

RECORD OF PROCEEDINGS

Minutes of

COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10748

Held March 16, 199819

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 16, 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	George Smith
	J. V. Stone
	Susan Lienesch
	James Reppert
	C. Mark Kingseed

Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Peggy Whisman
 City Manager Gregory Horn
 Assistant City Manager Judith Gilleland
 City Planner Steve Feverston
 Public Works Director Steve Weaver
 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 Meeting -	February 16, 1998.
	February 23, 1998.
Council Work Session Meetings -	February 16, 1998.
	February 23, 1998.
	March 2, 1998.
Council Retreat Report	February 13-14, 1998.

Mr. Stone moved that the minutes of the foregoing meetings be approved as distributed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Gary R. Sierschula. Mr. Reppert moved that Mr. Sierschula's resignation from the City Beautiful Commission be accepted, with regret. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mayor Beals presented to Americana Festival, Inc. President Joseph Beyerle and Executive Director Hutch O'Connor a check from the City for financial support for the 1998 4th of July Festival.

Mayor Beals administered the Oath of Office to Centerville Historical Commission member Robert E. Daley and to City Beautiful Commission member Genevieve K. Harvey. She thanked all members of City Boards and Commissions for their many volunteer hours and encouraged others to participate.

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

On February 26, 1998 the second annual Erma Bombeck Essay Contest was held at the Centerville Library.

Members of City Council attended the National League of Cities Congressional Conference in Washington, D.C. March 6 - 10, 1998, at which time contact was made with staff members in Senator Michael DeWine's office and Representative Tony Hall's office to discuss national issues.

The third annual Business Breakfast was held on March 12, 1998 in the Gallery at Yankee Trace.

On March 19, 1998 the National Issues Forum will be held at the Centerville Library for the purpose of discussing issues of concern to citizens and to the nation.

A Certificate of Congratulations from the City of Centerville was presented to the South Community YMCA for their recent refurbishing of the previously named Kettering YMCA.

A delegation from Centerville will be traveling to Bad Zwischenahn, Germany, on July 8, 1998. Reservations remain available.

On Saturday, March 14, 1998 the annual Washington Township Fire Fighter's Recognition dinner was held, attended by Mayor Beals.

Montgomery County is setting up a new facility on May 5, 1998 for the recycling of items such as furniture, computers, etc., affording charitable organizations the opportunity to avail themselves of the use for these items. Also being set up are programs for the disposition of hazardous waste.

The following two Proclamations were issued during the past month:

National Community Development Week - April 6 - 12, 1998.

Volunteer Week in the City of Centerville - April 19 - 25, 1998.

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

On April 13, 1998, City Council and the Washington Township Trustees will meet in a retreat to discuss common issues. This will be followed by a joint meeting between the City Council, Washington Township Trustees and the Centerville City School Board to discuss the image campaign currently being undertaken by the three entities for the Centerville-Washington Township Community.

Specifications have been prepared and the City is going to bid for the 1998 Street Resurfacing Program. Work should begin soon after the closing of schools for the summer season.

The restaurant at Yankee Trace is now open for business seven days a week.

The Golf Club at Yankee Trace continues to remain open weather permitting.

Two grant applications have been approved from the Miami Valley Regional Transit Authority: one for pedestrian safety improvements at the intersection of State Route 48 and Alexandersville-Bellbrook Road, and one for a bus stop gazebo at the Centerville High School on East Franklin Street.

The City has returned the \$200,000.00 grant previously awarded by the Montgomery County Economic Development/Government Equity (EDGE) Program for the rehabilitation of the K-Mart Building on South Main Street for health care plan improvements. This project has been dropped by the Franciscan Medical Center. The City is currently preparing a grant application for the construction of the Rets Technical School proposed for the northeast corner of Alexandersville-Bellbrook Road and Loop Road, to be submitted for EDGE funds.

