

# RECORD OF PROCEEDINGS

431

Minutes of

COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held March 19

/10 2001

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 19, 2001, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Thomas Kuhn, Pastor of the Church of the Incarnation and City Chaplain, and the Pledge of Allegiance to the Flag led by Boy Scout David Mosher with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	Susan Lienesch
	Paul Gresham
	C. Mark Kingseed
	Douglas Cline
	Roger Krass
Clerk of Council	Marilyn McLaughlin
Assistant to the Clerk of Council	Debra James
City Manager	Gregory Horn
City Planner	Steve Feverston
City Engineer	Norbert Hoffman
Interim Public Works Director	Donald Hill
Municipal Attorney	Robert Farquhar
Assistant to the City Manager	Jesse Lightle
Head Golf Professional	Patrick Bayley
BUY.COM Tournament Director	Jennifer Anderson
BUY.COM Assistant Tournament Director	Sherry Hanna

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

Council Meeting - February 19, 2001.

March 5, 2001.

Work Session Meetings - February 19, 2001.

- February 26, 2001.

- March 5, 2001.

Council Retreat - February 9-10, 2001.

Mr. Krass moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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

Members of City Council attended the National League of Cities Congressional City Conference 2001 in Washington, D.C. March 8 - 13, 2001.

The Mayor's Business Breakfast was held at Yankee Trace on Thursday, March 15, 2001 with approximately 180 in attendance.

The BUY.COM Dayton Open is returning to The Golf Club at Yankee Trace June 18 - 24, 2001. 600 volunteers are needed for this event.

The Volunteer Salute will be held at Yankee Trace on Thursday, April 19, 2001.

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Centerville High School Principal David McDaniel will retire at the end of the school year with 41 years of service.

Sympathy was expressed to the family of Alice Carfagno who passed away very suddenly.

Mayor Beals reminded citizens to leave only their footprints behind while walking their dogs. She pointed out that the City's Code requires that dogs not run at large, that they be controlled on a leash.

Youth in Government Day will be held in Centerville on April 17, 2001.

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

The expansion of The Golf Club at Yankee Trace, the construction of an additional six holes, is out to bid with bid opening scheduled for Tuesday, April 10, 2001.

The construction of the new Centerville Police Department facility is moving along well with improved weather. The second floor slabs will be put in place on Tuesday, March 20, 2001.

The City's annual roadway resurfacing program will be out to bid within the next two weeks.

United Health Care is moving their operation to West Chester, Ohio. They are one of the largest employers in the City of Centerville.

The Golf Club at Yankee Trace is now open for play.

The City has closed on the purchase of approximately one acre of land located just east of Washington Church Road. This will provide for the homestead section of Yankee Trace west of Yankee Street a second ingress and egress point.

The Alexandersville-Bellbrook Road widening project will be out to bid in early June, 2001. This project will be administered by the Ohio Department of Transportation.

The Golf Club at Yankee Trace is fortunate to host the BUY.COM Dayton Open again this year.

Miss Lightle outlined code violations and resolutions for the month of February, 2001 as well as the community calendar for the coming month.

Mr. Bayley introduced Jennifer Anderson, BUY.COM Dayton Open Golf Tournament Director. Miss Anderson outlined the schedule of events for the Dayton Open.

ORDINANCE NUMBER 1-01 ZONING ORDINANCE AMENDMENT  
YANKEE TRACE DEVELOPMENT, INC. REZONING

The Public Hearing was held concerning the Rezoning Request submitted by Yankee Trace Development, Inc. for a change of 7.132 acres of land located west of Sheehan Road, east of Paragon Road, and north of Social Row Road, from Washington Township Agricultural to Centerville R-1c, Single-Family Residential zone classification. Mr. Feverston located the subject property on a map and explained the fact that this property will be involved in the Yankee Trace golf community. This property has recently been annexed to the City of Centerville and has been included in the overall Yankee Trace Community Master Plan. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Request to

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City Council. Mr. Singer sponsored Ordinance Number 1-01, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 7.132 Acres, More Or Less, From Washington Township Agricultural Classification To Centerville R-1c, Single-Family Classification, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 2-01 LANDMARK DESIGNATION  
230 WEST FRANKLIN STREET

