

RECORD OF PROCEEDINGS

Minutes of **COUNCIL MEETING**

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held January 26, 1998 _____ 19____

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 26, 1998 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 with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	C. Mark Kingseed
	George Smith
	J. V. Stone
	Susan Lienesch
	James Reppert
Clerk of Council	Marilyn McLaughlin
City Manager	Gregory Horn
City Planner	Steve Feverston
Public Works Director	Steve Weaver
Director of Finance	William Bettcher
Assistant Director of Finance	Mark Schlagheck
Assistant to the City Manager	Kelly Fackel
Acting Municipal Attorney	Scott Liberman

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

Council Meeting -	December 15, 1997.
Council Work Session Meetings -	December 15, 1997.
	December 22, 1997.
	January 5, 1998.
	January 12, 1998.

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

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Arts Commission member Linda Stiles Smith. Mrs. Lienesch moved that the resignation of Linda Stiles Smith be accepted with regret. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

DEPUTY-MAYOR

Mr. Kingseed moved that James Singer be appointed Deputy-Mayor for 1998-1999. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

COUNCIL COMMITTEES, COUNCIL LIAISON, CITY REPRESENTATION

Distributed prior to this meeting were the following assignments as proposed by Mayor Beals to Council Committees and Council Liaisons. Also appointed were City Representatives from the City of Centerville to various organizations.

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COUNCIL COMMITTEES

COMMUNITY RELATIONS

- J. V. Stone, Chairman
- George O. Smith
- James E. Singer

ECONOMIC DEVELOPMENT

- C. Mark Kingseed, Chairman
- James T. Reppert
- J. V. Stone

FINANCIAL AND LONG RANGE PLANNING

- James E. Singer, Chairman
- C. Mark Kingseed
- George O. Smith

INTERGOVERNMENTAL RELATIONS

- J. V. Stone, Chairman
- Susan W. Lienesch
- C. Mark Kingseed

LEGAL

- C. Mark Kingseed, Chairman
- James T. Reppert
- Susan W. Lienesch

PUBLIC HEALTH AND SAFETY

- James E. Singer, Chairman
- J. V. Stone
- Susan W. Lienesch

STREETS AND HIGHWAYS

- James T. Reppert, Chairman
- George O. Smith
- C. Mark Kingseed

COUNCIL LIAISON

BICYCLE COMMITTEE

- C. Mark Kingseed

BOARD OF ARCHITECTURAL REVIEW

- J. V. Stone

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CENTERVILLE ARTS COMMISSION

Susan W. Lienesch

CENTERVILLE CITY SCHOOLS

C. Mark Kingseed

CENTERVILLE HISTORICAL COMMISSION

Susan W. Lienesch

CENTERVILLE PROPERTY REVIEW COMMISSION

George O. Smith

CENTERVILLE WASHINGTON PARK DISTRICT

James E. Singer

CITY BEAUTIFUL COMMISSION

James T. Reppert

CITY PLANNING COMMISSION

James E. Singer

SISTER CITY COMMITTEE

George O. Smith

WASHINGTON-CENTERVILLE PUBLIC LIBRARY

J. V. Stone

WASHINGTON TOWNSHIP TRUSTEES

Sally D. Beals

CENTERVILLE REPRESENTATION

MIAMI VALLEY CABLE COUNCIL

James E. Singer (Delegate)

J. V. Stone (Delegate)

Gregory B. Horn (Alternate)

MIAMI VALLEY REGIONAL PLANNING COMMISSION

Sally D. Beals (Delegate)

George O. Smith (Alternate)

Technical Advisory Committee

Steve Weaver (Delegate)

Norbert Hoffman (Alternate)

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Held January 26, 1998, continued19**Transportation Committee**

Sally D. Beals (Delegate)
George O. Smith (Alternate)

The Lower Greater Miami River Basin Council

James T. Reppert

MONTGOMERY COUNTY DRUG ACTION COALITION

George O. Smith

MONTGOMERY COUNTY ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY

Gregory B. Horn (Delegate)
C. Mark Kingseed (Alternate)

SENIORS, INC.

