

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 20, 20 02

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 20, 2002, 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
- Susan Lienesch
- Paul Gresham
- Douglas Cline
- Roger Krass
- Acting Clerk of Council Constance Cooper
- City Manager Gregory Horn
- Assistant City Manager Judith Gilleland
- Finance Director Mark Schlagheck
- City Planner Steve Feverston
- Public Works Director Robert James
- Economic Development Administrator Chris Pozzuto
- Municipal Attorney Robert Farquhar
- Assistant to the City Manager Jesse Lightle

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

- Council Meetings - April 15, 2002.
- May 6, 2002.
- Work Session Meetings - April 8, 2002.
- April 15, 2002.
- April 22, 2002.
- May 6, 2002.
- May 13, 2002.

Mr. Kingseed moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Krass seconded the motion. The motion passed unanimously with Mr. Singer abstaining from the minutes of the May 13, 2002 Work Session and with Mayor Beals abstaining from the minutes of the May 6, 2002 Work Session and Council Meeting.

Mayor Beals administered the Oath of Office to the following Board and Commission Members:

- City Beautiful Commission: Mark R. Leonard
- Nicholas L. Gerren, Jr.
- Patricia S. Williams
- Board of Architectural Review: John H. Carr
- Centerville Arts Commission: Betty Lou Townley

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Jerry Huffman, member of the City Beautiful Commission, presented plaques and Yankee Trace Gift Certificates to the following Centerville Business Pride Award winners for the month of May, 2002:

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|-------------------------|------------------------------|
| Ruffolo Mailing Service | King & Mayerson Orthodontics |
| 80 Compark Road | 6460 Far Hills Avenue |
| Bob Leibecke | Dr. and Mrs. Jack King |

Mayor Beals expressed appreciation to these businesses taking pride in the Centerville community.

Mayor Beals outlined the following events which took place during the past month and will take place during the coming weeks:

The Garden Fest will be held at Benham's Grove on June 8th and 9th, 2002. This event is held every other year and is the fourth to be held from its inception during Centerville's Bicentennial.

The Americana Festival is scheduled for July 4, 2002 with a theme to honor police and fire personnel.

Operation Clean Sweep had another successful year. Mayor Beals reminded interested citizens of the McMRF program (Montgomery County Material Reuse Facility) where donations of paint, household goods, etc. are accepted. Items donated are used by schools and for theater productions as backdrops for plays and programs. Items donated are tax deductible.

The Oath of Office was administered to Planning Commissioner members Paul Clark and Robert St. Pierre prior to this regular meeting due to the fact that their membership was needed for the recent Planning Commission meeting.

The fourth BUY.COM Dayton Open Golf Tournament will be held July 8-14, 2002 at The Golf Club at Yankee Trace. Volunteers are needed for this event.

Proclamations were issued during the past month for the following designations:

- June 2-8, 2002 as Management Week in the City of Centerville.
- June 30, 2002 as Father James Van Vurst Day in the City of Centerville.

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

The Citywide Garage Sale was held on May 2nd through May 4th, 2002 with over 250 locations taking advantage of the event.

During the week of Operation Clean Sweep, 442 tons were picked up by employees in the Public Works Department. This is three times the amount normally picked up in one week.

Many flowers have been planted in various areas of the City.

Miss Gilleland outlined code violations and resolutions for the month of April, 2002, as well as the community calendar for the coming month.

MORRIS FURNITURE APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Wilmington LLC and Morris Furniture, Inc. against a decision rendered by the Planning Commission to approve a Special Approval Application for the construction of a Holiday Inn Express along Wilmington Pike, south of Whipp Road. Mr. Feverston located the subject property on a map being situated

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immediately west of Morris Furniture. He reviewed the following conditions of approval stipulated by the Planning Commission:

1. The final design of the driveway located in the northeastern corner of the site shall be subject to approval by the City Engineering Department.
2. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
3. The final landscaping and screening plan for the entire site including the 100 foot bufferyard shall be subject to approval by the Planning Department. This plan shall include a minor encroachment into the 100 foot bufferyard for purposes of grading and stormwater drainage. The plan shall also identify existing trees to be preserved and a grading limit shall be established at the drip line of those trees. Landscaping shall be installed in the bufferyard in accordance with the Bufferyard, Landscaping, and Screening Requirements of the Zoning Ordinance, subject to approval by the Planning Department. Trees preserved on the site may be credited towards satisfying the landscaping and screening requirements of the Zoning Ordinance. A solid-board privacy fence, 6 to 7 feet in height, shall be installed at the eastern edge of the 100 foot bufferyard.
4. A Performance Bond or other construction guarantee shall be posted by the developer for all landscaping, screening, and bufferyard improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be in accordance to The Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
5. Lintels and sills shall be expressed on all building elevations containing windows.
6. The final building colors shall be subject to approval by the Planning Department.
7. The dumpster screening shall be faced with brick to match the building, subject to approval by the Planning Department.
8. An exterior lighting plan shall be subject to approval by the City Planner.
9. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
10. No sign depicted shall be approved as a part of this application.

