

RECORD OF PROCEEDINGS

Minutes of **COUNCIL MEETING**

Meeting

Held **FEBRUARY 15, 1999**

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 15, 1999, 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 Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	J. V. Stone
	Susan Lienesch
	James Reppert
	C. Mark Kingseed
	Douglas Cline

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Peggy Whisman
 City Manager Gregory Horn
 Assistant City Manager Judith Gilleland
 Public Works Director Steve Weaver
 City Planner Steve Feverston
 Municipal Attorney Robert Farquhar
 Assistant to the City Manager Kelly Fackel

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

Council Meetings - January 25, 1999.
 Council Work Sessions - January 25, 1999.
 - February 1, 1999.
 - February 8, 1999.

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

Mrs. McLaughlin announced the receipt of a letter of resignation from Planning Commission member Douglas Cline. Mr. Singer moved that the resignation from Planning Commission member Douglas Cline be accepted. Mrs. Lienesch seconded the motion. The motion passed with six ayes in favor of the motion, Mr. Cline abstained.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Thomas Miske. Mr. Reppert moved that the resignation of Thomas Miske as a member of the City Beautiful Commission be accepted, with regret. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mayor Beals expressed concern with the missing of Kettering resident Erica Baker and offered Centerville's support to the City of Kettering in their attempts to locate Erica.

Mayor Beals offered condolences to the family of long time dedicated public servant Russell Miller on his recent passing.

Mayor Beals congratulated the Washington-Centerville Public Library upon receipt of their designation: second in the Nation in Cities with a population between 10,000 and 100,000.

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

- February 18, 1999, 7:00 P.M., at the Centerville Library: presentation of the Erma Bombeck Essay Awards.
- Congratulations were extended to The Franciscan at St. Leonard for their Diversity Celebration on Martin Luther King Day, January 18, 1999.
- The Sister City Committee held a most successful get together on January 23, 1999.
- Four DARE graduations were held in January and February, 1999. This Drug Awareness Resistance Education program is taught by the Centerville Police Department to fifth grade students.
- Local Issues Forum have been scheduled: one on February 25, 1999, and one on March 25, 1999, at the Centerville Library.
- Members of City Council will be attending the National League of Cities Congressional Conference in Washington, D.C., March 4-9, 1999.
- Appreciation was expressed to the Public Works Department for snow removal during the past winter months.

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

- Head Golf Professional Brian Hughes at The Golf Club at Yankee Trace has accepted a position with a golf club outside Philadelphia, Pennsylvania. A short farewell reception has been scheduled for Tuesday, February 23, 1999, 4:00-6:00 P.M. in the Yankee Trace Pro Shop.
- The Mayor's Annual Business Breakfast will be held on Wednesday, March 17, 1999 at 7:30-9:00 A.M. in the Gallery at Yankee Trace.
- The City has applied for an Issue Two Grant in the amount of \$670,000.00 for the Alexandersville-Bellbrook Road improvement project from Loop Road to Olde Greenbrier Lane. The City hopes for an affirmative reply from the Issue Two Committee in the next two weeks.
- Off-site utility work has begun on South Main Street just south of Sheehan Road in preparation for the South Main Street widening project.

Miss Gilleland gave a Community Calendar for the end of February and the month of March.

BOSSI-WESTPARK PLAT RECORD PLAN

Mr. Feverston reported on the Planning Commission meeting held January 26, 1999. He reviewed the Record Plan for the Bossi-Westpark Plat located on Westpark Road north of Franklin Street. Proposed is the split of a 2.8774 acre parcel of land, zoned I-1, Light Industrial, into 2 lots. Mr. Feverston located the subject property on a map and explained the fact that this plat contains no roadway issues. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council. Mr. Stone moved that the Record Plan for the Bossi-Westpark Plat, be approved as recommended by the Planning Commission. Mr. Singer seconded the motion. The motion passed unanimously.

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SHADE-RAILROAD PLAT RECORD PLAN

Mr. Feverston reviewed the Record Plan initiated by the City of Centerville for the Shade-Railroad Plat, a 0.7747 acre parcel of land zoned R-PD, Residential-Planned Development and owned by the City of Centerville. He located the subject property on a map being situated south of Alexandersville-Bellbrook Road across from Chardon Valley. Mr. Feverston explained the purpose of this Record Plan being to split off the 60 feet of Right-of-way necessary for the widening of Alexandersville-Bellbrook Road and to create 1 lot with the remaining acreage. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council. Mrs. Lienesch moved that the Record Plan for the Shade-Railroad Plat be approved as recommended by the Planning Commission. Mr. Cline seconded the motion. The motion passed by unanimous vote.

Mrs. Lienesch invited residents from Centerville and Washington Township to attend a meeting scheduled by the Aircraft Noise Task Force on Thursday March 4, 1999 at 4:00 P.M. in the Council Chambers of the Centerville Municipal Building. In attendance at this meeting will be FAA officials from local and mid-west offices.

