

RECORD OF PROCEEDINGS

Minutes of

COUNCIL MEETING

Meeting

Held April 20, 199819

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 20, 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

City Engineer Norbert Hoffman

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 -	March 16, 1998.
Council Work Session Meetings -	March 16, 1998.
	March 23, 1998.
	April 6, 1998.
Joint City/Township/School Board Meeting -	April 13, 1998.

Mrs. Lienesch suggested that the last sentence in paragraph nine contained in the April 6, 1998 Work Session minutes be changed to read "The Committee recommended that they review sidewalk maintenance and construction programs". Mr. Reppert moved that this amendment be made to the minutes of April 6, 1998. Mr. Kingseed seconded the motion. The motion passed unanimously. Mr. Kingseed moved that the foregoing minutes be approved as distributed and amended. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Mrs. McLaughlin announced the receipt of letters of resignation from City Planning Commission member Scot Stone and Centerville Arts Commission member Rebecca Middleton. Mr. Singer moved that the resignation of Scot Stone from the City Planning Commission and Rebecca Middleton from the Centerville Arts Commission be accepted, with regret. Mr. Smith seconded the motion. The motion passed unanimously.

Mrs. McLaughlin advised that Petitions have been received from citizens in support of the opening of Virginia Avenue from Bristol Drive to Spring Valley Road.

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Mayor Beals introduced Centerville High School students who will participate in Youth in Government Day on Tuesday, April 28, 1998.

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

Centerville was once again, and for the twelfth year, the recipient of a "Tree City USA" award received at the Dayton Convention Center on Friday, April 17, 1998.

Arbor Day in Centerville will be Thursday, April 30, 1998 at 10:00 A.M. It will take place with the planting of twelve trees along North Main Street, immediately north of Bethany Lutheran Village and south of the Welcome to Centerville sign.

Mayor Beals congratulated Sarah Rickman for the compilation of manuscripts entitled "Dad I Served" an autobiography of C. J. McLin.

Operation Clean Sweep will take place in Centerville the week of May 11-15, 1998.

Centerville's Volunteer Salute will be held on Thursday, April 23, 1998 in the Gallery at Yankee Trace to honor all CIVIC volunteers serving our community.

Youth in Government Day will be held on Tuesday, April 28, 1998.

A new phone system has been installed in Centerville Municipal facilities.

A trip to Centerville's Sister City Bad Zwischenahn, Germany, has been planned by the Sister City Committee, leaving Centerville on July 8, 1998. Reservations remain available.

Concerts will soon begin at the Leonard E. Stubbs Memorial Park.

There will be no Arts Festival held during 1998.

A Garden Fest sponsored by Friends of Benham's Grove will be held in June.

Mayor Beals reminded the electorate to vote on Election Day, May 5, 1998.

Proclamations were issued during the past month designating April 30, 1998 as Arbor Day in the City of Centerville and May 11-15, 1998 as Operation Clean Sweep.

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

A decorative plaza is being constructed to the rear of the barn at Benham's Grove in preparation of the Garden Fest to be held on June 13 and 14, 1998. Friends of Benham's Grove has pledged the payment of \$20,000.00 for the construction of this plaza with the City of Centerville contributing \$4,500.00.

The Montgomery County Sanitary Engineer met with the Board of County Commissioners to discuss a countywide Clearwater Disconnect program that will benefit residents in Village South who have been plagued with wet basements. This program will be jointly financed by Montgomery County and the homeowner.

A meeting was held on Wednesday, May 15, 1998 between the Centerville Property Review Commission and representatives for the Chevy Chase Apartment complex to discuss maintenance discrepancies existing on their South Main Street property. An agreement was reached that a firm timetable would be received for repairs by the City within ten days.

Between 9:00 P.M. on Monday, April 20 and 6:00 A.M. on Tuesday, April 21, 1998 Yankee Street will be closed between Austin Road and Lyons Road for the installation of storm sewer improvements.

Benham's Grove had its highest revenue period for the first three months this year since its inception in 1992.

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A meeting of the South Metro Chamber of Commerce is scheduled in the Gallery at Yankee Trace on May 20, 1998 at 7:30 P.M. with speaker Dr. Ned Sifferlen, President of Sinclair Community College. Tickets are available at the Chamber Office.

Dan Doepke has scheduled the rededication of the building located at the southwest corner of Main and Franklin Streets for May 18, 1998 at 12:00 noon.

Governor George Voinovich will visit Washington Township on April 23, 1998 to speak in support of Issue 2 at the Recreation Center at 3:30 P.M.