Mr. Feverston explained that the basis for this Appeal, as stated by the applicant, is that the developer for Holiday Inn Express relocated a curb cut on the site which violates private agreements between the property owners, the site provides no parking spaces for oversized vehicles, and there are no cross easements between the property owners which the Planning Commission failed to recognize. Mr. Farquhar advised that the Planning Commission and City Council can only consider matters which relate to the Zoning Ordinance. In his opinion, the basis for this Appeal are not matters which can be considered. Mr. Feverston explained that City Staff is working with Holiday Inn representatives to relocate the access point to its original location and to rework the southernmost parking area to accommodate some oversized parking spaces.

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Mr. Edward Kress, 11 Courthouse Plaza, Attorney for the applicant, expressed concern with the lack of adequate parking for the Holiday Inn. He explained that the one curb cut was relocated in order for the hotel to satisfy their parking requirements. If the curb cut is relocated to its original position, parking requirements will not be met. He stressed the need for parking for oversized vehicles on the Holiday Inn site. Mr. Feverston pointed out the fact that Holiday Inn does meet parking requirements contained in the Zoning Ordinance. He explained how by reverting the access point back to its original location, adequate parking can be provided for oversized vehicles.

Mr. Kress advised that the access points approved by the Planning Commission on the Layout Plan for Holiday Inn do not agree with the Master Plan previously approved for this entire area and adjacent land owners were not notified of the relocation of the one curb cut. Mr. Farquhar pointed out that if the access points were changed from the Master Plan they must revert back to their original position or the Master Plan must be amended by the Planning Commission.

Mr. Kingseed suggested that this matter be tabled until it is certain that parking requirements have been satisfied.

Mr. Larry Klaben, President of Morris Furniture and Manager of Wilmington LLC, stated that he was informed that no changes were being made to affect adjacent properties. By the relocation of one curb cut, Morris Furniture lost parking spaces and Holiday Inn gained parking spaces.

Mr. Kingseed moved that the Appeal filed by Willmington LLC and Morris Furniture, Inc. against a decision rendered by the Planning Commission relative to a Special Approval Application for the construction of a Holiday Inn Express be tabled until the Council Meeting scheduled for June 17, 2002. Dr. Gresham seconded the motion. The motion passed unanimously.

BOB AMBURGY SELF STORAGE FACILITY MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Bob Amburgy for the construction of a self-storage facility at 7747 Clio Road. Mr. Feverston located the subject property on a map and identified adjacent land uses, being situated west of Clio Road, north of Centerville Mill and directly across from Millerton Drive. The property has a split zoning with 2.1 acres zoned I-1, Light Industrial, and 1.4 acres zoned I-PD, Industrial-Planned Development. The proposed use of a self-storage facility is a permitted use in both zone classifications. Proposed is the construction of four storage buildings and an office/apartment building to provide a residence for the manager of the facility. Mr. Feverston reviewed building elevations that were presented to the Planning Commission. The Planning Commission, by unanimous vote, recommended approval of this Major Use Special Approval Application to City Council subject to the following conditions:

- 1. A northbound left turn lane on Clio Road shall be constructed by the developer for the main access drive opposite Millerton Drive, subject to approval by the City Engineering Department.

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2. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
3. A final landscaping plan shall be subject to approval by the Planning Department.
4. A performance bond or other construction guarantee shall be posted by the developer for all landscaping and screening improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
5. A final exterior lighting plan shall be subject to approval by the City Planner.
6. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
7. No sign depicted shall be approved as a part of this application.

Mr. Feverston advised that as a result of Council's Work Session when this Major Use was discussed, the applicant has prepared revised drawings to provide a 30 foot front yard setback along Clyo Road to screen the facility to the residential area along the east side of Clyo Road. The western and northern setbacks have been reduced to 10 feet. The applicant will provide a landscape mound along Clyo Road and a vinyl fence with brick columns to create a gated entrance.

Mr. Tom McDougall, McDougall Associates, reviewed the revised plan which has been coordinated by the property owner and the Planning Department to answer concerns expressed by City Council.

Upon question by Mr. Krass, Mr. Feverston explained how and why the subject property has two different zone classifications. The use is permitted in both zone districts and since the property will develop as one lot, a rezoning is not necessary.

Mr. Singer questioned the need for a secondary access which will cause a split in the mounding thus defeating the purpose of the landscape screening. Mr. Feverston explained that two accesses are necessary to provide for the maneuverability of large vehicles. He located on a map the curb cut in the median of Clyo Road which would provide access to the property. Due to the low traffic volume expected with this type establishment, Mr. Feverston believes that the current left turn lane on Clyo Road will be adequate. Mr. Amburgy advised that the Fire Department usually requires two accesses for this type of facility. The second access will be locked at all times except when its use is necessary.

