

RECORD OF PROCEEDINGS

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 15,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 15, 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:

Councilmembers James Singer
 Paul Gresham
 Douglas Cline
 Roger Krass
 Susan Lienesch

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Debra James
 City Manager Gregory Horn
 Assistant City Manager Judith Gilleland
 City Planner Steve Feverston
 City Engineer Norbert Hoffman
 Economic Development Administrator Chris Pozzuto
 Municipal Attorney Robert Farquhar
 Assistant to the City Manager Jesse Lightle
 Police Lieutenant Bruce Robertson

Mayor Beals advised that Deputy-Mayor C. Mark Kingseed would not be present at this meeting. Mr. Singer moved that Mr. Kingseed be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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

Council Meetings - June 17, 2002.
 - June 24, 2002.

Work Session Meetings - June 17, 2002.
 - June 24, 2002.
 - July 1, 2002.

Mrs. Lienesch moved that the minutes of the foregoing meetings be approved, as distributed. Dr. Gresham seconded the motion. The motion passed by unanimous vote, with Mrs. Lienesch abstaining from the minutes of the Work Session and Council Meeting held June 17, 2002.

Mrs. McLaughlin announced the receipt of letters of resignation from the following commission members:

City Beautiful Commission member Sue Anderson.
 Centerville Arts Commission member Jo Ripley.
 Centerville Arts Commission member Virginia Krause Hess
 Centerville Property Review Commission member Frederick Dietrich.

Mrs. Lienesch moved that the before mentioned resignations be accepted, with regret. Mr. Cline seconded the motion. The motion passed unanimously.

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Mayor Beals presented Floyd "Roy" Wilson a Certificate of Congratulations upon his receipt of a Centerville High School Diploma from the Centerville City School, Board of Education, on May 20, 2002.

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 July, 2002:

- | | |
|------------------------------------|--------------------------|
| Routsong Funeral Home | The Woods of Centerville |
| 81 North Main Street | 33 Meeting House Road |
| Papa Murphy's Take and Bake Piazza | |
| 832 South Main Street | |

Mayor Beals congratulated these three businesses and thanked them for their contribution toward beautification in the City of Centerville.

Mr. Horn recognized the work of photographer Jerry Huffman who, along with an assistant, for the past four years has constantly taken pictures throughout the entire week during the BUY.COM Dayton Open Golf Tournament at The Golf Club at Yankee Trace.

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

In the evening of July 3, 2002, there was an excellent concert in the Leonard E. Stubbs Memorial Park conducted by the Centerville Community Band.

July 4, 2002 was celebrated by many people during the Americana Festival. Appreciation was extended to all that participated, the Americana Festival Committee, the parade, the vendors and the spectacular display of fireworks.

The BUY.COM Dayton Open Golf Tournament at The Golf Club at Yankee Trace was again a huge success. Receipts from the Charity Auction amounted to \$52,000.00.

Mayor Beals clarified the fact that the proposed Dog Park is a project of the Centerville-Washington Park District not the City of Centerville.

Concerts continue on Thursday and Sunday evenings in the Leonard E. Stubbs Memorial Park.

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

The BUY.COM Dayton Open Golf Tournament this year was the largest event thus far. Many businesses financially supported the event.

The opening of the new nine holes at The Golf Club at Yankee Trace has been delayed. Resurfacing and improvement projects in the City of Centerville are underway.

Right-of-way legislation is being prepared for Council's consideration in the near future.

Appreciation was expressed to the Centerville Police Department and the Washington Township Fire Department and EMS for their services during the Garden Fest, the Americana Festival, and the BUY.COM Dayton Open Golf Tournament.

Mr. Pozzuto gave a brief legislative update, reviewing recent bills passed and proposed by the State and Federal Legislators.

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ORDINANCE NUMBER 12-02 ZONING ORDINANCE AMENDMENT
EVERETT E. SCHAFER, BOB EVANS FARMS, PATRICIA WILSON REZONING

Mr. Horn described the location of 13.538 acres of land owned by Everett E. Schafer, Bob Evans Farms, Inc. and Patricia A. Wilson which is the subject of a Rezoning Request for a change from Washington Township Development Business to Centerville B-2, General Business. The property is situated at the northwest corner of State Route 48 and West Alexandersville-Bellbrook Road. Dr. Gresham moved that Ordinance Number 12-02, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 13.538 Acres, More Or Less, From Washington Township Planned Development Business, To Centerville B-2, General Business, be set for Public Hearing on September 16, 2002. Mr. Singer seconded the motion. The motion passed unanimously.

