning reviewed the Conditional Use Application filed by Resurrection Evangelical Lutheran Church, to construct a church facility on the property located north of Alexandersville-Bellbrook Road, west of Bigger Road and east of Greenbrier Lane. Mrs. Heintz moved that this Conditional Use Application filed by Resurrection Evangelical Lutheran Church, be set for Public Hearing on January 16, 1984. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

LINCLAY CORPORATION CONDITIONAL USE

Mrs. Heintz was excused from the Meeting at this time, due to a potential conflict of interest. Mr. Kenning reviewed the Conditional Use Application filed by the Linclay Corporation to construct a regional shopping center in a B-3 zoned classification on approximately 56 acres of land located at the northeast corner of State Route 48 (Far Hills Avenue) and State Route 725 (Alexandersville-Bellbrook Road). Mr. Schwab located the subject property on a map and outlined surrounding land uses. He reviewed the original Site Plan submitted to the Planning Commission and a revised Plan prepared by the Developer and submitted for this Public Hearing. The revised Plan includes one additional lane of pavement along State Route 725 and a right turn lane into the development at all three access points on Alexandersville-Bellbrook Road, with the main entrance being across from Cushwa Drive. The Center is proposed to be constructed in three phases. Mr. Schwab reviewed the Planning Commission's unanimous approval of the original Site Plan with the following conditions:

1. Alexandersville-Bellbrook Road improvements:

- A. Sixty (60) feet of right-of-way from the centerline shall be dedicated to the City by the developer across the entire frontage of the developer's property abutting Alexandersville-Bellbrook Road.
- B. One additional lane of pavement shall be added by the developer to the north side of Alexandersville-Bellbrook Road along the continuous frontage of the developer's property abutting Alexandersville-Bellbrook Road.
- C. A right-turn lane shall be added by the developer at each new driveway on Alexandersville-Bellbrook Road.
- D. A traffic signal shall be installed by the developer at the driveway opposite Cushwa Drive. This signal shall be interconnected with the traffic signal at State Route 48 and Alexandersville-Bellbrook Road.
- E. The developer shall restripe Alexandersville-Bellbrook Road in consideration of the above improvements.
- F. The City agrees to waive any of the above improvements which are constructed as part of the State of Ohio MOT-637-3.72 project.
- G. The City Engineer shall approve detailed plans incorporating all of the improvements listed above.

RECORD OF PROCEEDINGS

Minutes of

Meeting

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2. Driveway location:

A. The southernmost curb cut onto Loop Road be relocated to the north to accommodate an adequate right-turn radius on the south side of the driveway.

B. The westernmost driveway on Alexandersville-Bellbrook Road be relocated on the Site Plan redesigned to provide an acceptable distance to the ring road intersection.

3. Internal traffic circulation:

A. Emergency vehicular access shall be provided approximately halfway between the proposed 2,175 foot long building.

B. The Site Plan shall be modified to incorporate additional raised medians to channelize traffic, significantly reduce the number of intersections within the center along the ring road, and define separate parking areas.

4. Landscaping:

A. The landscaping plan be modified to eliminate landscaping in the public right-of-way which may be disturbed by future road improvement projects.

B. The landscaping plan be modified to greatly increase the amount of landscaping in the parking area. If the raised medians are landscaped, that can be used to fulfill this increase in parking lot landscaping.

C. The landscaping plan be modified to provide adequate non-obstruction of sight distance at intersections on the Site Plan.

5. Signs:

A. The signs be permitted as proposed with the exception that the free-standing sign at the driveway opposite Cushwa Drive be relocated to the west side of the driveway and be setback to assure adequate intersection sight distance.

6. Grading, stormwater drainage, and erosion protection:

A. A detailed grading plan and stormwater drainage plan including stormwater runoff calculations, detention provisions, and erosion protection approved by the City Engineer be submitted.

7. Utilities:

A. Fire hydrant and waterline sizes and locations shall be approved by the Washington Township Fire Department.

8. Revised Plans to be approved by City Staff:

A. The developer shall submit revised plans incorporating all of the above conditions and these plans must be approved by the City Engineer and/or the City Planner.

City Staff further recommended that, because of the coordination necessary between the construction of the proposed shopping center and the construction of I-675, the developer enter into appropriate financial agreements and post a Performance Bond to assure the timely construction of the improvements required to Alexandersville-Bellbrook Road. Mr. Schwab advised that the developer has agreed to this recommendation.

Mr. Jeffrey Tellick, Division Manager for Linclay responsible for the development of this center, reviewed their revised Plan submitted this date and showed slides of projects constructed by Linclay in other Cities and States.

Mr. Adrian Rose, 104 Cushwa Drive, expressed concern with the proposed traffic signal at Cushwa Drive and its impact upon the residential area to the south. Mr. Schwab advised that a traffic analysis conducted by the developer warrants a light at this intersection; traffic through the residential area is not anticipated. Upon question of Mr. Rose, Mr. Tellick reviewed the type of tenants proposed for all three phases of the shopping center.