An Agreement has been reached with the Dayton Power & Light Company for the installation of ornamental street lighting, phase three, on East Franklin Street from Main Street to Cemetery Drive. The work will commence after the Americana Festival.

Mr. Weaver asked residents to place articles to be picked up during Clean Sweep Week at the curb on their regular collection day. He encouraged residents to take advantage of this service.

ORDINANCE NUMBER 14-98 ZONING ORDINANCE AMENDMENT CITY INITIATED REZONING DENNIS HOERTT PROPERTY

Mr. Horn advised that the property owned by Dennis Hoertt located on the west side of Paragon Road and north of Social Row Road was annexed to the City of Centerville a few years ago. Since that time it has retained Washington Township zoning. The Planning Commission has recommended that said property be rezoned to Centerville R-1c, Single-Family Residential. Mr. Reppert moved that Ordinance Number 14-98, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 32.566 Acres, More Or Less, From Washington Township Agriculture Zone Classification To R-1c, Single-Family Residential Zone Classification, be set for Public Hearing on June 15, 1998. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 15-98 ZONING ORDINANCE AMENDMENT TEXT VARIANCES

Mr. Farquhar reviewed a proposed Ordinance to delete the words "and unnecessary hardship" from Section 32 of the Centerville Zoning Ordinance as it relates to standards for a Variance. The Ohio Supreme Court has held that an applicant for a variance need only to show practical difficulties and not establish unnecessary hardship. In answer to a question of Mrs. Lienesch, Mr. Farquhar advised that the hardship is a hold over from the text of previous years. Mr. Stone moved that Ordinance Number 15-98, An Ordinance Amending Section 32, Variance, Of Ordinance Number 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio, be set for Public Hearing on June 15, 1998. Mr. Smith seconded the motion. The motion passed by unanimous vote of City Council.

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ORDINANCE NUMBER 16-98 ZONING ORDINANCE AMENDMENT CITY INITIATED REZONING DESARO

Mr. Horn advised that property situated on the south side of Spring Valley Road, east of Yankee Street, recently annexed to the City of Centerville retains Washington Township zoning. The Planning Commission has recommended that said property be given a Centerville zone classification. Mr. Singer moved that Ordinance Number 16-98, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 4.273 Acres, More Or Less, From Washington Township Special Use Classification, To Centerville O-S, Office-Service Classification, be set for Public Hearing on June 15, 1998. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 17-98 ZONING ORDINANCE AMENDMENT TEXT LIFESTYLE

Mr. Horn outlined the need for planned development communities within the City to accommodate various housing needs, specifically a proposal by Lutheran Social Services for the development of land north of Yankee Trace. An Ordinance to establish regulations and procedures for the creation of a lifestyle community within single-family residential zoning has been recommended by City Staff and by the Planning Commission. Mr. Singer moved that Ordinance Number 17-98, An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Establish Regulations And Procedures For The Creation Of A Lifestyle Community Within The Single-Family Residential Zoning District, be set for Public Hearing on June 15, 1998. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Reppert, reporting as Chairman of the Council Streets and Highways Committee reported the following:

The committee has decided to review all street maintenance and remodeling projects to be included in the fiscal year's Capital Improvement Program.

No definitive recommendation is ready relative to the continuation of Virginia Avenue. The committee is waiting for additional input from City Staff.

Members of the committee attended a breakfast hosted by Marsh Sicke. At that time it was observed that school vehicular and pedestrian traffic was relatively light. Almost all vehicular traffic, including school buses carrying children, appeared to be exceeding the posted school zone speed limit of 20 miles per hour.

ORDINANCE NUMBER 18-98 ZONING ORDINANCE AMENDMENT CHARLES SIMMS REZONING REQUEST

The Public Hearing was held concerning the request for rezoning of 9.953 acres more or less, submitted by Charles Simms for property located along the east side of Clio Road, south of Deer Run Road; a change from R-1c, Single-Family Residential zone classification to R-PD, Residential-Planned Development zone classification. Mr. Feverston reviewed this rezoning request in order to construct a 52 unit residential condominium project. The area involved in the zone change is the front portion of the approximate 25 acre farm more particularly known as the

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Weller Farm. Mr. Feverston located the subject property on a map and identified adjacent land uses, densities, and zone classifications. He outlined permitted uses under current zoning and uses which would be permitted under the proposed zoning classification. The Planning Commission, recognizing this zoning change as a transition, recommended approval of the request by a 6-1 vote.