Mr. Feverston explained how landscape is required along all parameters of the property according to requirements contained in the Zoning Ordinance.

In answer to a question of Mr. Cline, Mr. Feverston advised that if the use changed sometime in the future, a left turn lane could be required at that time. Mr. Farquhar suggested that money be placed in escrow or a bond be required to be in force for a specified period of time to pay for the construction of a left turn lane if it becomes necessary.

Upon suggestion of Mr. Cline, Mr. Amburgy agreed to move the one way access to the northern part of the property so that the mounding would not be interrupted. Mr. Amburgy also agreed to provide the City with a bond as suggested by Mr. Farquhar.

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Mr. Amburgy explained that lighting will be provided on the side of the buildings. Lighting must be approved by the City. Mr. Feverston advised that lighting cannot shine or glare off the premise.

Mr. Kingseed moved that the Major Use Special Approval Application submitted by Bob Amburgy for the construction of a self-storage facility at 7747 Clio Road be approved as recommended by the Planning Commission subject to all conditions as stipulated and as modified by drawings submitted by the property owner to the City of Centerville on May 20, 2002, and subject to the following additional conditions:

1. The thirty-foot (30) landscape area frontage on Clio Road shall be mounded and screened subject to City Staff approval.
2. A twenty-foot (20) setback with landscaping screen shall be required throughout the entire remainder of the property.
3. No left turn lane shall be required on Clio Road at the time of construction, but the applicant shall be required to post a bond in an amount for such improvement should it be deemed necessary. City Staff will conduct a traffic study one year after the facility is in operation to determine whether the turn lane is necessary and if so it shall be constructed at the applicant's expense.
4. The secondary exit shall be moved to the north in order to prevent a visual view between the two buildings.

Mr. Krass seconded the motion. The motion passed unanimously.

Mr. Cline advised that the Comprehensive Plan is moving forward with Washington Township to create a plan for the entire community. The City has received an EDGE (Economic Development Government Equity) Grant in the amount of \$100,000.00 for the project.

Mr. Kingseed advised that a financial study is being conducted by the City and Washington Township to analyze monies being spent unnecessarily due to separate government entities.

Mr. Joseph Koussa, 1537 Beavercreek Lane, was present at this meeting to encourage citizens to conserve on the use of gasoline and asked that members of the United States Armed Forces return safely.

2003 TAX BUDGET

Mr. Singer moved that the Tax Budget for the City of Centerville for the year 2003 be set for Public Hearing on June 17, 2002. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 8-02 TRAFFIC CONTROL

Mr. Horn reviewed a proposed Ordinance to repeal Section 414.10 of the Centerville Municipal Code which designates the intersections where right turns on red are prohibited. This Section of the Code is no longer necessary due to the fact that the City Manager has the authority

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to promulgate traffic regulations. Dr. Gresham moved that Ordinance Number 8-02, An Ordinance Repealing Section 414.10 Of The Centerville Municipal Code, be set for Public Hearing on June 17, 2002. Mr. Cline seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 9-02 CODE RECODIFICATION

Mr. Horn advised that the recodification of the Centerville Municipal Code has been completed to include Ordinances and Resolutions passed during the past year as well as changes in State Law. Mr. Kingseed moved that Ordinance Number 9-02, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, be set for Public Hearing on June 17, 2002. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 23-02 EASEMENT TO DP&L YANKEE TRACE

Mr. Horn reviewed a request from the Dayton Power and Light Company for an easement in order to provide electric service to the Yankee Trace Development east of Paragon Road. He located the two easements on a map, being 20 feet and 50 feet in width on property owned by the City of Centerville. Mr. Singer sponsored Resolution Number 23-02, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power & Light Company To Extend Electric Service In The Yankee Trace Development, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 24-02 2002 PAVEMENT MARKING PROGRAM

Mr. Horn advised that bids were advertised for the 2002 pavement marking program by the Miami Valley Cable Council. This is a cooperative effort by four members of the Cable Council. Each entity awards its own contract to the appropriate contractor. Mr. Horn recommended that the bid received from Hartsook Contracting Company, Ltd., be accepted for the City of Centerville in the amount of \$17,184.96. Mr. Cline sponsored Resolution Number 24-02, A Resolution Accepting The Bid From The Hartsook Contracting Co., LTD. For The 2002 Pavement Marking Program For The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION REAPPOINT CARLA BLEIL AS CHAIRMAN

Dr. Gresham moved that Carla Bleil be reappointed as Chairman of the Centerville Arts Commission for an additional term of one year. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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SISTER CITY COMMITTEE REAPPOINT JOANNA CLAY

Mrs. Lienesch moved that Joanna Clay be reappointed as a member of the Sister City Committee. Dr. Gresham seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals
Mayor, City of Centerville

ATTEST: Marie St. Angelo
Clerk of Council