Discussion followed relative to concerns expressed by Council with the developer at a previous Council Work Session Meeting. Mr. Singer moved that the Conditional Use Request filed by Linclay Corporation be approved, being

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that Site Plan as reviewed by the Planning Commission during their Meeting on October 25, 1983, including all recommendations of the Planning Commission, including the recommendation of the City Staff in reference to financial agreements and subject to:

1. Sidewalk to be constructed along the north side of Alexandersville-Bellbrook Road the length of the Linclay property and along the west side of Loop Road the length of Linclay's east property line.

2. The emergency vehicular access to be provided approximately halfway between the proposed 2,175 foot long building be constructed as a plaza area providing pedestrian traffic from the front to the rear of the building.

3. That additional raised medians and landscaping be provided in the parking area to better channelize traffic, in accordance with the plan submitted by Linclay Corporation during this Council Meeting and dated December 19, 1983.

4. A revised plan be submitted to the City of Centerville including all the above conditions and this plan be subject to review by the City Staff for accuracy.

Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mrs. Heintz returned to the Meeting at this time.

ORDINANCE NUMBER 30-83 ZONING ORDINANCE AMENDMENT SILVER REZONING

The Public Hearing was held concerning Ordinance Number 30-83, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance By Rezoning 4.972 Acres More Or Less, From Centerville B2 Classification To Centerville R4 Classification. Mr. Schwab reviewed this Rezoning Request filed by Fourth of July Silver, Inc. for the property located along the north side of State Route 725 (Alexandersville-Bellbrook Road), approximately 985 feet east of the intersection of Loop Road with Alexandersville-Bellbrook Road. Mr. Schwab located this property on a map and described it as B2 zoned land which is not suitable for commercial development.

Mr. Robert Archdeacon, Woolpert Consultants and representing the Applicant, advised that this Rezoning will permit better utilization of the subject property.

Mr. Singer sponsored Ordinance Number 30-83, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance By Rezoning 4.972 Acres More Or Less, From Centerville B2 Classification To Centerville R4 Classification, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 31-83 KROGER COMPANY

The Public Hearing was held concerning Ordinance Number 31-83, relating to the proposal of the Kroger Company for the undertaking of a commercial project to be located at 1023 South Main Street, Centerville, Ohio, the estimated cost of which is \$1,500,000.00 and which is proposed to be financed by the issuance of an industrial development revenue bond in an aggregate principal amount now estimated not to exceed \$1,500,000.00. Mr. Kenning pointed out the fact that proposed is the expansion of an existing commercial enterprise which will bring additional employment, revenue and service to the residents of Centerville. This Application for Industrial Revenue Bonds meets the intent of the Centerville Community Improvement Corporation and the Centerville City Council. Mr. Sweetman sponsored Ordinance Number 31-83, An Ordinance Authorizing The Issuance And Sale Of Morgan Guaranty Trust Company Of New York Of \$1,480,000.00 Industrial Development Revenue Bond Of The Municipality Of Centerville, Ohio; Authorizing Said Municipality To Utilize The Proceeds From The Sale Of Said Bond To Assist The Kroger Company In Financing A Commercial Development Project; Authorizing

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A Loan Agreement Defining The Terms And Conditions Of Said Sale And Providing For Revenues To Said Municipality Sufficient To Pay Principal Of, Premium, If Any, And Interest On Said Bond; Authorizing The Pledge Of Said Revenues As Security For Said Bond; Authorizing The Acceptance Of A Note Evidencing The Company's Obligation To Make Loan Payments Under Said Loan Agreement, And Authorizing The Assignment To Morgan Guaranty Trust Company Of New York Of Said Note And Of Said Municipality's Right In Said Loan Agreement, And Declaring An Emergency, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 26-83 RIGHT TURNS ON RED TRAFFIC SIGNALS

The Public Hearing was held concerning Ordinance Number 26-83. Mr. Kenning reviewed this proposed Ordinance to prohibit certain right turns on red traffic signals in the City of Centerville, limitations provided for the intersections of North Main Street and East Whipp Road, Cloy Road and East Alexandersville-Bellbrook Road and Bigger Lane and East Alexandersville-Bellbrook Road. Mr. Sweetman sponsored Ordinance Number 26-83, An Ordinance Amending Ordinance 61-75 Prohibiting Right Turns On Red Traffic Signals At Certain Intersections, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 27-83 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 27-83. Mrs. Heintz sponsored Ordinance Number 27-83, An Ordinance To Appoint Ruby Esther Batlas To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mr. Samples seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 28-83 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 28-83. Mr. Sweetman sponsored Ordinance Number 28-83, An Ordinance To Appoint Ted Van Ruiten To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 29-83 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 29-83. Mr. Singer sponsored Ordinance Number 29-83, An Ordinance To Appoint Suzanne V. Pirie To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 32-83 APPROPRIATIONS 1983

Mr. Kenning reviewed a proposed year end Ordinance to adjust funds to reflect anticipated expenditures for 1983, setting a grand total of \$3,894,240.00 for 1983. Mr. Samples sponsored Ordinance Number 32-83, An Emergency Ordinance To Amend Ordinance 43-82, To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1983, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 33-83 APPROPRIATIONS 1983

Mr. Sweetman moved that Ordinance Number 33-83, An Ordinance To Amend Ordinance 43-82, To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During Fiscal Year Ending December 31, 1983, be set for Public Hearing on January 16, 1984. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in

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favor of the motion.