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YANKEE TRACE SECTION FIFTEEN RECORD PLAN

Mr. Feverston reviewed the Planning Commission meetings held February 24 and March 10, 1998. He reviewed the Record Plan for Yankee Trace, Section Fifteen, the division of 2.77 acres located on Yankee Trace Drive into five lots. The zoning of the property is R-1c, Single-Family Residential. Mr. Feverston located the subject property on a map being situated between golf green number five and tee number six, southeast of Charter Place. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. The minimum building setback shall be in accordance to the Residential Cluster Development Plan approved by the Planning Commission.
2. A covenant shall be placed on the Record Plan that grants the City of Centerville the right to establish a public right-of-way through reserve area R-AK that provides vehicular access to Yankee Trace Drive from adjoining lands situated east of reserve area R-AK. The language of this covenant shall be subject to approval by the City Attorney.
3. Reserve area R-AJ shall be eliminated from the Record Plat and combined with lot 269. The building setbacks for lot 269 shall be the same as the respective setbacks for the other lots.
4. A final grading plan shall be subject to approval by the City Engineer.
5. Detailed design of the stormwater drainage system for this plan shall be approved by the City Engineer.
6. In lieu of completion of the required improvements prior to the recording of the plat, a Subdivider's Agreement shall be entered into with the City by the developer and a Performance Bond shall be posted with the City, if required.

Mr. Feverston reviewed the following conditions for approval recommended by City Engineer Norbert Hoffman:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to assure the completion of the public improvements, which are not included as part of the Yankee Trace North Improvement currently under contract and bonded. Total balance of Performance Bond for final lift of asphalt is recommended in the amount of \$6000.00.
3. Inspection fee in the amount of \$283.00.

Mr. Singer moved that the Record Plan for Yankee Trace, Section Fifteen, be approved subject to all conditions recommended by the Planning Commission and the City Engineer. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 10-98 APPLICATION FEE ADJUSTMENTS

Mr. Horn explained the fact that fees charged for applications outlined in the Zoning Ordinance and the Landmark Preservation Ordinance have not been revised since 1986. City Staff recommends that fees be changed to defray costs associated with the administration of these

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applications. Mr. Kingseed moved that Ordinance Number 10-98, An Ordinance Establishing A Schedule Of Fees For Certain Applications And Permits Required By Ordinance Number 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio, Ordinance No. 8-91, The Landmark Preservation Ordinance And Other Ordinances Of This Municipality Which May Be Specified Herein And Repealing Ordinance Number 12-86 In Its Entirety, be set for Public Hearing on April 20, 1998. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 1-98 ZONING ORDINANCE AMENDMENT ARNOLD REZONING

The Public Hearing was held concerning a Rezoning Request filed by Robert Arnold for property located at 7234 North Main Street, property owned by Carl Kohr. Requested is a change in zoning from R-1d, Single-Family Residential, to O-S, Office-Service, zone classification. Mr. Feverston located the subject 1.193 acres on a map and identified adjacent zone classifications and land uses. The property is bounded on the south by office service, on the east and north by residential, adjacent on the north to a non-conforming school, and directly across State Route 48 by business uses from Elmwood Drive to the Church of the Incarnation. Proposed is the construction of a professional office building. Mr. Feverston outlined uses permitted under current zoning and uses which would be permitted under the proposed zone classification. The Planning Commission by a vote of 6-1 recommended approval of this Rezoning Request to City Council.

Alan Schaeffer, 2700 Kettering Tower, Attorney representing the applicant, reviewed the fact that the subject property is not a part of the residential area to the east and north. He outlined unique characteristics of the property at 7234 North Main Street. Mr. Schaeffer explained how the existing house will be incorporated into the new construction of an office building. Current vegetation on the property will be saved as much as possible, while removed vegetation during construction will be replaced. The property will be fenced along the east property line and a fence currently exists along the north property line. He advised that the proposed use of this property is consistent with the land use plan for the City of Centerville.

Robert Arnold, 1153 North Fairfield Road in Beavercreek, reviewed the proposed Site Plan and architecture for the building. They have attempted to achieve the colonial characteristics of Centerville while blending it with the adjacent residential neighborhood. Proposed is a one story structure primarily of brick construction.

Upon question of Mr. Reppert, Mr. Feverston advised that this property differs very little from the two properties to the immediate south. The width of these three properties differ, however, they have the same depth. Mr. Feverston believes that the use of the two properties to the south is appropriate with the proposed use for the property located at 7234 North Main Street..

