

DAYTON LEGAL BLANK CO. 10144

Held August 7

1978

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 7, 1978 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman Leonard Stubbs and the Pledge of Allegiance to the Flag with Mayor Victor Green Presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor Russell Sweetman

Councilmembers Nora Lake

James Singer

Jeffrey Siler

Leonard Stubbs

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Administrative Assistant Joseph Minner

City Engineer Karl Schab

Director of Parks and Recreation John Dunathan

Chief of Police William Randolph

Acting Municipal Attorney Arthur Ames

Planning Intern Alan Schwab

Mayor Green advised that Councilman J. V. Stone is on vacation, thus his absence at this Meeting. Mrs. Lake moved that Councilman Stone be excused from this Meeting. Mr. Siler 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 - July 17, 1978.

Council Work Session Meeting - July 17, 1978.

July 31, 1978.

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

Mrs. McLaughlin announced the receipt of the following correspondence:

1. Letter of resignation from Planning Commission Member James Hickey.
2. Notice of Intent to Appeal a Decision of the Planning Commission rendered July 11, 1978 concerning sidewalks in Silvercreek Estates, a subdivision located in Washington Township and inside Centerville's three mile jurisdiction. The Appeal has not been received.
3. Notice of Intent to Appeal a Decision of the Planning Commission rendered July 11, 1978 concerning sidewalks in Connemara, Sections One, Two and Three, a subdivision located in Washington Township and within the three mile jurisdiction of the City of Centerville.
4. Appeal concerning Connemara; this matter has been set for Public Hearing before Council on August 21, 1978.

Mayor Green announced that Centerville's hearing before the Montgomery County Budget Commission will be held Tuesday, August 8, 1978 to begin at 9:15 A.M. in room 517, County Administration Building.

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

The traffic count program for 1978 was briefly reviewed. In some areas the count equals projected figures for 1985 to 1990.

Police activities this year were compared with same at this time last year.

Service Department activities were reviewed for the month of July, 1978.

Mr. Kenning also reviewed the Building Inspector's Report for the month of July, 1978.

Held August 7, 1978 continued 19

A status report was given concerning intersection improvement projects in various areas of the City.

Centerville's resurfacing program for 1978 is ready to begin, weather permitting.

Mayor Green brought attention to a letter received by Mr. Bettcher from Peck, Shaffer and Williams, Bonding Attorneys in Cincinnati, commending him for his work concerning the City's \$2,000,000.00 Road and Street Improvement Bonds; Mr. Bettcher's activity saved the City about \$2,000.00 in legal fees relative to this project.

Mr. Kenning reported on the Planning Commission Meeting held July 25, 1978. The Planning Commission approved the Site Plan for the Pelbrook Farm Commercial Area to be located on the southwest corner of State Route 725 and Wilmington Pike. However, the Developer has requested a Work Session with Council to discuss this Plan prior to any final action by Council. Mayor Green requested that this item be placed on the agenda for the August 28, 1978 Council Work Session Meeting.

Mr. Kenning reviewed the Conditional Use Request filed for Carriage Square, Section Four. This concerns a Preliminary Plan to provide for a 32 unit condominium project to be located on the southwest corner of Bigger Road and Hewitt Avenue. The Planning Commission recommended to Council that this item be set for Public Hearing, subject to correction of the number of parking spaces shown from 56 to 88; this project is proposed to be located in an Entrance Corridor zoned area. Mrs. Lake moved that the Conditional Use Request filed for Carriage Square, Section Four, be set for Public Hearing on September 18, 1978. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

GREENBRIER COMMONS SECTION TWO

Mr. Kenning reviewed Planning Commission's unanimous approval of the Record Plan for Greenbrier Commons, Section Two, a 37 unit condominium project to be located in an Entrance Corridor zoned district. The development is located east of the Penn Central Railroad Tracks, west of Bigger Road, off State Route 725. Mr. Kenning reviewed Mr. Schab's recommendation in which he pointed out the following features: the Plan includes an extension of a public roadway in an easterly direction for approximately 500 feet, the Plan includes an extension of storm sewer lines to serve the buildings to be erected, and a number of the streets will be private and thus maintained by the Homeowners Association. Mr. Schab recommended that this Record Plan be approved subject to receipt of a Performance Bond in the amount of \$42,200.00 and an Inspection Fee of \$97.00. City services to this area were briefly discussed. As recommended by Mrs. Lake, Mr. Kenning will prepare a policy to be used relative to providing City services in this type development. Mr. Siler moved that the Record Plan for Greenbrier Commons, Section Two, be approved, subject to the receipt of a Performance Bond in the amount of \$42,200.00, a Subdividers Agreement and an Inspection Fee of \$97.00. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

