

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held April 17, 2000 19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 17, 2000, 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, City Chaplain and Pastor of the Church of the Incarnation, and the Pledge of Allegiance to the Flag with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor James Singer
- Councilmembers Douglas Cline
- Susan Lienesch
- Paul Gresham
- Roger Krass
- C. Mark Kingseed

- Clerk of Council Marilyn McLaughlin
- City Manager Gregory Horn
- Assistant City Manager Judith Gilleland
- Public Works Director Steve Weaver
- City Engineer Norbert Hoffman
- Finance Director Mark Schlagheck
- Municipal Attorney Robert Farquhar
- Assistant to the City Manager Kelly Fackel
- Assistant City Planner Ryan Shrimplin
- Assistant to the Clerk of Council Debra James

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

- Council Meeting - March 20, 2000.
- Work Session Meetings - March 20, 2000.
 - April 3, 2000.
 - April 10, 2000.

Centerville/Washington Township Joint Meeting - March 27, 2000.

Mr. Cline 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 April 10, 2000 Work Session Meeting.

Mrs. McLaughlin announced the receipt of letters of resignation from Planning Commission members Jack Kostak and Cheri L. Williams. Mr. Singer moved that the resignations of Jack Kostak and Cheri L. Williams as members of the Planning Commission be accepted, with regret. Mr. Kingseed seconded the motion. The motion passed unanimously.

The following Centerville High School students participating in Youth in Government Day at the City of Centerville were introduced:

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|-----------------|------------------|-------------------|
| Mayor | Sally Beals | Michelle Kim |
| Deputy-Mayor | James Singer | Dan Gray |
| Councilmembers: | Roger Krass | Chris Barde |
| | Douglas Cline | David Camillus |
| | C. Mark Kingseed | Rachel Hanley |
| | Paul Gresham | Danielle Ferguson |

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Clerk of Council	Susan Lienesch	Natasha Newberry
City Manager	Marilyn McLaughlin	Jim Metcalf
Assistant City Manager	Gregory Horn	Katherine Tzou
Assistant to the City Manager	Judith Gilleland	Kristin Peterson
Finance Director	Kelly Fackel	Uma Samant
City Planner	Mark Schlagheck	Matt Schlarb
City Engineer	Steve Feverston	Dan Haynes
Chief of Police	Norbert Hoffman	Bill Mokas
Public Works Director	Steve Walker	Josh Kneidl
Golf Professional	Steve Weaver	Rob Herrick
Golf Maintenance Superintendent	Patrick Bayley	Elaine Drury
Director of Food Service/ Executive Chef	John Miller	Brandon Peck
	Steve Shaw	Erin Schiefer

Mr. Bill Bines, Commissioner for the Combined Health District, was present at this meeting to outline the many public health services provided to citizens of Montgomery County. He showed a video emphasizing the many activities provided by the Health District for all age groups.

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

During the week of March 27, 2000, activities were held throughout the Dayton/Centerville/Washington Township communities to pay tribute to the many contributions Erma Bombeck made while living in the City of Centerville.

On April 13, 2000 a ribbon cutting ceremony was held at Tuesday Mornings, a new business located in the Centerville Place Shopping Center.

On April 13, 2000 the CIVIC Volunteer Salute was held at Yankee Trace with approximately 200 volunteers, guests, City Officials and City Staff in attendance.

Arbor Day in the City of Centerville will be held on April 20, 2000 at 10:00 A.M. on Bigger Road, south of Clyo Road. Fourteen trees will be planted commemorating the fourteen years Centerville has been designated as Tree City USA. Seedlings will be given to third grade students for planting in their yards.

Sympathy was extended to the family of Montgomery County Sheriff Gary Haines.

A Proclamation has been issued designating the week of April 16-22, 2000 as Organ and Tissue Donor Awareness Week in the City of Centerville.

A Proclamation has been issued designating June 4, 2000 as Dayton Celebration of Cancer Survival Sunday.