In answer to a question of Mrs. Lienesch, Mr. Feverston advised that when Office-Service zone classification abuts a residential zone, a bufferyard of 25 feet is required as well as an earthen berm with an average of 4 feet in height, the installation of a fence, and the planting of trees. The applicant will be required to meet requirements of the City's Stormwater Control Ordinance when construction takes place.

As questioned by Mr. Kingseed, Mr. Feverston reviewed height limitations in the Office-

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Service zone classification, being 35 feet or 2 ½ stories. The highest impact use that would be permitted in this proposed O-S zone would be a bank, beauty shop or a barber shop.

Mr. Reppert sponsored 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, and moved that it be passed. Mr. Smith seconded the motion. A roll call vote resulted in four ayes in favor of the motion, with Mrs. Lienesch, Mr. Singer and Mayor Beals voting no.

ORDINANCE NUMBER 6-98 YANKEE STREET SPEED LIMIT

The Public Hearing was held concerning Ordinance Number 6-98. Mr. Horn reviewed this proposed Ordinance to change the speed limit on that portion of Yankee Street located in the City of Centerville to 45 miles per hour. In accordance with the Ohio Revised Code the speed limit for this roadway would be 35 miles per hour unless otherwise designated by legislation passed by City Council. Mr. Weaver recommended a speed limit of 45 miles per hour in order to maintain more consistency with the speed limit of 50 miles per hour for that portion outside the corporate limits of the City. Mr. Reppert viewed a speed limit of 45 miles per hour for this short distance as a speed trap. Mr. Singer pointed out that a request has been sent to Montgomery County that consideration be given to the reduction of speed on that portion of Yankee Street outside City limits to 45 miles per hour. Mrs. Lienesch stated her preference that the speed limit be established at 35 miles per hour. Mr. Kingseed sponsored Ordinance Number 6-98, An Ordinance Enacting A Speed Limit Of 45 Miles Per Hour On Yankee Street Within The Corporate Limits Of The City Of Centerville, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in four ayes in favor of the motion with Mrs. Lienesch, Mr. Smith and Mr. Reppert voting no.

ORDINANCE NUMBER 7-98 LANDMARK DESIGNATION HENRY OPDYKE-ELEAZER WILLIAMSON HOMESTEAD ORDINANCE NUMBER 11-98 EMERGENCY

The Public Hearing was held concerning Ordinance Number 7-98, an Ordinance to designate the Henry Opdyke-Eleazer Williamson house as a landmark. Mr. Feverston reviewed an application submitted by K & S Enterprise for the demolition of all structures located at 7155 Wilmington Pike, property having potential landmark status. Following this request for demolition, consideration for landmark nomination was submitted to the Planning Commission for review. The Planning Commission reviewed the request and determined that the property had potential landmark status. Following a Public Hearing held by the Board of Architectural Review, the Board determined that they had insufficient technical information on the stability of the house and its outbuildings, as well as restoration costs, to make a recommendation, thus the issue came to City Council without a recommendation from the Board of Architectural Review. Mr. Feverston located the subject 35 acres, zoned B-PD (Business-Planned Development) on a map and identified adjacent land uses and zone classifications. He compared pictures of the structures taken in 1995 with the appearance of them today. A landmark study conducted in 1995 of this same property determined that it met all the requirements for landmark designation at that time. Mr. Feverston advised that when the application was received for demolition, the applicant

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supplied no evidence relative to the structural feasibility or the economic feasibility of rehabing or restoring any of the structures on the subject property. He pointed out that following the Planning Commission's determination on January 27, 1998 that the property did have potential landmark status, the City was denied the opportunity to examine the property until January 30, 1998 to render a proper determination. Mr. Feverston reviewed the history of the homestead and the Conditions Report prepared by Rogero Buckman Architects.