WASHINGTON TOWNSHIP LIBRARY

Mr. Kenning reviewed the Site Plan for the Washington Township Library to occupy the present Hunter Savings Building located on the east side of Far Hills Avenue, south of Whipp Road. Proposed is an addition to the rear of the present building, 42 parking spaces to be provided with plans for an additional 23 spaces in the future, and the Library will share the Curb Cut for Hunter Savings to the north. The Library also proposes to construct

DAYTON LEGAL BLANK CO. 10144

Held August 7, 1978 continued 19

one free standing sign of 44 square feet and one wall sign measuring 88 square feet. The Plan also shows a 40 foot easement for future development of Fireside Drive; however, the Staff recommends the elimination of the screening requirement for one year in this area to ascertain whether Fireside Drive will be extended. The Planning Commission unanimously recommended approval of this Site Plan, subject to solving the erosion problem along the environmental channel with the City Staff, with the 28 foot setback variance being granted, subject to the layout of the deceleration land being worked out with the City Staff, subject to submission of the lighting drawings being submitted to the City Staff and subject to the Developer submitting additional plans reflecting no alternative parking spaces or playground. Mr. Kenning advised that all matters have been worked out with the City Staff. Mrs. Lake offered her concern relative to the fact that the drainage ditch to the rear of the property is included in the 40 foot easement for the future development of Fireside Drive. Mrs. Lake moved that the Site Plan for the Washington Township Library be tabled until a staff recommendation is received concerning the extension of Fireside Drive. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman reviewed the Cable TV Council Meeting he attended August 2, 1978 at which time he met the new Executive Director Sue Miller Buske. Requests for Cable TV are being made, the crews are now installing overhead, underground installation will begin soon. The Council is currently very active with the development of an On-Line Information Retrieval System for Ohio Cities Consortium. This system would make the searching for needed information quick and easy thus saving the City time and money.

Mr. Richard Russell, 1255 Ambridge Road, appeared before Council, representing residents in the Black Oak Forest subdivision, concerning the drainage ditch and a solution to the existing dangerous situation. He submitted a Petition containing 114 signatures requesting that changes be made in regard to the drainage ditch on Forest Brook Boulevard as soon as possible; that these changes be acceptable to standards set by Centerville's Engineering Department in regard to safety and scenic values; and that the Black Oak Forest Neighborhood Association be advised of the standards set before a final Agreement between the Developer and the City is made. Mr. Singer reviewed for the residents contacts made with the Developer; the City is currently waiting for a possible solution to the problem from an Engineer hired by the Developer. Much discussion followed concerning the ditch and how this dangerous problem can be solved.

Mr. David Levering, 1361 Scenic View Court, requested that the Engineer's Report address the subject as to whether a dangerous situation exists.

Mr. John Heck, 7180 Forest Brook Boulevard, pointed out discrepancies in the existing roadway pavement and the ditch.

Mr. Milton Peterman, 1275 Ambridge Road, wondered whether Mr. Case would be permitted to build in other areas of the City.

Mrs. Vivian Browne, 1100 Fox Chase Court, questioned who would be sued if a mishap occurred in the ditch.

Mr. Robert Nath, 7150 Forest Brook Boulevard, questioned who was responsible for improving the ditch.

Mayor Green explained why City funds should not be used to rectify this ditch problem, this is not a cost which should be passed on to all tax payers in the City.

Mr. Waldo Hileman, 1382 Ambridge Road, believes the Developer should pay for the solution, not the City.

Dr. Edward Nicholson, 7150 Wilderness Way, questioned the purpose a Performance Bond. Mr. Kenning explained the fact that this guarantees the

Held _____ August 7, 1978 continued _____ 19 _____

construction of the development as approved and in accordance with City specifications.

Mr. Douglas Kramer, 7560 Forest Brook Boulevard, questioned maintenance on the street he lives; Mr. Kenning explained that this is undedicated and thus a private street.

In conclusion, City Council expressed their concern with the condition of this environmental swale. Work will continue to find a solution.

Mrs. Christine Snyder, Member of the Citizens Committee for Cooperative and Responsive Government, spoke to Council in favor of the continuation of the Teen Center on a continuing basis, not just for the remainder of 1978. Mayor Green encouraged Mrs. Snyder to propose to the Washinton Township Trustees that moneys be utilized for this purpose from funds paid to the Township by Centerville residents.

Mr. Will Maine, Interim Teen Center Director, informed Council that Petitions are being circulated among the youth and adult in support of the Teen Center.

The Oath of Office was administered to Youth Board Member Robert Flick by Mayor Green.