A Proclamation has been issued designating the week of May 8-11 as Operation Clean Sweep in the City of Centerville.

Arts Program Director Selene Athas was welcomed as an Employee of the City of Centerville.

Mayor Beals bid farewell to Centerville's Economic Development Administrator William Stamper who will be retiring to New Jersey on June 15, 2000.

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Interested people were reminded to volunteer for the BUY.COM Dayton Open to be held at The Golf Club at Yankee Trace June 3-11, 2000. Volunteers are needed for the tournament itself on the 8th, 9th, 10th, and 11th.

Mayor Beals reminded walkers to clean up after their dogs when necessary.

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

Senate Bill 289, the Anti-Annexation Bill is currently before the State Legislature. This Bill in its present form is of great concern to Cities. Hearings are under way in the Ohio Senate.

Items which the City will not pick up during the week of Operation Clean Sweep were outlined. Mr. Horn pointed out the fact that this service is only available to those residents currently using the City service.

Improvements continue to be made in the Leonard E. Stubbs Memorial Park.

Miss Gilleland gave the community calendar for the coming weeks. She introduced Arts Program Director Selene Athas. Ms. Athas outlined activities planned to promote the arts in the Centerville community.

JAMES BRIGGS APPEAL PLANNING COMMISSION DECISION TOWNE PROPERTIES ASSET MANAGEMENT COMPANY

The Public Hearing was held concerning an Appeal filed by James Briggs against a decision rendered by the Planning Commission during their meeting on February 29, 2000 to grant a Variance to Towne Properties Asset Management Company for property located on North Village Drive and Fireside Drive, more particularly known as the Villager Apartment Community. Mr. Shrimplin reviewed the Variance granted by the Planning Commission to permit temporary relief from the requirement that non-conforming screening be maintained on the eastern property line between the Villager Apartments and adjacent single family residences. Mr. Shrimplin located the subject property on a map and pointed out that screening was required between multi-family and single family according to the zone classification when the apartment development was approved. He showed a picture of the privet hedge screening which had been cut. The Planning Commission, by a vote of four to two, approved a temporary variance to abate the screening requirement. Mr. Shrimplin advised that an agreement has been worked out between Towne Properties and residents on Glenburn Drive that Towne Properties will remove the remaining privet hedge stumps from the eastern property line of the Villager Apartment Community at North Village Drive and will install 4 foot to 6 foot tall forsythia bushes at the distance of 3.5 feet apart on center for the lineal distance of approximately 491 feet.

James Briggs, 170 Glenburn Drive, expressed his belief that the Variance granted by the Planning Commission was unjustified. He pointed out the fact that the privet hedge stumps have very little new growth. He reinforced the fact that an agreement has been reached between all property owners involved.

Upon question of Adam Klys, 180 Glenburn Drive, Mr. Shrimplin advised that forsythia bushes will be planted for the entire area as planted before with privet hedge.

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Kenneth Hahn, 311 North Village Drive, representing the Village South Neighborhood Association, advised that the Variance should have been denied by the Planning Commission; the hedge was not trimmed; it was cut down in violation of Centerville's Zoning Ordinance. He expressed concern with a precedent being set for the future if this Variance is approved.

Marvin Trawick, 190 North Village Drive, asked that screening be replaced for the entire distance included in the previous screening.

Upon question of Mr. Singer, Mr. Shrimplin advised that three properties are involved and that screening will be replaced for the entire length.

Mayor Beals questioned why an arborvitae hedge has not been pursued which would provide a green hedge for the entire year. Mr. Shrimplin advised that the type is not specified in the Zoning Ordinance.