ORDINANCE NUMBER 34-83 APPROPRIATIONS 1984

Mr. Kenning reviewed a proposed Ordinance to provide for expenditures during fiscal year 1984; the Ordinance as prepared has been approved by the Council Finance Committee of the whole. Grand total appropriations are set at \$5,357,620.00 for 1984. Mr. Siler sponsored Ordinance Number 34-83, An Emergency Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1984, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 35-83 APPROPRIATIONS 1984

Mr. Sweetman moved that Ordinance Number 35-83, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1984, be set for Public Hearing on January 16, 1984. Mr. Samples seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 36-83 PERSONNEL

Mr. Kenning reviewed a proposed Ordinance to establish class titles, pay grades and rates of pay for employees of the City of Centerville for fiscal year 1984. The Ordinance is in accordance with appropriations for 1984 and has been approved by the Council Finance Committee of the whole. Mr. Samples sponsored Ordinance Number 36-83, An Emergency Ordinance To Amend Ordinance 45-82 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 37-83 PERSONNEL

Mrs. Heintz moved that Ordinance Number 37-83, An Ordinance To Amend Ordinance 45-82 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on January 16, 1984. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 32-83 INCOME TAX

Mr. Kenning reviewed a proposed Resolution to provide for the allocation of income tax receipts between the General Fund, Capital Improvements Fund and the Dept Retirement Fund; said Resolution being consistent with City Council's policy established several years ago. Mr. Samples sponsored Resolution Number 32-83, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Between The General Fund, Capital Improvements Fund, And Debt Retirement Fund Of The City Of Centerville For Budget Year 1984, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 33-83 PUBLIC DEFENDER

Mr. Kenning reviewed a proposed Resolution to provide for a Contract with the Montgomery County Public Defender Commission to provide legal counsel to indigent persons charged with violations of City Ordinances. State Law requires each Municipality to provide such services. The Contract price to the City of Centerville is \$4,429.00 for 1984. Mrs. Heintz sponsored Resolution Number 33-83, 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

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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, 1984 And Terminating On December 31, 1984, and moved that it be passed. Mr. Samples seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 34-83 I-675

Mr. Kenning reviewed a proposed Resolution to express the City's concern with the development plans for the flow of surface water in connection with the construction of I-675 specifically how it will affect the Village South area. Mr. Singer sponsored Resolution Number 34-83, A Resolution Alerting The State Of Ohio, Department Of Transportation Of A Potential Dangerous Situation In The City Of Centerville, Ohio, And That The Ohio Department Of Transportation Undertake All Necessary Steps To Alleviate Said Situation, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 38-83 BOARD OF TAX APPEALS

Mr. Sweetman moved that Ordinance Number 38-83, An Ordinance To Appoint Robert P. Hensley, Stephen Mikula And L. H. Rogero, Jr. To The Board Of Tax Appeals For The City Of Centerville, Ohio, And Establish Terms Of Office, be set for Public Hearing on January 16, 1984. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 35-83 BIGGER ROAD

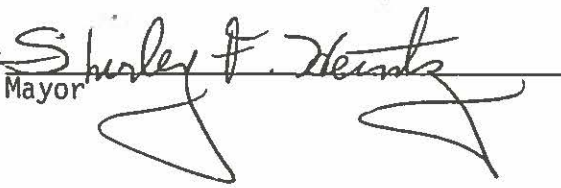
Mr. Kenning reviewed a proposed Resolution to provide for the acquisition of property necessary for the improvement to Bigger Road in the City of Centerville. Mr. Singer sponsored Resolution Number 35-83, A Resolution Authorizing And Directing The City Manager To Enter Into A Real Estate Agreement Between The City Of Centerville, Ohio, And The State Of Ohio, Department Of Transportation, In The Matter Of Real Estate Acquisition For The Improvement Of Bigger Road In The City Of Centerville, Ohio, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Stone announced the Swearing-In Ceremony scheduled for Sunday, January 1, 1984 for the Mayor and Councilmen Elect for the City of Centerville, to begin at 2:00 P.M. in the Council Chambers.

There being no further business, the Meeting was adjourned.

Approved:

Mayor



ATTEST:


Clerk of the Council