WHISPERING HILLS

The Conditional Use Request for an amendment to the Residential Development Plan for Whispering Hills to provide for a bath house, a swimming pool and shifting of the tennis courts was discussed by Council. The property is located south of Whipp Road and east of the Penn Central Railroad Tracks. Mrs. Susan Johnson, from PEP and representing the Developer, explained why the area had been chosen as the recreation area: the terrain is relatively flat, there would be little disruption of trees required and it is located adjacent to the Park area.

Mr. Dale Smith, Developer, was present to determine Council's desires in this project. He advised that the pool and tennis courts would not be lighted except as required by State Law; these are not night facilities. The pool is very small and will not even be equipped with a diving board.

Mr. Larry Briskin, 880 Fernshire Drive, expressed his opposition to the Swimming pool, he fears the noise swimmers at the pool will generate.

Two future residents of Whispering Hills were present to offer their endorsement of the recreational facilities.

Mr. Sweetman moved that Council approve the Conditional Use Request for the amendment to the Residential Development Plan for Whispering Hills to provide for a bath house, a swimming pool and shifting of the tennis courts. Mayor Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Singer and Mrs. Lake voted no.

RESOLUTION NUMBER 56-78 TAX LEVY

Mr. Kenning reviewed a proposed Resolution to place a 2.50 tax levy on the November ballot to provide for and maintain vehicles, communications and other equipment, used directly in the operation of the Police Department and to provide for the payment of salaries of permanent police personnel. Mr. Stubbs sponsored Resolution Number 56-78, Resolution Declaring Necessity For Tax Levy In Excess Of The Ten-Mill Limitation In Accordance With Section 5705.19 (J) Of Ohio Revised Code, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Held August 7, 1978 continued 19

RESOLUTION NUMBER 57-78 TAX LEVY

Mr. Kenning reviewed a proposed Resolution to place on the November ballot a 2.50 tax levy to provide current expenses of the City of Centerville relating to road and street construction and maintenance. Mr. Sweetman sponsored Resolution Number 57-78, Resolution Declaring Necessity For Tax Levy In Excess Of Ten-Mill Limitation In Accordance With Section 5705.19 (A) Of Ohio Revised Code, 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 58-78 NORTH MAIN STREET ASSESSMENT

Mr. Kenning reviewed the one Bid received for the construction of brick sidewalks along North Main Street. He recommended that the Bid received from Wayne Clary in the amount of \$10,926.75 be accepted. Mr. Sweetman sponsored Resolution Number 58-78, A Resolution Accepting The Bid Of Wayne Clary To Supply Brick Sidewalk On North Main Street 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. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 45-78 CITY PROPERTY

Mr. Kenning reviewed a proposed Ordinance to dedicate additional right-of-way along Spring Valley Road at Benjamin Archer Park. Mr. Sweetman moved that Ordinance Number 45-78, An Ordinance Dedicating A 1.00 Acre Tract Of Land Presently Owned By The City Of Centerville, Ohio For Use As A Public Roadway Forever, be set for Public Hearing on August 21, 1978. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Green expressed his desire to continue brick sidewalk across concrete drives in the Architectural Preservation District.

ORDINANCE NUMBER 46-78 NORTH MAIN STREET PHASE I

Mr. Kenning reviewed for Council a proposed Ordinance to widen State Route 48 to 12 foot lanes in the City of Centerville to add a through southbound lane, reconstruct Fireside Drive intersection, the service road, add raised median on North Village Drive and install traffic signal at State Route 48 and Fireside Drive. This improvement is in accordance with Phase I of the North Main Street Safety Improvement Project. Mrs. Lake moved that Ordinance Number 46-78, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Transportation, be set for Public Hearing on August 21, 1978. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES SECTION SIX

Mr. Kenning reviewed the recommendation of Mr. Schab that the Performance Bond posted on Rose Estates, Section Six be released subject to the receipt of a Maintenance Bond. Mr. Singer moved that Council release the Performance Bond posted on Rose Estates, Section Six, subject to the receipt of a Maintenance Bond in the amount of \$4,900.00. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mrs. Lake made reference to an opinion received from the Miami Valley Regional Planning Commission relative to the County's authority in platting in areas outside the corporation limits of a City. Copies will be made available for Council's review.

Held _____ August 7, 1978 continued _____ 19 _____

As suggested by Mr. Stubbs, Mr. Kenning will request of Washington Township a sidewalk policy in the Township, if same exists.

There being no further business, the Meeting was adjourned.

Approved: Victor Green
Mayor

ATTEST:

Marilyn McLaughlin
Clerk of the Council