

## RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 19

20 03

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 19, 2003, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor John Bradosky of the Epiphany Lutheran Church and City Chaplain, and the Pledge of Allegiance to the Flag with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor C. Mark Kingseed

Councilmembers James Singer  
Roger Krass  
Susan Lienesch  
Paul Gresham  
Douglas Cline

City Manager Gregory Horn

Finance Director Mark Schlagheck

Public Works Director Robert James

City Planner Steve Feverston

Municipal Attorney Robert Farquhar

Assistant to the City Manager Jesse Lightle

Planning Department Secretary Constance Cooper

Public Works Operations Manager Mary Lou Pence

The minutes of the following meetings had been distributed prior to this meeting:

Council Meeting - April 21, 2003.

Work Session Meetings - April 21, 2003.

- April 28, 2003.

- May 5, 2003.

- May 12, 2003.

Mr. Kingseed moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Cline seconded the motion. The motion passed unanimously with Dr. Gresham abstaining from the minutes of the meeting held April 28, 2003.

Mayor Beals administered the Oath of Office to Centerville City School District Personnel Appeals Board Member Herbert M. Jacobs.

Linda Meily, Chairman of the City Beautiful Commission, explained the Centerville Business Pride Program and outlined issues considered for award winners. Mrs. Meily and Mayor Beals presented a plaque and a Yankee Trace Gift Certificate to grounds keepers Jonathon Beal and Andrew Maham on behalf of Bethany Lutheran Village; the May 2003 Business Pride award winner.

Mayor Beals announced the following events which have taken place and will take place in the coming weeks:

A ribbon cutting was held at Talegaters Pub and Grill, on May 12, 2003; a new business located at 6270 Far Hills Avenue in the City of Centerville.

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Attention was called to motorists that school will soon end and traffic patterns will change.

Walkers were encouraged to clean up after their dogs leaving nothing but footprints behind.

Media Day was held May 19, 2003 at The Golf Club at Yankee Trace to kick off the Dayton Open Golf Tournament sponsored by Nationwide. People were reminded to volunteer for this week long fun event.

Appreciation was expressed to the Public Works Department for a very successful Operation Clean Sweep and Citywide Garage Sale.

Residents of Centerville and Washington were reminded of the Create The Vision meeting to be held Tuesday, May 20, 2003 in the Centerville Police Facility.

Mr. Cline reminded residents that the speaker for the Create The Vision meeting will be Walter Kulash, Senior Traffic Engineer with an Orlando-based community-planning firm, who is a leading expert on the topic "Livable Traffic". The meeting will begin at 7:00 P.M.

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

Best wishes were extended to Harold Gross, Matt Herring and Ryan Shrimplin, who have terminated their employment with the City of Centerville.

The City's Street Resurfacing Program for 2003 will soon begin. The goal for this project is for completion by the end of the summer season.

A storm sewer project on South Main Street along the west side will be followed by resurfacing with the Ohio Department of Transportation participating.

A total of 300 homes participated in the Citywide Garage Sale.

Mr. Singer complimented Mr. Horn on the completion of the Alexandersville-Bellbrook Road improvement project.

Miss Lightle outlined code violations and resolutions for the month of April, 2003, as well as the community calendar for the coming month.

## LANDMARK DESIGNATION 9-11 NORTH MAIN STREET

The Public Hearing was held concerning An Ordinance To Designate The Building Located At 9-11 North Main Street, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance No. 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings And Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark. Mr. Feverston located the subject property on a map, being property recently purchased by the City of Centerville along the west side of North Main Street just one lot north of Franklin Street in the Architectural Preservation District. A formal public review for landmark designation for this property was completed by the Planning Commission and the Board of Architectural Review. Mr. Feverston advised that the Planning Commission recommended to the Board of Architectural Review that landmark status not be granted to the building conditioned

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upon a detailed development plan being in place to preserve the mass and streetscape prior to any demolition and that this plan be reviewed by the Board of Architectural Review. He outlined the history of this structure, additions and changes made to the structure from time to time, and pointed out that the City purchased the property in order to provide public parking in downtown Centerville. On May 6, 2003, during their Public Hearing, the Board of Architectural Review received testimony from the Landmarks Foundation of Centerville-Washington Township and the Centerville Washington Township Historical Society not supporting landmark status for the subject building. The Board of Architectural Review, by unanimous vote, recommended to City Council that the structure at 9-11 North Main Street not be designated as a landmark.