The Public Hearing was held concerning Ordinance Number 2-01. Mr. Feverston advised that an application for demolition of the house at 230 West Franklin Street was filed with the City by the Franklin Street Baptist Church. Upon receipt of this application, the Centerville Planning Department determined that the house had the potential for landmark status. This house which was the parsonage for the church is located on an area which will be part of a large expansion project for the church. In accordance with the City's Landmark Preservation Ordinance, a landmark review was conducted for consideration by the Planning Commission and the Board of Architectural Review. The Planning Commission recommended that the house at 230 West Franklin Street not be designated as a landmark and that the demolition be granted. Mr. Feverston reviewed the Planning Commission's recommendation that alternative ways of establishing the design/scale transition between the non-residential architecture and the residential architecture be considered. The Board of Architectural Review also recommended against the nomination of this house for landmark status and that the demolition be granted subject to one condition: the applicant shall work with the City to implement a creative design solution that maintains the spatial and architectural character of West Franklin Street. Mr. Feverston located the subject property on a map and identified the land uses of adjacent properties.

Lane Metcalf, 2078 Washington Creek Lane, member of the Franklin Street Baptist Church and the Building Steering Committee, outlined the expansion plans for the parking lot and the church which necessitates the removal of the house in question.

Don Aukerman, 23 South Main Street, listed criteria prepared by Martha Boice, Landmark Chairperson for the Centerville-Washington Township Historical Society, which contributes to landmark status for the Rufus Pope House at 230 West Franklin Street.

Joy Pope Erd, 234 Rubicon Road, granddaughter of Rufus Edward Pope who built the house, reviewed the excellent condition of the house and historical characteristics of the house. The house is one of the few Sears Roebuck Craftsman style houses in the area. She outlined the history of the Pope family and their residency in the Washington Township area. She asked City Council to preserve this piece of architecture history.

Jerry Cornelius, 1340 Carrilon Woods Drive, a member of the church, offered his support for the demolition of the house in question. The territory which is occupied by the house is needed for the expansion of the church. He pointed out that the Franklin Street Baptist Church is responsible for the excellent condition of the house.

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Upon question of Mr. Kingseed, Mr. Feverston advised that if this home is a Sears product, a little more significance can be given to landmark status. According to a report from Reed, Doran Associates, the house at 230 West Franklin Street is a good example of bungalow style architecture, but not extraordinary. The bungalow style does not appear to be a notable or defining style within the earlier historic context of Centerville.

In answer to a question of Mr. Krass, Mr. Feverston advised that the limestone used in the foundation and pillars of the house may have been quarried from somewhere in the area. Mr. Krass saw this factor as carrying weight toward landmark status.

Mr. Kingseed, believing that this house does not meet the strict standards contained in the Landmark Preservation Ordinance, moved that Ordinance Number 2-01, An Ordinance To Designate The House Addressed As 230 West Franklin 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, 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, not be adopted and that the demolition requested be granted. Mrs. Lienesch seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Krass voted no.

#### ORDINANCE NUMBER 3-01 ALEX-BELL ROAD WIDENING

The Public Hearing was held concerning Ordinance Number 3-01. Mr. Horn reviewed several Ordinances to appropriate real property necessary for right-of-way in the Alexandersville-Bellbrook Road reconstruction and widening project. Properties have been evaluated, appraised and prices negotiated with property owners involved. Mr. Hoffman advised that the Ohio Department of Transportation is ready to go to bid for this project; however the City must certify to the State that the necessary property has been acquired. Four property owners have not settled to date. These Ordinances will provide for the City to file in the Court an appropriation take while negotiations continue. Mr. Krass sponsored Ordinance Number 3-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote. (Marjorie Nearing, Parcel No. 10-WD)

#### ORDINANCE NUMBER 10-01 ALEX-BELL ROAD WIDENING

Dr. Gresham sponsored Ordinance Number 10-01, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously. (Marjorie Nearing, Parcel No. 10-WD)

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ORDINANCE NUMBER 4-01 ALEX-BELL ROAD WIDENING

The Public Hearing was held concerning Ordinance Number 4-01. Mr. Kingseed sponsored Ordinance Number 4-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote. (June Lowry, Parcel Nos. 11-WD, 11-WD1 and 11-T)