VOSS APPEAL TO COUNCIL OVERHEAD DOOR

The Public Hearing was held concerning an appeal filed by Voss Chevrolet/Voss Dodge against a decision rendered by the Planning Commission during their meeting on May 28, 2002, to eliminate the erection of an overhead door on the north side of the new auto body shop proposed to be located on the north side of Loop Road, approximately 660 feet east of State Route 48. Mr. Feverston explained that when the development plan for the construction of an auto body shop for Voss Chevrolet/Voss Dodge was approved, several conditions were placed upon the approval, one of which was the elimination of an overhead door on the north side of the body shop. Voss believes that the Planning Commission erred in its decision to eliminate this overhead door because they perceived that there could be noise issues. Voss further stated that the Commission had no facts to support their decision to eliminate the door and that this arbitrary decision has a significant adverse effect on the functionality of the building. In the appeal, Voss/Dodge pointed out that the sound expert engaged by the City supported the fact that there are no noise issues with the dealership, Voss/Dodge are not aware of any noise complaints in regards to their dealership, and with the new building there are better sound absorptions as part of the construction. Mr. Feverston advised that the Planning Commission's decision was based upon a report by Mark Carlson, CBC Engineers, which stated that after performing a noise study at various locations within the Village South neighborhood, the elimination of the overhead door and the addition of a wooden fence would markedly reduce noise in the neighborhood.

David Greer, Attorney for the applicant, explained the design for the interior of the proposed auto body shop and pointed out that the door is essential for the use of the building. The door is necessary for the delivery of certain large parts to the parts department which will be located at the north end of the building. He advised that any conceivable noise will be buffered by three walls (one exterior and two interior) between the north end of the building, the productive area and the paint area of the building. Mr. Greer explained that the door is needed for fire and safety reasons to provide better access in the event of an emergency affecting the building, the employees and the surrounding area. He advised that there will be no access to the building through the subject door after normal delivery hours. The door will automatically open and close for in and out service.

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Pete Flaherty, 170 South Village Drive, advised that this overhead door is a major concern for residents in Village South in consideration of noise, dust, odors and visual considerations. The future use of this building is unknown. Mr. Flaherty highlighted three major concerns:

Noise: The noises generated by the present facility are significant. The increase noise from a larger operation, the change over of the existing Chevrolet body facility into a service center and the change over of the existing Dodge facility into a detailed operation will be a further detriment relative to noise.

Odor: The proposed facility is two to three times larger than the present facility, the potential for odor emissions from this operation are likely to increase and this door would be a large opening for these odors to escape to the Village South neighborhood.

Visibility: The facility will be seen by residents in Village South especially in the winter.

It would be much more attractive to look at a solid brick wall than a metal overhead door.

Mr. Flaherty suggested that Voss find another location for this overhead door.

Ken Kolpitcke, 330 Edgebrook Drive, pointed out that there was just one sound measurement taken at one particular time and on one particular date. He stressed the need for a sound study over a longer period of time. Noise will be emitted from the building as the door opens and closes.

In answer to a question of Mr. Cline, Mr. Greer advised that he was not aware of a requirement of OSHA or from the fire safety standpoint that a door must be placed in the proposed location. The door could be closed and opened only for emergency situations.

Upon question of Mayor Beals, Mr. Feverston advised that hours for deliveries and waste collection would be 8:00 A.M. to 7:00 P.M. Monday through Friday and 8:00 A.M. to 12:00 Noon on Saturday.

In answer to questions of Mrs. Lienesch, Mr. Greer advised that the proposed building has other doors. This door would be the closest for employees. He does not believe there is a legitimate concern on the public side of this issue. The second story of this building will be located over the southern portion of the building. Jack Lee, Voss Chevrolet, advised that this second story will be used for the storage of parts and antique vehicles.

Upon questions of Mr. Singer, Mr. Feverston advised that the Planning Commission expressed concern with impact upon the neighborhood if the door on the north was not eliminated. Mr. Carlson explained that if the fence is required and the door on the north elevation is eliminated, the noise situation to the Village South neighborhood should be markedly improved. Mr. Greer believes that the design currently being considered for the interior is the best for the proposed building. Mr. Lee explained why this is considered to be the best design.