Mr. Singer moved that the Appeal filed by James Briggs be upheld, the Variance granted to Towne Properties be denied, the replacement of the hedge become the charge of City Staff to make sure that it is put in place in accordance with the agreement dated April 13, 2000 between David Hanley, District Manager for Towne Properties and the residents on Glenburn Drive, and that the filing fee for the Appeal be returned to Mr. Briggs. Mr. Kingseed seconded the motion. Mrs. Lienesch questioned why the penalty contained in the Ordinance was not enforced when the violation was discovered. Mr. Horn explained that when a property owner has been found in fault, if action to remedy the situation occurs, the penalty is not enforced until there is a conclusion to the action taken by the property owner. The motion passed unanimously. Mr. Kingseed suggested that the owner of the Villager Apartments be reminded that the shrubs shall not be cut in the future as they have been at this time.

RETS TECH CENTER COMPANY, INC. MAJOR USE SPECIAL APPROVAL
SECOND ACCESS DRIVE

The Public Hearing was held concerning a Major Use Special Approval Application submitted by RETS Tech Center Company, Inc., for property located at 555 East Alexandersville-Bellbrook Road. Mr. Shrimplin located the subject property on a map and reviewed the request for a second access drive onto Loop Road. This amendment to an approved Master Plan will provide access to outlots as they are developed. The Planning Commission, by unanimous vote, recommended approval of the Major Use Special Approval Application submitted by RETS Tech Center Company, Inc. for a second access drive from their property onto Loop Road subject to the following conditions:

1. The driveway onto Loop Road be permitted to function in the short-term as a full movement intersection. The City of Centerville reserves the right to restrict this intersection to right-turn maneuvers only in the future for safety considerations taking into account accident experience warrants, traffic conditions change, increase in trip generations as a result of intensive development of the remainder of this parcel and/or access is requested opposite this driveway onto Loop Road.
 2. The final design shall be subject to approval by the City Engineering Department.
- Skip Schafer, Commercial Realty, representing RETS Tech Center, was present at this meeting to answer questions.

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Upon question of Mrs. Lienesch, Mr. Shrimplin explained the fact that when the Master Plan for the subject property was approved, Veterinarian Dr. Barry Diehl requested that no additional access drive be permitted between the current access drive and Alexandersville-Bellbrook Road. With the development of this entire parcel into outlots, City Staff has determined that an additional access drive would provide better vehicular movement.

In answer to a question of Mr. Cline, Mr. Hoffman advised that limited access is a possibility if deemed necessary in the future.

Mr. Krass questioned what uses would be permitted on the outlots. Mr. Shrimplin outlined the various uses which would be permitted including a restaurant.

Mr. Kingseed asked that City Staff stay on top of this particular area of Loop Road relative to accident rates and report facts to Council at six month intervals so that a bottleneck will not occur at the intersection of Alexandersville-Bellbrook Road and Loop Road.

Mr. Cline moved that the Major Use Special Approval Application submitted by RETS Tech Center Company, Inc. for a second access drive from the property located at the northeast corner of East Alexandersville-Bellbrook Road onto Loop Road, be approved subject to the conditions recommended by the Planning Commission. Mr. Kingseed seconded the motion. The motion passed with six ayes in favor; Mrs. Lienesch voted no.

RESURRECTION LUTHERAN CHURCH MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Brown & Bills Architects, Inc. for property located at 1300 Norwich Lane owned by Resurrection Lutheran Church. Mr. Shrimplin reviewed this amendment to an approved Master Plan to provide for a secondary drive for ingress and egress to Alexandersville-Bellbrook Road. The zoning of the property at the time the church was constructed would not permit access to Alexandersville-Bellbrook Road, thus the only access has been to Norwich Lane. This request has been made due to a large expansion to the front of the church. Proposed is a full movement access at the present time. Mr. Shrimplin located the subject property on a map and identified adjacent zone classifications and land uses. The Planning Commission, by a vote of 4-1, recommended approval of this Major Use Special Approval Application subject to the following conditions:

1. The driveway onto Alex-Bell Road be permitted to function in the short-term as a full movement intersection. The City of Centerville reserves the right to restrict this intersection to right-turn maneuvers only in the future for safety considerations taking into account accident experience warrants or traffic conditions change.
2. The final design shall be coordinated with the City which may include shifting the drive towards the east property line.

