

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 17,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 17, 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
- Paul Gresham
- Douglas Cline
- Roger Krass
- Clerk of Council Marilyn McLaughlin
- Assistant Clerk of Council Debra James
- City Manager Gregory Horn
- Assistant City Manager Judith Gilleland
- City Planner Steve Feverston
- Public Works Director Robert James
- City Engineer Norbert Hoffman
- Assistant Finance Director Kenneth Moyer
- Municipal Attorney Robert Farquhar
- Assistant to the City Manager Jesse Lightle

Mayor Beals advised that Councilmember Susan Lienesch would not be present at this meeting. Dr. Gresham moved that Mrs. Lienesch be excused from this meeting. Mr. Singer seconded the motion. The motion passed unanimously.

- The minutes of the following meetings had been distributed prior to this meeting:
- Council Meeting - May 20, 2002.
  - Work Session Meetings - May 20, 2002.
    - June 3, 2002.
    - June 10, 2002.

Mr. Kingseed moved that the minutes of the foregoing meetings be approved, as distributed. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

Mayor Beals presented to the members of the Centerville High School Boys Varsity Volleyball Team a key chain for Achievement of Excellence in winning the 2002 State Championship.

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 June, 2002:

- |                          |                             |
|--------------------------|-----------------------------|
| Morning Sun              | Bellville Interiors         |
| 11 South Main Street     | 133 West Franklin Street    |
| presented to Darla Hiser | presented to Sueleal Kramer |

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

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 17, 2002 continued 20

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

The Garden Fest held at Benham's Grove on June 8<sup>th</sup> and 9<sup>th</sup>, 2002 was a very successful event. This event is held every other year with the profit being used for enhancements in Benham's Grove.

The Americana Festival is scheduled for July 4, 2002, on the 226<sup>th</sup> celebration of our nation.

The BUY.COM Dayton Open Golf Tournament will be held July 11-14, 2002 at The Golf Club at Yankee Trace. Volunteers are needed. Appreciation was expressed to sponsors and contributors.

Concerts are now being held in The Leonard E. Stubbs Memorial Park on Thursday and Sunday evenings.

Stations have been placed in Stubbs Park containing "mut mitts" for walkers to pick up their dogs' residue for placement in waste containers.

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

Minor damage was found throughout the City as a result of a storm which occurred on Thursday, June 13, 2002.

Emphasis was placed on the need for volunteers for the Dayton Open Golf Tournament.

Roadway improvements continue on Paragon Road.

The opening of the new nine holes at The Golf Club at Yankee Trace will take place the week of July 15, 2002.

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

Mr. Cline gave a brief update on the Joint Comprehensive Plan Task Force orientation meeting held June 11, 2002. A kick-off has been scheduled for September 5, 2002. The project should take approximately fourteen months for completion.

2003 TAX BUDGET

The Public Hearing was held concerning the 2003 Tax Budget for the City of Centerville. Mr. Moyer explained that this is the annual Tax Budget to be submitted to the County Auditor for review by the Montgomery County Budget Commission. It is not the formal Budget which is prepared by the City of Centerville. Mr. Singer moved that the Tax Budget for the City of Centerville for the year 2003 be approved for submission to the Montgomery County Auditor. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 7-02 ZONING ORDINANCE AMENDMENT  
DESARO REZONING

The Public Hearing was held concerning the Rezoning Request filed by Joseph and Irene DeSaro for a 4.273 acre parcel of land located at 1054 West Spring Valley Road. Requested is a

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 17, 2002 continued

20

change in zoning from O-S, Office-Service to R-1c, Single-Family Residential. Mr. Feverston located the subject property on a map and pointed out that this land was annexed to the City of Centerville in 1997. It is the intent of the DeSaros to build a new residence on the subject property, a use not permitted in the O-S zone district.

In answer to a question of Mr. Cline, Mr. DeSaro advised that the present non-conforming residence was built in 1952.

Dr. Gresham sponsored Ordinance Number 7-02, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 4.273 Acres, More Or Less, From Centerville O-S, Office-Service Classification To R-1c, Single-Family Residential, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RUETSCHLE ARCHITECTS APPEAL TO COUNCIL  
ST. FRANCIS OF ASSISI CHURCH VARIANCES

The Public Hearing was held concerning an Appeal filed by Ruetschle Architects, on behalf of the St. Francis of Assisi Church, against a decision rendered by the Planning Commission denying an application for two Variances. Mr. Feverston advised that four Variances were applied for with two being approved. He reviewed the two Variances denied and located the subject property on a map being situated at 6245 Wilmington Pike. The two Variances denied for which approval is being sought are a building height of 52 feet exceeding the maximum height permitted by the Zoning Ordinance of 45 feet and a roof proportion to exceed one-half of the overall building height. The project includes accesses onto Wilmington Pike and Clyo Road. Mr. Feverston explained elevations for the proposed building.

Mark Stasiak, Deacon and Business Manager for St. Francis of Assisi Church; Lee Tollefson, Lead Architect with Rafferty Rafferty Tollefson Architects, Inc., and Gary Spangler, Local Architect with Ruetschle Architects, were present to answer any questions of City Council.