Hans Soltau, Attorney for K & S Enterprises, 6776 Loop Road, outlined zoning changes and construction problems since 1977 to the present day as well as costs to extend water and sewer upon the property located at 7155 Wilmington Pike. He made reference to the report rendered in 1995 relative to landmark status designation and the fact that this report dealt with the site, not necessarily the structures. Mr. Soltau outlined vandalism upon the property which took place in 1997. He reviewed events which took place from the submission of an application for the demolition of the homestead at 7155 Wilmington Pike through the Planning Commission, the Board of Architectural Review and now to City Council. He emphasized costs which would be incurred by the owners in order to make the house and grounds fit for use. Mr. Soltau presented to City Council a set of exhibits which included:

1. Draft minutes of the Board of Architectural Review meeting at which time landmark status for the property was passed onto City Council with no recommendation.
2. Montgomery County's total tax evaluation of \$18,000.00.
3. Opinion letter from engineer Valdis Lapsins that the rehabilitation of the house is not economically feasible nor does it have distinctive architectural style.
4. A letter from Wagner Insurance Agency, Inc. refusing property insurance for 7155 Wilmington Pike, and providing limited liability insurance.
5. A cost estimate of \$538,000.00 from a builder to make the house habitable.
6. Detail of proposal from the builder.
7. List prepared by the City of properties to be rezoned, which includes the Karras property.

Mr. Soltau expressed the hardship placed upon the property owner if the structures must be restored. Making reference to the procedure which should be followed when a potential landmark status exists, he cited provisions in the Landmark Preservation Ordinance which he believes have not been followed in this case.

Upon question of Mr. Sultau, John Sotiropolous advised that prior to January 30, 1998, he was not contacted by City personnel to enter the property at 7155 Wilmington Pike.

Martha Boice, 7712 Eagle Creek Drive, listed historical characteristics of the house. It has association with families in the area and significant architectural features. She advised that economics should not be considered when landmark status is being determined. Mrs. Boice outlined financial assistance that is available for the restoration of structures designated as landmarks.

Robert Daley, 880 Cranbrook Court, read a letter received from Janet Daly Belnarek, Assistant Professor of History at the University of Dayton, seeking City Council's designation of the Opdyke property as a landmark.

Laura Graham, 7222 Tarryton Road, Real Estates Broker with an office in the Architectural Preservation District and Trustee for the Landmark Foundation, asked Mr. Sotiropolous to work with the Landmark Foundation of Centerville and Washington Township to restore the house with a portion of the land. She outlined significant historical value of the Henry

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Opdyke-Eleazer Williamson House. Ms. Graham brought attention to their recent involvement with the restoration of the Garrison House on Yankee Street.

Mr. Farquhar explained the fact that an Emergency Ordinance has been prepared for consideration in lieu of Ordinance Number 7-98, to designate the Henry Opdyke-Eleazer Williamson Homestead as a landmark. This Ordinance passed as an emergency measure would remain in effect for a period of 75 days, thus providing that time limitations be met and affording City Council additional time to consider all the documentation recently received.

Upon question of Mr. Kingseed, Mr. Farquhar advised that if the emergency Ordinance is passed at this meeting, the property owner will not suffer any prejudice due to the fact that a permit for demolition cannot be issued for three months.

Mr. Stone moved that the Emergency Ordinance includes the house and all outbuildings on the Henry Opdyke-Eleazer Williamson Homestead at 7155 Wilmington Pike as landmarks; he sponsored Ordinance Number 11-98, An Emergency Ordinance To Designate Historic Buildings Located At 7155 Wilmington Pike And Known By Local Historians As The Henry Opdyke-Eleazer Williamson House, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance Number 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, Alterations, Development, Construction, Or Demolition Of A Designated Landmark, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in five yeas in favor of the motion with Mrs. Lienesch and Mr. Reppert voting no.

ORDINANCE NUMBER 12-98 LANDMARK DESIGNATION
HENRY OPDYKE-ELEAZER WILLIAMSON HOMESTEAD

Mr. Kingseed moved that Ordinance Number 12-98, An Ordinance To Designate Historic Buildings Located At 7155 Wilmington Pike And Known By Local Historians As The Henry Opdyke-Eleazer Williamson House, As A Landmark Within The City Of Centerville, Ohio, And Amending Ordinance Number 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, Alterations, Development, Construction, Or Demolition Of A Designated Landmark, be set for Public Hearing on April 27, 1998. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Lee Althen, 325 Annette Drive appeared before Council to reinstate his as well as Concept West residents' objection to the continuation of Virginia Avenue from Bristol Drive to Spring Valley Road. He submitted a Petition signed by approximately 334 signatures stating their opposition to connecting the north and south portions of Virginia Avenue for any type of vehicle use.