Charles Simms, applicant, 3840 Stonebridge Road, reviewed his plan for the development of the approximate 25 acre Weller Farm. He explained how this development blends with the adjacent land uses: multi-family and doubles to the south, business and industrial uses to the west, and single-family to the north; which was the basis for this rezoning request. He outlined how this development meets the guidelines as set forth by the Zoning Task Force several years ago and in consideration of current market conditions. He placed emphasis on concessions made in answer to concerns of neighbors. Proposed is an owner occupied residential development. Mr. Simms compared the 2.75 units per acre density proposed for the Weller Farm with the density of adjacent and nearby developments; similar developments having a density of 4.5 and 4.6 units per acre. He explained how the population density would decrease if the proposed plan is approved as opposed to the density permitted by the current zone classification for the overall acreage of the Weller Farm. Mr. Simms outlined benefits the Forest Walk plan will bring to the Centerville community.

Christine Snyder, 7897 Raintree Road, cited sections of the Centerville Zoning Ordinance which state that the character of the community shall be maintained as predominantly low-density single-family residential and that the clustering of single-family dwelling units only be permitted when the maximum gross density of 2 dwelling units per acre averaged over the entire tract is not exceeded. She pointed out the fact that transition between land uses was created years ago on Black Oak Drive. Mrs. Snyder sees no reason to downgrade the zoning classification of any part of the Weller Farm. The current zone classification is in the best interest of the neighborhood and the City. She asked City Council to deny the requested rezoning.

Dennis Corriveau, 1053 Deer Run Road, compared the Centerville community with a family. The majority of this family (people in attendance) are opposed to the requested rezoning. He asked Council to listen to the voice of the Centerville family.

Herman Gabriel, 7308 Tamarind Trail, explained how the projected price range of the condominiums to be constructed is not comparable with others in the immediate area. He expressed concern with the future of the remaining acreage and increased traffic to be generated. He highlighted crime rates in areas of high density and multi-family living areas. Mr. Gabriel sees no compelling reason for a change in zoning of the Weller Farm.

Ellen Edwards, 1010 Deer Run Road, views Centerville as a community which provides quality of life for its people. She is uneasy with the number of multi-family units becoming equal or greater than the number of single-family residences. She expressed concern with the proliferation of high density housing and the diminishing of open spaces. Mrs. Edwards sees the Weller Farm as a prime location for single-family development. The current zoning is the highest and best use for the property in question.

David Yingling, 1050 Deer Run Road, offered his support for the current zoning of the Weller Farm being the highest and best use of the land. He does not recognize this density, calculated by him to be 5.25 units per acre, as proper transition from adjacent properties, adequate transition already exists. He asked City Council to retain the current zone classification for the Weller Farm.

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John Tollefson, 1096 Deer Run Road, explained how the proposed rezoning does not help the City achieve its land use goal, it does not satisfy the intent of the residential planned development zone district. He encouraged City Council to commit to the City's goals and Ordinance and deny this rezoning request.

Mr. Tollefson showed a video tape prepared by Dr. William Venanzi, 1180 Deer Run Road, who is currently in Korea with the Military and unable to be present at this meeting. Dr. Venanzi asked that the zoning of the Weller Farm not be changed. Residents of Centerville are asking that City Council uphold the zoning of the City of Centerville. He made comparisons between single-family housing and multi-family housing developed in Centerville over the past several years. He asked Council to preserve the residential character of his neighborhood.

Thomas Phillips, 211 West Franklin Street, Attorney representing the Wellers, explained the fact that the Wellers, approximately two years ago, decided that it was no longer economically viable to operate the farm. Since that time, they have dealt with Realtors and developers and have at no time come to a consensus for a suitable land development plan. They have now worked with Woolpert Consultants and Charles Simms to develop a plan for a quality housing development on the property excluding the house. The proposed plan has been endorsed by the Weller family and the Centerville Historical Society. Mr. Phillips asked Council to adopt the recommendation of the Planning Commission that this rezoning be approved.

Martha Boice, 7712 Eagle Creek Drive, representing the Landmarks Foundation of Centerville Washington Township, congratulated the developer on some of his decisions. She explained that, upon request of Judy Weller, Mr. Simms redesigned his plan so that additional land would remain with the house to create the house and some of the barns as one unit. If this farm was developed in one-half acre lots, the barns would be lost. She emphasized the fact that the current plan preserves some of the history of Centerville.

Betty Curtis, 1345 Black Oak Drive, representing home owners on Black Oak Drive, stated their opposition to condominiums backing up against their fifty percent owner occupied duplexes.