Mr. Krass offered a compromise: double doors instead of one, referred to as a "Sally Port". One door would rise while the other door closes. Mr. Flaherty stated there are options; however, there will still be odors passing through the door.

Mr. Singer moved that the appeal filed by Voss Chevrolet/Voss Dodge against a decision rendered by the Planning Commission to eliminate the erection of an overhead door on the north side of the new auto body shop proposed to be located on the north side of Loop Road be tabled for further consideration by both parties relative to the suggestion by Mr. Krass and other alternatives. Mr. Krass seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Farquhar advised that this will be an agenda item for the Council Meeting on August 19, 2002.

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

Adrian Rose, 104 Cushwa Drive, appeared before Council to express appreciation for the American Festival on July 4, 2002 in the City of Centerville. He expressed concern with a problem for bicyclers on West Franklin Street and on Clio Road. The ridges of drain grates along the north and south side of West Franklin Street between Main Street and Normandy Lane are situated parallel rather than perpendicular, and the asphalt along Clio Road from Alexandersville-Bellbrook Road has not been feathered into the curb to create a smooth transition. Mr. Horn advised that he will develop a timetable for the replacement of the grates on West Franklin Street. He explained that the overlay of asphalt on Clio Road has been put in place as a stop gap measure until that portion of Clio Road can be rebuilt.

Joseph Koussa, 1537 Beaver creek Lane, was present at this meeting to ask that members of the armed forces return home safely and that motorists conserve on the use of gasoline. He asked that each person save one gallon of gasoline per week.

ORDINANCE NUMBER 10-02 AMEND BUILDING AND HOUSING CODE

Mr. Horn reviewed a proposed Ordinance to make minor changes to the building and housing code for the City of Centerville. The Ohio Basic Building Code is now being referred to as the Ohio Building Code and the Ohio Basic Mechanical Code is being referred to as the Ohio Mechanical Code. Mr. Cline moved that Ordinance Number 10-02, An Ordinance To Amend The Centerville Municipal Code, Part Fourteen, Chapter 1420, Building And Housing Code, be set for Public Hearing on August 19, 2002. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 11-02 0.128 ACRE ANNEXATION CITY OWNED

Mr. Horn identified the location of City owned property to be annexed to the City of Centerville consisting of 0.128 acres of land for right-of-way on Paragon Road. Mr. Singer moved that Ordinance Number 11-02, An Ordinance Authorizing The Annexation Of 0.128 Acres Of Contiguous Territory Owned By the City Of Centerville And Directing The Municipal Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation, be set for Public Hearing on August 19, 2002. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 27-02 13.538 ACRE ANNEXATION

Mr. Horn reviewed a proposed Resolution accepting the annexation of 13.538 acres of land located at the northwest corner of Alexandersville-Bellbrook Road and State Route 48. This annexation has been approved by the Board of County Commissioners of Montgomery County. Mr. Krass sponsored Resolution Number 27-02, A Resolution Accepting The Annexation Of 13.538 Acres Of Land Owned By Bob Evans Farms, Inc., Patricia A. Wilson, Trustee, And Everett E. Schafer DBA 51 AB Company Which Is Contiguous To The Corporate Limits Of The

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City And Which Is Located In The Unincorporated Area Of Washington Township, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 28-02 DARE OFFICER

Mr. Horn reviewed a proposed Resolution to authorize the City Manager to submit an application to the Ohio Attorney General's Office for the salary of a DARE officer. The City of Centerville has received this funding for several years and this application will continue this program. Mrs. Lienesch sponsored Resolution Number 28-02, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Make Application To The Ohio Attorney General's Office For Salary Funding Of A DARE Officer, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 29-02 OFFICER IN SCHOOLS

Mr. Horn reviewed a proposed agreement between the City of Centerville and the Centerville City School District for the presence of City police officers at school buildings located within the corporate limits of the City of Centerville. The current three year agreement will expire this summer. The School District has asked that this very successful program continue. Police Lieutenant Bruce Robertson outlined the program and the advantages of having a police officer on school grounds. Mr. Cline sponsored Resolution Number 29-02, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville, To Execute An Agreement Between The City Of Centerville And The Centerville City School District For The Presence Of Police Officers In School Buildings, and moved that it be passed. Dr. Gresham second the motion. The motion passed unanimously.