Celia Elliott, 19 Martha Avenue, stated her fear that Centerville will become a City of plaques designating where historic structures once stood. She urged City Council to grant landmark status to 9-11 North Main Street and that the present building be restored.

Martha Boice, 7712 Eagle Creek Drive, identified the National Register District in Centerville. This was the first district accepted by the National Register in Montgomery County. The structure at 9-11 North Main Street is in this district. She identified historic styles within the area. Mrs. Boice pointed out that if too many buildings are demolished within a district the boundaries can be redrawn. She encouraged adaptive reuse of buildings in Centerville's National Register District.

In answer to a question of Mr. Singer, Mr. Feverston explained that a building can be in a district and not be a landmark as a non-contributing building. Mrs. Boice explained how certain buildings were highlighted within the district when it was accepted into the National Register; not all buildings were necessarily historic, nor were any buildings labeled as non-contributing. Mr. Singer questioned why the Landmarks Foundation of Centerville-Washington Township is not defending and preserving Centerville's historic structures. Mr. Feverston reviewed their rationale when the Landmarks Foundation considered this building as well as the Historical Society and City Staff.

Mr. Cline moved that Council affirm the recommendation of the Board of Architectural Review that the building at 9-11 North Main Street not be designated as a landmark. Mr. Kingseed seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Singer voted no.

## ORDINANCE NUMBER 12-03 RIGHTS-OF-WAY

The Public Hearing was held concerning Ordinance Number 12-03. Mr. Horn advised that during the past several years the State of Ohio has passed legislation to enable cities to better protect and plan the use of their rights-of-way. Today there are many more private intended uses of public rights-of-way by utility companies. This proposed Ordinance provides the City of Centerville with the ability to plan more effectively for the utilization of rights-of-way. Mr. Horn outlined the various conditions contained in the proposed Ordinance.

Kent Bristol, Executive Director of the Miami Valley Communications Council, explained why there is a fee difference between utility companies and cable TV. Rights-of-way Ordinances help cities manage a very scarce and valuable resource, not recovering the true value from utility companies.

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Mr. Krass sponsored Ordinance Number 12-03, Ordinance Number 12-03, An Ordinance Adopting New Chapter 1080 Of The Centerville Municipal Code Regulating Activities Within The City's Right Of Way, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

Mr. Bristol announced the passing of a member of the Miami Valley Communications Council and Vice Mayor of the City of Oakwood John Donnelly. He also outlined services provided to member cities by the Communications Council.

### RESOLUTION NUMBER 22-03 STATE ROUTE 48 RESURFACING

Mrs. Pence reviewed a proposed Resolution for the City of Centerville to cooperate with the Ohio Department of Transportation for an urban resurfacing initiative project on State Route 48 from Alexandersville-Bellbrook Road south to Dale Ridge Drive. The cost of this project is \$396,000.00 of which the City of Centerville's share is 20 percent plus 100 percent of the cost and expense to install and/or repair curb ramps at all necessary intersections and 100 percent of the cost of any construction items requested by the City. Construction will not begin until after the Americana Festival. Mr. Singer sponsored Resolution Number 22-03, Final Resolution Cooperating With the Director of Transportation, State of Ohio, For Improvements to State Route 48 From Dale Ridge Drive to Alexandersville-Bellbrook Road, Lying Within The City of Centerville, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

### RESOLUTION NUMBER 23-03 SURPLUS PROPERTY

Mr. Horn recommended that 9 vehicles in the Police Department and 5 vehicles in the Public Works Department which are no longer of use to the City of Centerville be declared as surplus so that they may be disposed of at public auction. Dr. Gresham sponsored Resolution Number 23-03, A Resolution Declaring Specific Equipment No Longer Utilized By the City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines As Stated Herein, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

### CENTERVILLE ARTS COMMISSION APPOINT TOM BRADRICK AS CHAIRMAN

Mr. Kingseed moved that Tom Bradrick be appointed as Chairman of the Centerville Arts Commission for a period of one year. Mr. Cline seconded the motion. The motion passed by unanimous vote.

In regards to the aggregation of utilities, Mr. Horn cautioned residents to examine contracts very carefully if contacted by a utility company for the supply of natural gas. Pay close attention to the cancellation clause and penalties.

Mrs. Lienesch announced the Centerville High School 2003 Art Show - open to the public, free of charge.

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Mrs. Lienesch asked for a staff report regarding environmental issues in and around a historic district.

There being no further business, the meeting was adjourned.

Approved: *Sally D. Beale*  
Mayor

ATTEST: *Marilyn Hoyle*  
Clerk of Council