Susan W. Lienesch (Delegate)
Judith A. Gilleland (Alternate)

SOUTH METRO DAYTON AREA CHAMBER OF COMMERCE

James T. Reppert (Delegate)
C. Mark Kingseed (Alternate)

WASHINGTON TOWNSHIP FIRE DEPARTMENT

C. Mark Kingseed
James T. Reppert

WASHINGTON TOWNSHIP RECREATION BOARD

Susan W. Lienesch (Delegate)
George O. Smith (Alternate)

Mr. Reppert moved that the foregoing Council Committees, Council Liaisons and City Representatives, be approved. Mr. Singer seconded the motion. The motion passed unanimously.

Mayor Beals expressed appreciation, on behalf of City Council, to City Staff for their many hours and expertise to provide a very special tribute to Police Officer John Kalaman and Firefighter Robert O'Toole at the time of their untimely death.

Mayor Beals gave her State of the City Address outlining the many activities of City Boards and Commissions, celebrations which occurred in the City during 1997, major road improvements accomplished in 1997, and events to look forward to in 1998.

Mayor Beals announced the issuance of Proclamations designating January 12, 1998 as a day of mourning in memory of Police Officer John P. Kalaman and Firefighter Robert J. O'Toole.

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Mr. Horn advised that the restoration of the building located at the southwest corner of Main and Franklin Streets is progressing well, and should be ready for occupancy in a few months. This project has been jointly funded by the City of Centerville and Washington Township through an interest free loan utilizing the Centerville Community Improvement Corporation.

Mr. Horn expressed appreciation to all members of the City Staff for their assistance during the week of January 12, 1998. He apologized to the business community for any inconvenience they experienced on Friday, January 16, 1998, the day of the funeral for the two fallen public servants.

ZONING ORDINANCE AMENDMENT ROBERT ARNOLD REZONING

Mr. Feverston reviewed the Planning Commission meeting held January 13, 1998. The Planning Commission, by a 6-1 vote, recommended approval to City Council, a Rezoning Request submitted by Robert Arnold for 1.193 acres located at 7234 North Main Street from R-1d (Single-Family Residential) to O-S (Office-Service). Mr. Kingseed moved that Ordinance Number 1-98, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 1.193 Acres, More Or Less, From Centerville R-1d Classification To Centerville O-S Classification, be set for Public Hearing on March 16, 1998. Mr. Reppert seconded the motion. The motion passed unanimously.

ZONING ORDINANCE AMENDMENT MCDOUGALL REZONING

The Public Hearing was held concerning a Rezoning Request submitted by McDougall Associates Inc. and SK Realty, for 13.956 acres of land located east of Loop Road, north of Versailles Drive and south of I-675. Requested is a change from R-PD (Residential-Planned Development) to O-PD (Office-Planned Development). Mr. Feverston located the subject property on a map and outlined adjacent zone classifications and land uses. He advised that several years ago an application was submitted by the Chardonnay Development Corporation to develop this same property. Mr. Feverston outlined uses permitted in R-PD and in O-PD zone classifications. He pointed out the fact that the proposed rezoning is consistent with the City's Comprehensive Plan. Throughout the review process, the Planning Commission determined that:

1. The proposed rezoning to O-PD is consistent with the City's Comprehensive Plan which considers Professional Office or an Office Park as the highest and best use for this land.
2. This rezoning is compatible with the surrounding land uses and provides a transition of land uses between the commercial development on the west side of Loop Road with the residential zoned land (Woodbrooke Lakes) to the east of this property.
3. The proposed rezoning could provide for a more efficient use of the land given the physical limitations of the property.

In consideration of these factors, the Planning Commission, by a vote of 6-1, recommended approval of this Rezoning Request to City Council.

Tom McDougall, McDougall Associates, Inc., was present at this meeting to answer any questions concerning the proposed rezoning.

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Mr. Reppert sponsored Ordinance Number 2-98, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 13.956 Acres More Or Less, From R-PD, Residential-Planned Development Classification To O-PD, Office-Planned Development Classification, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