Mr. Horn advised that there are four road improvements projects that have been included in the City's long term budget goals. Resolutions have been prepared to support the City's application for State Issue Two funds or Local Transportation Improvement funds for these projects.

RESOLUTION NUMBER 30-02 STATE ISSUE TWO FUNDS FOR RECONSTRUCTION AND WIDENING OF CENTERVILLE STATION ROAD

Dr. Gresham sponsored Resolution Number 30-02, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LTIP) For The Reconstruction And Widening Of Centerville Station Road From Station House Road East To The Corporation Line, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 31-02 STATE ISSUE TWO FUNDS FOR
RECONSTRUCTION AND WIDENING OF SHEEHAN ROAD

Mr. Singer sponsored Resolution Number 31-02, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LTIP) For The Reconstruction And Widening Of Sheehan Road From South Main Street (SR 48) West To Eleven Hundred (1100) Feet South Of Normandy Lane, and moved that it be passed. Mr. Krass seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 32-02 STATE ISSUE TWO FUNDS FOR
RECONSTRUCTION AND WIDENING OF ALEXANDERSVILLE-BELLBROOK ROAD

Mrs. Lienesch sponsored Resolution Number 32-02, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LTIP) For The Reconstruction And Widening Of Alexandersville-Bellbrook Road (SR 725) From Bigger Road East To Wilmington Pike, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 33-02 STATE ISSUE TWO FUNDS FOR
RECONSTRUCTION AND WIDENING OF YANKEE STREET

Mr. Singer sponsored Resolution Number 33-02, A Resolution Supporting The City Of Centerville's Application For State Issue Two Funds (SI2P) Or Local Transportation Improvement Funds (LTIP) For The Reconstruction And Widening Of Yankee Street From Social Row Road North To Spring Valley Road, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 34-02 ACCEPT BID FOR SIDEWALK FAR HILLS AND ZENDEL

Mr. Horn reviewed the following three bids received for the construction of concrete sidewalk on Zengel Drive and Far Hills Avenue:

L. J. DeWeese Company, Inc.	\$69,012.50
Jergens - Bales Contractors	78,470.00
TdM Construction Company	81,609.50

These two projects are included in the Capital Improvement Program for the current year. The installation of sidewalk on Zengel Drive will complete the project. Curb and sidewalk will be put in place on Far Hills Avenue between Siebenthaler's and the Woodbourne Library. Mr. Horn recommended acceptance of the bid received from the L. J. DeWeese Company. Mrs. Lienesch sponsored Resolution Number 34-02, A Resolution Accepting The Bid Submitted By L. J. DeWeese Company, Inc. For Concrete Sidewalk Construction - Far Hills Avenue and Zengel Drive - 2002, In 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. Singer seconded the motion. The motion passed unanimously.

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CENTERVILLE PROPERTY REVIEW COMMISSION APPOINT JAMES BRUNNER

Mrs. Lienesch moved that James E. Brunner be appointed as a member of the Centerville Property Review Commission to fill the unexpired term of Frederick Dietrich. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

CENTERVILLE ARTS COMMISSION APPOINT CINDI REMM

Dr. Gresham moved that Cindi Remm be appointed as a member of the Centerville Arts Commission. Mr. Krass seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION REAPPOINT MARY ANN GASIOR

Mr. Cline moved that Mary Ann Gasior be reappointed as a member of the Centerville Arts Commission. Mrs. Lienesch seconded the motion. The motion passed unanimously.

PLANNING COMMISSION REAPPOINT JAMES DURHAM AS CHAIRMAN

Mr. Singer moved that James Durham be reappointed as Chairman of the Planning Commission for a period of one year. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT JACK GRAMANN

Mr. Krass moved that Jack Gramann be reappointed as a member of the Board of Architectural Review. Mr. Cline seconded the motion. The motion passed with six in favor, Mrs. Lienesch voted no.

SISTER CITY COMMITTEE REAPPOINT ALLEN HAVEMAN

Dr. Gresham moved that Allen Haveman be reappointed as a member of the Sister City Committee. Mr. Krass seconded the motion. The motion passed unanimously.

SISTER CITY COMMITTEE REAPPOINT SUZANNE WALK

Mrs. Lienesch moved that Suzanne Walk be reappointed as a member of the Sister City Committee. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved:

Sally D. Beals

Mayor, City of Centerville

ATTEST:

Maril J. Saugh

Clerk of Council