Marcia Sicke, 210 Virginia Avenue, shared comments she received while circulating the Petition for signatures. She identified traffic currently traversing through the Concept West neighborhood.

Dale Pleimann, 293 Annette Drive, stated his opposition to the continuation of Virginia

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Avenue south to Spring Valley Road. He cited the Mission Statement for the City of Centerville and asked Council to abide by factors in this statement as they relate to the continuation of said roadway. He asked that the peace and quiet of the Leonard E. Stubbs Memorial Park be maintained.

Sue Huff, 293 Annette Drive, asked that convenience not be considered necessary for the extension of Virginia Avenue.

Shane Studebaker, 166 Edenhurst Drive, expressed concern with the traversing of emergency traffic through the Concept West Plat, and potential danger to children with increased traffic flow.

ORDINANCE NUMBER 13-98 ADOPT BUILDING CODE

Mr. Horn reviewed a proposed Ordinance to adopt the current edition of the Ohio Basic Building Code and the Ohio Basic Mechanical Code. Mr. Kingseed moved that Ordinance Number 13-98, An Ordinance To Amend Ordinance Number 2-97 And Part Fourteen; Building And Housing Code; Chapter 1420 Of The Centerville Municipal Code By Adopting The Current Edition Of The Ohio Basic Building Code And The Ohio Basic Mechanical Code, be set for Public Hearing on April 20, 1998. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 12-98 SURPLUS PROPERTY

Mr. Horn outlined the following equipment which have been taken out of use by City Personnel and should be declared as surplus property so that it may be disposed of at public auction:

- Three 1994 Ford Crown Victoria marked police vehicles,
- One 1977 Dodge Surveillance Van,
- One 1986 BMC S-10 pick-up truck.

Mrs. Lienesch sponsored Resolution Number 12-98, A Resolution Declaring Specific Equipment No Longer 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. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 13-98 MAINTENANCE OF CITY PROPERTY

Mr. Horn reviewed bids received for the maintenance of rights of way, medians, and open spaces throughout various areas of the City of Centerville. The parcels have been divided between two successful bidders. Mr. Weaver explained the fact that bids received were slightly higher than the previous year due to the size of some of the areas have been increased as well as other areas added. Mr. Stone sponsored Resolution Number 13-98, A Resolution Accepting The Bids Submitted By Tangeman And Sons, And M & S Lawn Service For The Maintenance Of Certain Specified City Properties During 1998 Throughout The Community And To Authorize The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

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YANKEE TRACE SECTION TWELVE PERFORMANCE BOND REDUCTION

Mr. Weaver reviewed a recommendation received from City Engineer Norbert Hoffman that the Performance Bond posted on Yankee Trace, Section Twelve be reduced from \$390,811.00 to \$15,000.00. Mr. Reppert moved that the Performance Bond posted on Yankee Trace, Section Twelve be reduced as recommended by Mr. Hoffman. Mr. Singer seconded the motion. The motion passed by unanimous vote.

CITY BEAUTIFUL COMMISSION APPOINT ELYSE KINDLER

Mr. Reppert moved Elyse Kindler be appointed as a member of the City Beautiful Commission. Mr. Singer seconded the motion. The motion passed unanimously.

PERSONNEL APPEALS BOARD REAPPOINT NORMAN PLAIR

Mr. Singer moved that Norman Plair be reappointed as a member of the Personnel Appeals Board for the City of Centerville. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT BRENDA FERRY

Mr. Stone moved that Brenda Ferry be reappointed as a member of the Board of Architectural Review. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CENTERVILLE PROPERTY REVIEW COMMISSION REAPPOINT JOHN DORKO

Mr. Singer moved that John Dorko be reappointed as a member of the Centerville Property Review Commission. Mr. Reppert seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION REAPPOINT DEANN HURTADO

Mrs. Lienesch moved that Deann Hurtado be reappointed as a member of the City Beautiful Commission. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the meeting was adjourned.

ATTEST:

Approved: Sally D. Beak

Mayor

Marilyn J. Laughlin
Clerk of Council