KCPD LTD. MAJOR USE SPECIAL APPROVAL APPLICATION

The Public Hearing was opened by Mayor Beals concerning the Major Use Special Approval Application submitted by KCPD Ltd. for property located at 595 Alexandersville-Bellbrook Road, property owned by Michael LeMaster. Proposed is the development of a medical facility. Mayor Beals announced the receipt of a letter from KCPD Ltd. requesting the withdrawal of this application from consideration due to unforeseen project costs and schedule issues. Mr. Singer moved that the request to withdraw the Major Use Special Approval Application submitted by KCPD Ltd. be accepted. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 3-98 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 3-98. Mr. Horn reviewed this proposed Ordinance which provides that a building or portion thereof where a commercial entertainment use is located shall not be located within 400 feet from any residential building or 300 feet from any residential zoned district whichever is greater. Mr. Stone sponsored Ordinance Number 3-98, An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 25-97 1997 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 25-97. Mr. Bettcher reviewed this proposed Ordinance which provides for the reappropriation of moneys in the various City accounts. He identified adjustments and reductions in various funds. The year end grand total appropriations is \$29,468,870. Mr. Singer sponsored Ordinance Number 25-97, An Ordinance To Repeal Ordinance 18-96 In Its Entirety And To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 1997, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 27-97 1998 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 27-97. Mr. Horn detailed the City's Budget for the year 1998, outlining anticipated revenues and expenditures, and capital improvements in the City of Centerville and the purchase of certain vehicles for which moneys have been appropriated.

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are included in the 1998 budget. Mr. Rose recognized this as a good budget.

Mr. Singer explained the fact that the budget is developed by the Council Finance Committee of the whole Council and members of City Staff.

Mr. Singer sponsored Ordinance Number 27-97, An Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 1998, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 29-97 PERSONNEL

The Public Hearing was held concerning Ordinance Number 29-97. Mr. Horn reviewed this proposed Ordinance which includes new personnel, changes in some positions, provides for a 3.5 percent increase for most employees not associated with Yankee Trace, and one additional holiday (Martin Luther King Day).

Upon question of Adrian Rose, Mr. Horn advised that the City has not received an answer to their request for federal dollars for additional police officers.

Mr. Kingseed sponsored Ordinance Number 29-97, An Ordinance To Repeal Ordinances Number 4-97, 19-97, 20-96 And 41-95 In Their Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 31-97 PERSONNEL

The Public Hearing was held concerning Ordinance Number 31-97. Mr. Horn reviewed this proposed Ordinance which adds a full time Club Manager at Yankee Trace, if needed, includes some housekeeping changes, and a 3.5 percent wage increase for certain employees at Yankee Trace. Mr. Stone sponsored Ordinance Number 31-97, An Ordinance To Repeal Ordinances Number 16-96 And 43-95, And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 34-97 LIVE ENTERTAINMENT

The Public Hearing was held concerning Ordinance Number 34-97. Mr. Horn reviewed this proposed Ordinance to amend the Centerville Municipal Code to provide a definition for Live Entertainment Occupancies, Nudity, Semi-Nudity, and to establish distance requirements between customers and performers. Mr. Reppert sponsored Ordinance Number 34-97, An Ordinance Amending The Centerville Municipal Code By Providing Additional Regulations Relating to Spreading Contagion, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

Mayor Beals stressed the importance of recycling in order to reduce our County's waste stream.

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Adrian Rose complimented the collectors of waste in the City of Centerville. He brought attention to a depression in the roadway of Alexandersville-Bellbrook Road, at his residence, that needs attention. Mr. Weaver advised that this repair will be included in the City's street paving and restoration program for 1998.

ORDINANCE NUMBER 4-98 JUNK VEHICLES

Mr. Horn reviewed a proposed Ordinance to amend to the Centerville Municipal Code by adding a new definition for unlicensed, inoperative, abandoned and junked motor vehicles, and to set guidelines for the deposit and storage of such vehicles. Mr. Kingseed moved that Ordinance Number 4-98, An Ordinance Amending The Centerville Municipal Code By Changing The Definition Of Certain Motor Vehicles, Changing The Time Limitation For Removal Of Certain Motor Vehicles And Revising The Regulation Of Unregistered Motor Vehicles, be set for Public Hearing on February 16, 1998. Mrs. Lienesch seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 5-98 REMOVAL OF JUNK

Mr. Horn reviewed a proposed Ordinance to provide for the recovery of costs incurred by the City in the removal of junk from a private residence. Mrs. Lienesch moved that Ordinance Number 5-98, An Ordinance Amending The Centerville Municipal Code By Recovery Of The City's Cost Of Removing Garbage, Rubbish Or Junk From Private Property, be set for Public Hearing on February 16, 1998. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 1-98 COMPUTER SYSTEM