NOZZLES AND NIGHTSTICKS, LTD. CONDITIONAL USE

The Public Hearing was held concerning a Conditional Use application submitted for Nozzles and Nightsticks to provide for live musical performances at a restaurant/bar establishment to be located at 241 East Alexandersville-Bellbrook Road adjacent to Cross Pointe Center. Mr. Feverston identified the proposed location on a map, being situated to the west of Waccamaw and east of Laser Quest and the Pet Mart. He pointed out that the use "Commercial Entertainment" is a permitted use in this B-PD, Business-Planned Development, zone classification. The Conditional Use is necessary for live musical entertainment on Friday and Saturday nights from 10:00 P.M. to closing. The Planning Commission, by unanimous vote, recommended approval of this Conditional Use, subject to the following conditions:

1. The approval of this Conditional Use shall be limited to only those uses proposed by this application. Specifically, this approval shall only permit live music as described in the application and hours limited to Friday and Saturday evenings between 10:00 P.M. until close.
Any expansion of this indoor commercial entertainment facility, as described in the application, shall require a separate Conditional use application to be filed with the City and subject to approval by the City Council.
2. Any change in use that would create or add a new Conditional Use shall require a separate Conditional Use application to be filed with the City and subject to approval by the City Council.
3. No sign depicted shall be approved as a part of this application.
4. The proposed use shall conform to all applicable building, fire and health code requirements.

Upon question of Mr. Singer, Mr. Feverston advised that the closing time can be more specific. The application includes hours of operation to be 4:00 P.M. to 2:30 P.M. The Planning Commission left the time for closing open.

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In answer to a question of Mrs. Lienesch, Mr. Feverston identified the zoning of properties located on the south side of Alexandersville-Bellbrook Road as single and multi-family. He clarified the fact that a Conditional Use stays with the property. Although the applicant has referred to this as a family oriented establishment, Mr. Feverston pointed out that approval of the Conditional Use will permit that which is requested: live musical entertainment on Friday and Saturday nights from 10:00 P.M. to closing.

Mr. Reppert moved that the Conditional Use request submitted by Nozzles and Nightsticks be approved as recommended by the Planning Commission, subject to all conditions outlined previously and with a 2:00 A.M. closing time. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 3-99 GOLF FEES

The Public Hearing was held concerning Ordinance Number 3-99. Mr. Horn reviewed this proposed Ordinance which provides for an Executive Business Membership Program at The Golf Club at Yankee Trace. This program was added in 1998; however, it was not included in the 1999 golf fee schedule recently passed. Proposed is a Centerville Business Rate of \$4,200.00, and a non-Centerville Business Rate of \$4,500.00, which includes benefits such as golf privileges, complementary rounds of golf for guests and specified discounts at the golf course. Mr. Kingseed sponsored Ordinance Number 3-99, An Ordinance Amending Ordinance Number 32-98 Which Adopted All Fees Associated With The Golf Club At Yankee Trace To Provide For The Inclusion Of An Executive Business Membership Program, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 4-99 FLOOD DAMAGE PROTECTION

The Public Hearing was held concerning Ordinance Number 4-99. Mr. Horn reviewed this proposed Ordinance which contains revisions to Centerville's Floodplain Management Regulations in order to meet the current minimum regulatory criteria of the National Flood Insurance Program. He advised that this Ordinance has been reviewed by Mr. Weaver and City Engineer Norbert Hoffman, and recommended by the Ohio Department of Natural Resources. Mr. Weaver explained that modifications as recommended by ODNR have been included in this amendment to the City's Floodplain Ordinance. All proposed regulations meet the criteria of the Federal Emergency Management Agency (FEMA). Upon question of Mr. Stone, Mr. Horn advised that this Ordinance defines whether or not a property owner is eligible for the Federal Insurance Program. Mr. Singer sponsored Ordinance Number 4-99, An Ordinance Amending Ordinance Number 9-87, And Providing A Flood Damage Prevention Ordinance For The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lienesch seconded the motion. The Motion passed by unanimous vote.

In reference to the motion previously made relative to the Nozzles and Nightsticks Conditional Use, and in answer to a request for clarification by Mrs. Lienesch, Mr. Farquhar advised that the motion made was to approve the Conditional Use with a closing time of 2:00 A.M. Mr. Reppert verified this to be his motion. Mrs. Lienesch state her opposition to the Conditional Use in consideration of its potential adverse effect upon the adjacent residential neighborhood. Her concurrence with the previous motion was meant for a condition of approval

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and not for the approval of the Conditional Use. Mr. Reppert moved for reconsideration of the previous motion. Mr. Singer seconded the notion. Due to the fact that Mrs. Lienesch's opposition to the approval of the Conditional Use had been noted, Mr. Reppert withdrew his motion for reconsideration, and Mr. Singer withdrew his second to the motion.

RESOLUTION NUMBER 3-99 PUBLIC WORKS VEHICLE PURCHASES

Mr. Horn reviewed a proposed Resolution to purchase one 1999 Ford Taurus in the amount of \$14,500.00; one 4 wheel drive S-10 pick-up truck at a bid price of \$15,758.00; and one Jeep Cherokee 4 x 4 at a purchase price of \$19,141.00. All these vehicles to be purchased under the City's agreement to participate in contracts of the State of Ohio, Department of Administrative Services, Office of State Purchasing. Contacts with local agencies have indicated these to be the best prices. Mr. Stone sponsored Resolution Number 3-99, A Resolution Authorizing The City Manager To Participate In Contracts With The Department Of Administrative Services, Office of State Purchasing For The Purchase Of Several Vehicles For The City Of Centerville In Accordance With Ordinance Number 19-88, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mr. Reppert reminded the listening audience that February is Black History Month and, in view of this, he recommended the addition to their reading listed a book entitled "The Golden Thirteen". This book is a compilation of all histories of the first commissioned African American Officers. One of Centerville's well known residents George Cooper was a major contributor to this book.

There being no further business the meeting was adjourned.

Approved: [Signature]
Mayor

ATTEST: [Signature]
Clerk of Council