Mr. Stasiak explained their rationale for requesting these two Variances: due to the nature of the project and the volume requirements for acoustics in the Sanctuary to support a pipe organ, these variations from the requirements contained in the Zoning Ordinance are necessary. He outlined the history of preparing design studies for additions to the property in question. He explained how they have met all code requirements set forth by the City of Centerville and the Washington Township Fire Department. He advised that the four Variances have been requested in order to provide an architecturally excellent building that meets their worship needs while it brings together their existing campus, respects the site, enhances the neighborhood, provides additional meeting and ministry space allowing them to be good stewards of their property and provides for the utilization of the existing building for expanding services in the community. Mr. Stasiak explained that the new building is somewhat centralized on the property, it is visible from major roads without being obtrusive, and the landscaping is within and apart from adjacent properties.

Mr. Tollefson explained the rationale for the roof form: the roof needs to be seen and the dome needs to rise above trees and landscaping. He superimposed the peak of the roof on slides to identify how it can be viewed from various locations.

Held June 17, 2002 continued 20

Upon question of Mr. Kingseed, Mr. Feverston advised that the height requirement for a church steeple or spire is exempted from the Zoning Ordinance. Mr. Kingseed moved that the Appeal filed by Ruetschle Architects, on behalf of the St. Francis of Assisi Church, located at 6245 Wilmington Pike be granted, thus increasing the maximum building height from 45 feet to 52 feet and providing that the roof proportion exceed one-half of the overall building height according to the plan as submitted. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 8-02 CODE AMENDMENT TRAFFIC LIGHTS

The Public Hearing was held concerning Ordinance Number 8-02. Mr. Horn reviewed this proposed Ordinance which deletes Section 414.10 of the Centerville Municipal Code. The authority to issue traffic orders now resides with the City Manager and therefore this Section of the Code is no longer necessary. In answer to a question of Mr. Krass, Mr. Horn advised that this procedure is customary with many other Municipalities. Mr. Singer sponsored Ordinance Number 8-02, An Ordinance Repealing Section 414.10 Of The Centerville Municipal Code, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 9-02 RECODIFY CODE

The Public Hearing was held concerning Ordinance Number 9-02. Mr. Horn reviewed this proposed Ordinance which approves the annual recodification of the Centerville Municipal Code to include certain Ordinances and Resolutions passed by City Council during the past year and to bring it in conformance with the Ohio Revised Code. Mr. Cline sponsored 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, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

Skip Schafer, Commercial Realty Associates, Inc. and property owner of 7747 Clys Road Jay Buckingham, were present at this meeting to request that Council reconsider their action taken at the May 20, 2002 Council Meeting relative to the construction of a Self-Storage Facility on the west side of Clys Road across from Millerton Drive. Mr. Schafer pointed out that as a result of discussions prior to the May 20<sup>th</sup> meeting concerning this Major Use Special Approval Application, modifications were made by the applicant to the original plan submitted. On May 20<sup>th</sup> a motion was made after the Public Hearing was closed which included an item concerning setbacks that was not discussed during the Public Hearing. He questioned whether a mistake had been made since this matter was not included on the plan being considered. Mr. Kingseed advised that City Council had received correspondence laying out the point made by Mr. Schafer and laying out the rationale and detail as to why the applicant was seeking reconsideration. Mr. Kingseed further pointed out that Council has had the opportunity to review the substance of the applicant's claim. No motion was made for reconsideration by City Council.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 17, 2002 continued 20

RESOLUTION NUMBER 25-02 STATE ROUTE 725 RESURFACING

Mr. Horn reviewed proposed Resolution Number 25-02, the second and final legislation for the resurfacing of Alexandersville-Bellbrook Road (SR725) from Bigger Road to the Greene County Line by the Ohio Department of Transportation. Mr. James advised that this legislation must reach the ODOT office by June 28, 2002. This is an ODOT project and will complete improvements to Alexandersville-Bellbrook Road from Loop Road to Wilmington Pike. Mr. Krass sponsored Resolution Number 25-02, The Final Resolution To Cooperate With The State Of Ohio, Department Of Transportation For The Resurfacing Of State Route 725 (Alexandersville-Bellbrook Road) From Bigger Road To The Greene/Montgomery County Line, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 26-02 HIGHWAY SAFETY PROGRAM GRANT

Mr. James reviewed a Resolution to authorize the submittal of an application to the Ohio Department of Public Safety, Governor's Highway Safety Office for a 402 Grant to develop a highway safety program for the City of Centerville. Being applied for is a 100 percent grant in the amount of \$25,000.00 to develop a program to proactively repair signs and effectively budget for sign replacements on a continuing basis. This application must be submitted by July 1, 2002. Mr. Singer sponsored Resolution Number 26-02, A Resolution Supporting The City Of Centerville's Application To The Ohio Department of Public Safety, Governor's Highway Safety Office, For A 402 Grant To Develop A Highway Safety Program For The City of Centerville, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT CHARLES GRAHAM

Mr. Cline moved that Charles Graham be reappointed as a member of the Board of Architectural Review for an additional term of three years. Mr. Krass seconded the motion. The motion passed by unanimous vote.

Mr. Krass advised that the Hithergreen Senior Center is looking for a new Board Member and this person will assume the Treasurer's position.

Mr. Horn announced that, upon request of City Council, the current issue of the Town Crier is being sent to Washington Township residents. It includes many important schedules.

There being no further business, the meeting was adjourned.

Approved: Sally D. Becks  
Mayor, City of Centerville

ATTEST: Maury J. Sandel  
Clerk of Council