ORDINANCE NUMBER 11-01 ALEX-BELL ROAD WIDENING

Mrs. Lienesch sponsored Ordinance Number 11-01, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed by unanimous vote of City Council. (June Lowry, Parcel Nos. 11-WD, 11-WD1 and 11-T)

ORDINANCE NUMBER 5-01 ALEX-BELL ROAD WIDENING

The Public Hearing was held concerning Ordinance Number 5-01. Mrs. Lienesch sponsored Ordinance Number 5-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously. (W. Daniel Lowry and Deborah A. Lowry, Parcel Nos. 15-WD and 15-T)

ORDINANCE NUMBER 12-01 ALEX-BELL ROAD WIDENING

Mr. Singer sponsored Ordinance Number 12-01, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote. (W. Daniel Lowry and Deborah A. Lowry, Parcel Nos. 15-WD and 15-T)

ORDINANCE NUMBER 6-01 ALEX-BELL ROAD WIDENING

The Public Hearing was held concerning Ordinance Number 6-01. Dr. Gresham sponsored Ordinance Number 6-01, An Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously. (Winston Daniel Lowry, Parcel No. 16-WD)

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## ORDINANCE NUMBER 13-01 ALEX-BELL ROAD WIDENING

Mr. Singer sponsored Ordinance Number 13-01, An Emergency Ordinance To Appropriate Certain Interests In Real Property For The Purpose Of Making Public Improvements, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote. (Winston Daniel Lowry, Parcel No. 16-WD)

## ORDINANCE NUMBER 9-01 MUNICIPAL CODE RECODIFICATION

The Public Hearing was held concerning Ordinance Number 9-01. Mr. Horn reviewed this proposed Ordinance which adopts the annual recodification of Centerville's Municipal Code. It provides for the inclusion of all appropriate legislation passed by City Council and the State Legislators since the last update. Mr. Cline sponsored Ordinance Number 9-01, 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. Mr. Kingseed seconded the motion. The motion passed unanimously.

James Snyder, President, Korean Veterans Memorial Association, was present at this meeting to request a donation of \$500.00 to help defray the costs for a special ceremony scheduled for June 30, 2001 to honor women of the military. Members of Council were invited to attend this event. Mr. Snyder outlined activities and presentations which will be made. Mayor Beals advised that this matter will be discussed at a future Council Work Session meeting.

## RESOLUTION NUMBER 25-01 SPECIAL ASSESSMENT FINANCING YANKEE TRACE

Mr. Horn reviewed legislation declaring it necessary to proceed and determining to proceed with Special Assessment Financing for improvements at Yankee Trace. Upon request of Great Traditions Land Development Company several years ago, the City of Centerville made available to them tax exempt financing. This is the method by which the property owners pay for the improvements through an assessment of \$660.00 per year over a 30 year period on a per lot or per unit basis. This SAF, Phase VI, provides for the connection of the northern portion and southern portion of Yankee Trace Drive, and for a connector roadway from Yankee Trace Drive east to Paragon Road. Mr. Singer sponsored Resolution Number 25-01, A Resolution Declaring It Necessary To Improve Yankee Trace Drive And Vintage Green Way, Between Certain Termini, By Clearing, Grading, Draining, Curbing, Paving, And Constructing And Installing Sanitary Sewers, Storm Sewers, Water Mains, And Sidewalks, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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## ORDINANCE NUMBER 14-01 SPECIAL ASSESSMENT FINANCING YANKEE TRACE

Mr. Kingseed sponsored Ordinance Number 14-01, An Ordinance Determining To Proceed With The Improvement Of Yankee Trace Drive And Vintage Green Way, Between Certain Termini, By Clearing, Grading, Draining, Curbing, Paving, And Constructing And Installing Sanitary Sewers, Storm Sewers, Water Mains, And Sidewalks, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 15-01 ANNEXATION OF 0.966 ACRES

Mr. Horn reviewed a proposed Ordinance to authorize the annexation of property owned by the City and to direct the Municipal Attorney to prosecute the proceedings necessary to effect said annexation. The City of Centerville recently acquired this 0.966 acre tract of land situated east of Washington Church Road in order to provide for a second ingress and egress for residents in the Homestead development at Yankee Trace. Dr. Gresham moved that Ordinance Number 15-01, An Ordinance Authorizing The Annexation 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 April 16, 2001. Mr. Krass seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 16-01 ANNEXATION OF .076 ACRES