Mr. Schlagheck reviewed a proposal submitted by Barry Strock Consulting Association, Inc., to provide services for a computer system for the City of Centerville in order that computer systems in the various departments and locations can be networked. The proposal includes an Orientation Presentation, Management/IS Plan and Findings, Needs Assessment, and Request for Proposal, for a cost of \$30,000.00, plus out of pocket expenses, not to exceed \$10,000.00. Mrs. Lienesch sponsored Resolution Number 1-98, A Resolution Authorizing And Directing The City Manager To Accept A Proposal Submitted By Barry Strock Consulting Associates, Inc., For Consulting Services For A Computer System For The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 2-98 FIVE PATROL CARS

Mr. Horn reviewed a proposed Resolution to provide for the purchase of five patrol vehicles from Stengers Ford. The Ohio Revised Code provides that supplies services, equipment and certain materials may be purchased locally, by way of the State of Ohio, Department of Administrative Services, Office of State Purchasing, providing they can be purchased for the same or lower price. Stengers Ford offered the same vehicles at the same price as the state bid.

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Mr. Singer sponsored Resolution Number 2-98, A Resolution Authorizing The City Manager To Purchase Five Patrol Cars From Stengers Ford, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 3-98 UNMARKED CARS

Mr. Horn reviewed a proposed Resolution to provide for the purchase of two 1998 Buick LeSabre four door sedans and two SE Equipment Packages for a total purchase price of \$42,335.52, through the State of Ohio joint purchasing program. These vehicles will be purchased from Bob Ross Buick in Centerville, Ohio. These vehicles will be used as unmarked police vehicles by the Centerville Police Department. Mr. Stone sponsored Resolution Number 3-98, 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. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 4-98 PUBLIC WORKS VEHICLES

Mr. Horn reviewed a recommendation from Public Works Director Steve Weaver for the purchase of the following three vehicles through the State Bid purchasing program:

Ford Taurus station wagon from 32 Ford in Batavia, Ohio, for \$16,478.00.

Pick-up truck from Taylor Team of Dealerships in Lancaster, Ohio for \$20,464.00.

Small size dump truck from Bob Ross GMC in Centerville for \$24,276.00.

Mr. Horn explained the fact that the station wagon is less than the bid limit of \$20,000.00 and therefore is not included in this Resolution. Mr. Reppert sponsored Resolution Number 4-98, 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. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 5-98 PROPERTY ACQUISITION

Mr. Horn reviewed a proposed Resolution to authorize the purchase of 0.753 acres of land located at 740 East Alexandersville-Bellbrook Road in the City of Centerville. Said property is located on the south side of Alex-Bell Road; a portion of which will be needed for roadway purposes when Alexandersville-Bellbrook Road is widened. Mr. Horn pointed out the fact that engineering costs and right-of-way acquisition are generally born by the local entity when a state highway is improved. The purchase price for this property is \$54,000.00. Mr. Stone sponsored Resolution Number 5-98, A Resolution Authorizing And Directing The City Manager To Execute A Contract For The Purchase Of Real Property Located At 740 East Alexandersville-Bellbrook Road, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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RESOLUTION NUMBER 6-98 ADVANCE OF TAXES

Mr. Bettcher reviewed a proposed Resolution to request an advance of real estate taxes assessed and collected for and on behalf of the City of Centerville, by the Montgomery County Auditor. Requested is an advance of \$400,000.00; monies which will be collected within the next 5 to 6 weeks. Mr. Singer sponsored Resolution Number 6-98, A Resolution Requesting An Advance Of Four Hundred Thousand Dollars (\$400,000.00) Out Of The Current Collection Of Real Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mr. Smith seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION APPOINT
CHERI L. WILLIAMS-ALVARADO AND MICHAEL R. HAASE

Mr. Singer moved that Cheri L. Williams-Alvarado and Michael R. Haase be appointed as members of the Centerville Arts Commission. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Horn announced the receipt of a letter from the Montgomery County Engineering Department concerning the South Holes Creek Relief Sewer No. 2 System. A meeting has been scheduled for Wednesday, January 28, 1998 to be held at the Washington Township Government Center. The City of Centerville will be represented at this meeting.

Mayor Beals welcomed Councilmember George Smith and congratulated Deputy-Mayor James Singer on their recent election and appointment.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals
Mayor

Attest: Marilyn J. McLaughlin
Clerk of Council