Jack Brainard, 8225 Station House Road, owner of 2 rental units on Black Oak Drive, stated his involvement in the development of duplexes on Black Oak Drive. He always assumed that the property adjacent to the duplexes and along the east side of Clio Road would be developed multi-family. He stated his endorsement of the rezoning.

David Dean, 1550 Ambridge Road, expressed concern with increased stream flooding with the new proposed development. He asked Council to address this issue during their deliberations. He urged Council to go out into the community to receive input relative to this proposed rezoning of the Weller Farm.

Deborah Worthington, 9318 Sheehan Road, offered her support for the zone change, she believes the use fits very well with adjacent properties.

Judith Rezy, 7497 Clio Road, asked City Council to reject the change in zoning, to keep the current zone classification for said property.

Remington Merry, 7710 Glenbrier Place, expressed concern with property values, he urged rejection of the rezoning request.

Jim Dobrowski, 1515 Langdon Drive, pointed out that the Weller Farm will be developed under its current R-1c zone classification if not rezoned, at which time the stream and trees will be lost.

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Laura Graham, 94 North Main Street, expressed the need for condominiums for children who wish to remain residents of Centerville and other citizens who cannot afford \$200,000.00 homes. She believes that Charles Simms builds an excellent product; perhaps additional negotiations should have taken place to reach a happy medium between the developer, the residents and the Weller family.

Amit Mukherjse, 9741 Centerville Creek Lane, pointed out that the City has a review process, this request has gone through this process. He asked Council to accept the recommendation of the Planning Commission and approve the rezoning request.

Ron Weir, a resident of the community for 24 years recognizes the strength of change over his years of residency. He emphasized the fact that this land will be developed. Proposed is a good plan by a local developer with a good track record for the construction of single-family and condominiums in the Centerville-Washington Township community.

Bill Ahern, 1153 Deer Run Road, expressed his displeasure with the amount of multi-family developments constructed in the City of Centerville during the past five years. He stated his objection to the buildings proposed, they are very large and are unlike other buildings in the area. He objected to the percentage of multi-family housing (51%) vs single-family housing (49%) in the City of Centerville comparing it with percentages of nearby municipalities.

Upon questions of Mrs. Lienesch, Mr. Brainard clarified the fact that his assumption that the Weller Farm would be zoned for multi-family at some point was due to the zoning change that was granted for the construction of doubles in Black Oak Four several years ago. Mr. Feverston advised that this property was rezoned from Washington Township zoning to Centerville R-1c, single-family residential in 1986. Mrs. Boice explained how all but two of the barns on the Weller Farm would be saved due to the additional four acres to remain with the house as a farm lot. She outlined the membership and the charge of the Landmarks Foundation of Centerville Washington Township.

In answer to a question of Mr. Kingseed, Mr. Feverston advised that the land which is proposed to remain with the house will retain R-1c zone classification. Until it is designated as a landmark it is subject to development with the potential of buildings being demolished. Mayor Beals pointed out that the historic value of the barns is questionable in their current location. Mr. Kingseed thanked people for their opinions expressed during this Public Hearing. He believes zoning gives reliability and consistency and it gives people something they can depend upon. He also believes that the zoning of this property should not be changed unless the developer can prove that the change will not have a significant impact upon the neighborhood. In this case, Mr. Kingseed did not believe the developer has met his burden.

Mr. Singer thanked all for their comments during this meeting.

Mr. Smith sponsored Ordinance Number 18-98, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance, By Rezoning 9.953 Acres More Or Less, From R-1c, Single-Family Residential Classification, to R-PD, Residential-Planned Development Classification, and moved that it be passed. Mr. Reppert seconded the motion. A roll call vote resulted in two ayes in favor of the motion, with Mr. Singer, Mr. Stone, Mr. Kingseed, Mrs. Lienesch and Mayor Beals voting no.

Mr. Stone thanked residents for all their correspondence relative to this matter.