Upon question of Mr. Krass, Mr. Shrimplin advised that additional parking has been included on the plan for the church expansion.

In answer to a question of Mrs. Lienesch, Mr. Shrimplin explained that residents to the east of the subject property expressed a desire that the access to Norwich Lane be gated to prohibit through traffic between the two roadways in consideration of the fact that their residences are adjacent to the existing parking area. This did not become a recommendation of the Planning Commission. It was further pointed out that the erection of a gate at Norwich Lane

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would be the option of the property owner, not the City of Centerville.

Mr. Hoffman explained how the access to Alexandersville-Bellbrook Road will be incorporated into the proposed improvements to A-B Road.

Mr. Kingseed moved that the Major Use Special Approval Application submitted by Brown & Bills Architects, Inc. for property located at 1300 Norwich Lane owned by Resurrection Lutheran Church for an access drive onto Alexandersville-Bellbrook Road be approved subject to the conditions recommended by the Planning Commission. Dr. Gresham seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 4-00 NAMES AND ADDRESSES OF TENANTS

Mr. Schlagheck reviewed a proposed Ordinance to add an additional section to the Centerville Municipal Code to require owners and property management companies of rental property to supply to the City of Centerville names and addresses of tenants so that Income Tax forms can be sent to all residents. The Ordinance provides for a filing each October and a penalty for non-conformance. The existing Ordinance has proved to be ineffectual. Mr. Singer moved that Ordinance Number 4-00, An Ordinance Enacting Section 880.101 Of The Centerville Municipal Code To Require Owners And Property Management Companies Of Rental Property In The City To Supply The Name And Mailing Address Of All Tenants To The City And Providing A Penalty, be set for Public Hearing on May 15, 2000. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 14-00 SURPLUS PROPERTY

Mr. Horn reviewed a proposed Resolution to declare the old IBM System 36 as surplus property so that it can be destroyed. The equipment is no longer of use to the City of Centerville and has no resale value. Due to information contained on this system, City Staff has deemed it advisable to destroy it so that information cannot be retrieved. Mr. Cline sponsored Resolution Number 14-00, A Resolution Declaring Specific Equipment No Long 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. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 15-00 PAVEMENT MARKING PROGRAM

Mr. Horn reviewed a proposed Resolution to accept the bid received from Kneisel Contracting Corporation for the City's pavement marking program. Jointly member Cities go to bid for the striping of streets through the Miami Valley Cable Council, and very competitive bids are received. The low bid for Centerville was submitted by Kneisel in the total amount of \$21,052.05. Mr. Cline sponsored Resolution Number 16-00, A Resolution Accepting The Bid From Kneisel Contracting Corporation For The 2000 Pavement Marking Program For The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 16-00 STREET PAVEMENT AND RESURFACING PROGRAM

Mr. Horn reviewed the following bids received for the City's 2000 concrete repair and asphalt resurfacing road project:

L. P. Cavett Company	\$ 754,267.44
John R. Jurgensen Company	794,082.52
Barrett Paving Materials, Inc.	806,385.33
S. E. Johnson Companies, Inc.	1,055,468.08

Mr. Horn asked for the authorization to expend up to a total amount of \$790,000.00 which includes the bid price of the L. P. Cavett Company in the amount of \$754,267.44, the City's share of the Normandy Lane improvement project, and additional work and contingency items deemed necessary. Mr. Weaver advised that the contractor would like to begin work within the next few days. Mr. Krass sponsored Resolution Number 16-00, A Resolution Accepting The Bid Submitted By The L.P. Cavett Company For The 2000 Concrete Repair And Asphalt Resurfacing Road Project 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. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

There being no further business the meeting was adjourned.

Approved: Sally D. Beak
Mayor

ATTEST:

Maril J. Sauls
Clerk of Council