Mr. Feverston located property involved in the annexation of .076 acres of land to the City of Centerville. The total acreage is .048 which includes 2 parcels .024 acres each. The purpose of this annexation is to square off the corporate boundaries along Paragon Road for right-of-way purposes. Mrs. Lienesch moved that Ordinance Number 16-01, An Ordinance Authorizing The Annexation 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 April 16, 2001. Mr. Krass seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 26-01 ANNEXATION OF 0.363 ACRES

Mr. Feverston located property involved in the annexation of 0.363 acres of land to the City of Centerville. The subject acreage involves right-of-way along Yankee Street in front of the property owned by the Hill family. This annexation will grant the City of Centerville control of Yankee Street in its entirety from Silver Lake Drive to the southern section of the Homestead development in Yankee Trace. Dr. Gresham sponsored Resolution Number 26-01, A Resolution Accepting The Annexation Of Property Owned By The City Of Centerville Which Is Contiguous To The Corporate Limits Of The City And Which Is Located In The Unincorporated Area Of Washington Township, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 27-01  
PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM

Mr. Horn reviewed a proposed Resolution to authorize the City of Centerville to participate in the ODOT Cooperative Purchasing Program. Passage of this Resolution will allow the City to purchase machinery, material, supplies and other articles through the ODOT purchasing program. Mr. Kingseed sponsored Resolution Number 27-01, A Resolution Authorizing The City Of Centerville To Participate In The ODOT Cooperative Purchasing Program, and moved that it be passed. Mr. Cline seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 28-01 UTILITY TRUCK

Mr. Horn reviewed a proposed Resolution to authorize the purchase of one utility truck with aerial device through the ODOT Cooperative Purchasing Program. The truck bid by ODOT meets the City's specifications and can be purchased for \$63,032.00 from Utility Truck Equipment Inc. Mr. Krass sponsored Resolution Number 28-01, A Resolution Authorizing The City Manager To Participate In A Contract With The ODOT Cooperative Purchase Program For The Purchase Of One Utility Truck For The City Of Centerville, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 29-01 ALEX-BELL ROAD WIDENING CHANGE ORDER

Mr. Horn advised that a request for a change order to the original contract of \$281,500.00 in the amount of \$39,849.81 for right-of-way work connected with the Alexandersville-Bellbrook Road reconstruction and widening project has been received from consultant Floyd Browne Associates, Inc. Additional work was determined necessary to complete construction plans and additional right-of-way documents. This request includes \$12,000.00 for some design work which was not performed thus reducing the amount of the change order to \$27,849.81. Mr. Kingseed sponsored Resolution Number 29-01, A Resolution Authorizing The City Manager To Execute Payment For A Change Order To Floyd Browne Associates, Inc. For Alexandersville-Bellbrook Road Engineering Consultant Services, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 30-01 AGREEMENT WITH PHILIP WERTZ  
PLAN EXAMINATION

Mr. Horn reviewed a proposed agreement with Philip Wertz for plan examination. The City has had for several years an arrangement with Mr. Wertz for plan examination on an as needed basis. The cost to the City has been \$8,000.00 to \$12,000.00 per year. This Resolution would formalize this arrangement. Mr. Kingseed sponsored Resolution Number 30-01, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville, To Enter Into An Agreement With Philip Wertz For Plan Examination, and moved that it be passed. Mr. Cline seconded the motion. The motion passed by unanimous vote.



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ORDINANCE NUMBER 16-01 ANNEXATION OF .048 ACRES INSTEAD OF .076

Mr. Singer pointed out a discrepancy in the first Whereas of Ordinance Number 16-01 and the attachment of an incorrect exhibit. This Ordinance, earlier during this meeting, was set for Public Hearing. Mr. Krass moved that the acreage in Ordinance Number 16-01 be changed to read .048, the incorrect exhibit be deleted as an attachment and Ordinance Number 16-01, An Ordinance Authorizing The Annexation Of Contiguous Territory Owned By The City Of Centerville And Directing The Municipal Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation, be reset for Public Hearing in its corrected form. Mrs. Lienesch seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals  
Mayor

ATTEST:

Marie J. Saughel  
Clerk of Council