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Held April 20, 1998, continued19**SPECIAL APPROVAL APPLICATION WELLER FARM APPEAL OF JOHN TOLLEFSON**

The Public Hearing was held concerning an Appeal filed by John Tollefson against a decision rendered by the Planning Commission on January 27, 1998 approving a Special Approval Application for property located east of Clyo Road and south of Deer Run Road. Proposed is the construction of a Single-Family Residential Cluster Development on approximately 10.4 acres of land zoned R-1c, Single-Family Residential. Mr. Feverston reviewed this application which was before the Planning Commission to construct 26 lots on 14.4 acres of land. The plan includes open spaces, detention basins, a public street traversing east to west from Clyo Road, and the extension of Deer Run Road to the south ending in a cul-de-sac. He located the property on a map being the north and east portion of the Weller Farm which includes the house and most of the barns. The Planning Commission approved this Special Approval Application by unanimous vote subject to the following conditions:

1. The record plat to be filed that establishes the lots for this development shall also include all of the private open space that is included in the R-1c zoning district.
2. All private open space including private walks and stormwater retention and/or detention basins shall be maintained by a homeowners association.
3. A pedestrian access easement shall be established on the record plat for the private walk to allow access by the condominium homeowners to Forest Walk Park.
4. .817 acres of Parkland shall be dedicated as required by Ordinance 15-86, An Ordinance Which Establishes Parkland Dedication or Fee-in-Lieu Requirements for New Subdivisions or Developments. The final configuration of the .817 acre park, of which .4006 acres is to be dedicated as parkland as a part of this development and .4165 acres is required to be dedicated as a part of the condominium development shall be subject to approval by the City Planner.
5. All sidewalks located within public right-of-way shall be situated at the right-of-way line subject to approval by the City Engineer.
6. All street names shall be approved by the City Planning Department.
7. Prior to any construction, grading or adding fill material on this property, a silt fence shall be installed by the developer at the construction limits around all wooded areas and the stream traversing through the property. This fence shall be installed at the drip line of the tree canopy and maintained in a workmanlike condition at all times and shall remain in place until all construction is complete, the slopes are established, seeded and mulched.
8. A detailed stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
9. All required landscaping, mounding, fencing for this development shall be in accordance to the requirements of the Zoning Ordinance.
10. A Performance Bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.

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11. The treatment of the edge along the retention pond shall be subject to approval by the Planning Commission.
12. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basin.
13. An easement subject to approval by the City Attorney shall be required to the retention basin to allow emergency access by the City.
14. No signs are being approved as part of this application.
15. Fire Hydrant locations shall be subject to approval by the Washington Township Fire Department.
16. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided during construction.
17. The developer shall work with the City Engineer to provide erosion controls and stabilization of the stream in the southeastern portion of the site and to provide additional stormwater detention in this area with minimal disturbance of the existing stand of trees subject to approval by the City Engineer.
18. The stream floodway shall be delineated on the plan as defined by the Federal Emergency Management Agency (FEMA). The plan shall be submitted to FEMA for map revision.
19. No single-family lot shall be less than 10,000 square feet in size.
20. Lots 14 and 17 shall have a back yard of 25 feet.

Mr. Feverston reviewed a revised plan prepared by the developer as a result of meetings between the applicant, residents and the Weller Family which reduces the plan to 18 lots and adds approximately 4 acres to the land to remain with the house which includes most of the outbuildings.

Charles Simms, developer, requested that this case be withdrawn due to the rejection of the Rezoning Request for the remainder of the Weller Farm. Due to the denial of the change in zoning, this plan will not work.

ORDINANCE NUMBER 10-98 ESTABLISH PERMIT FEES

The Public Hearing was held concerning Ordinance Number 10-98. Mr. Horn reviewed this proposed Ordinance to establish and increase fees for various permits to help defray costs associated in the review process and the administration thereof. He pointed out that as a result of previous discussions relative to this Ordinance, a fee should be established for the submittal by a third party to designate an area, place, building or structure as a landmark; an application by a third party could be very costly for the City. Mr. Farquhar recommended that this Ordinance be passed due to the fact that it includes many other fees, and that the Municipal Attorney be instructed to prepare an amendment to this Ordinance to establish a fee for landmark designation by a third party. Mr. Reppert sponsored 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, and moved that it be passed. Mr.

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Kingseed seconded the motion. In answer to a question of Mrs. Lienesch, Mr. Farquhar explained the fact that the proposed Ordinance is not an amendment to the Zoning Ordinance, the proposed addition constitutes a substantial change to the Ordinance and therefore would cause an additional Public Hearing on the amended Ordinance. Mr. Singer brought attention to the fact that if this Ordinance is passed as written, fees can be charged for the various permits while the Ordinance including a fee for the designation for a landmark is in process. Upon the question being called by Mr. Reppert, a roll call vote resulted in six ayes in favor of the motion with Mrs. Lienesch voting no.

ORDINANCE NUMBER 13-98 ADOPTION OF OHIO BASIC BUILDING CODE

The Public Hearing was held concerning Ordinance Number 13-98. Mr. Weaver reviewed this proposed Ordinance to adopt the current edition of the Ohio Basic Building Code and the Ohio Basic Mechanical Code. These codes have routinely been adopted by City Council every two years. The passage of this Ordinance with the word "current" being added precludes the requirement that the codes be adopted every two years. This Ordinance will keep the City's code current with other surrounding areas, as well as the Ohio Basic Building Code and the Ohio Mechanical Code. Mrs. Lienesch questioned if this Ordinance includes compliance with the federal code. Mr. Weaver advised that there are no federal building regulations. Mrs. Lienesch brought attention to the fact that Council in 1997 affirmed the recommendations of the Aircraft Noise Task Force; one of the long term recommendations was to lobby the state or change the basic building code to be in compliance with federal mandates on construction under known flight paths or building, to noise abatement standards. She questioned whether this would be an appropriate time for a relook to establish the wording in the basic building code that would build the homes under the flight paths to noise abatement standards. Mr. Weaver pointed out that the majority of residential structures in the City of Centerville are constructed under the CABO code. He advised that he has received substantial information that will be pertinent to the determination of Council whether to pursue additional building requirements. At this time, no other Municipality has adopted such regulations; they are draft guidelines. There is substantial information in these documents that will affect the cost of housing in the City of Centerville and in other aircraft areas. Information will be forthcoming to Council relative to potential impact in the City of Centerville. In answer to a question of Mrs. Lienesch, Mr. Weaver advised that he is not ready at this time to make a recommendation concerning this matter. Mrs. Lienesch asked to be kept informed to meet the October 1998 mandate set if construction takes place after that date. Mr. Kingseed sponsored 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, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 14-98 SOFT ROCK CAFÉ LIQUOR PERMIT APPEAL

Mr. Horn reviewed a proposed Resolution to object to the transfer of a D5 and D6 liquor permit from Emma Jean Thomas DBA Gaslight Lounge to Soft Rock Café, DBA Soft Rock Café, 877 East Franklin Street, and to request a hearing by the Ohio Division of Liquor Control; said

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hearing to be held in Montgomery County. A background investigation by the Centerville Police Department has determined that an objection and hearing is appropriate. Mr. Kingseed sponsored Resolution Number 14-98, A Resolution Objecting To The Transfer Of D5 And D6 Liquor Permits From Emma Jean Thomas DBA Gaslight Lounge, 877 East Franklin Street, Centerville, Ohio To Soft Rock Café, Inc. DBA Soft Rock Café; Stating The Reasons Therefore And Requesting A Hearing, and moved that it be passed. Mr. Smith seconded the motion. The motion passed by unanimous vote of City Council.

**RESOLUTION NUMBER 15-98 AGREEMENT WITH MONTGOMERY COUNTY
STREET CUT REPAIRS**

Mr. Weaver reviewed a proposed Resolution to provide for an Agreement with Montgomery County which authorizes the City of Centerville to patch and make repairs to roadways in the City; cuts necessitated by normal County water main breaks and sewer maintenance. The County will reimburse the City for the actual cost of the repair plus ten percent. Mr. Singer sponsored Resolution Number 15-98, A Resolution Authorizing the City Manager To Enter Into An Agreement Between The City Of Centerville And The Board Of County Commissioners Of Montgomery County For Permanent Repair Of Roadways Necessitated By Water And Sewer Repairs, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 16-98 STREET RESURFACING PROGRAM

Mr. Horn reviewed the following bids received for the 1998 concrete repair and asphalt resurfacing road improvement project for the City of Centerville:

S. E. Johnson Companies, Inc.	\$599,070.00 virgin asphalt
L. P. Cavett Company	599,931.50 virgin asphalt
John R. Jurgensen Company	637,599.77 virgin asphalt
Barrett Paving Materials, Inc.	667,005.75 virgin asphalt

The City's cost estimate in the budget was \$600,000.00 for this project. Mr. Weaver recommended acceptance of the low and best bid submitted by S. E. Johnson Companies, Inc. The project includes repair and replacement of concrete panels, asphalt overlay on some of the concrete streets, and asphalt resurfacing. Mrs. Lienesch questioned the amount of concrete work included in this program from a policy standpoint; the policy of repairing concrete streets with asphalt overlay. Mr. Weaver advised that this is consistent with the application to concrete streets in other areas of the City. He outlined the many repairs and improvements that are included in the City's street improvement program. Upon question of Mr. Singer, Mr. Horn advised that the Resolution being considered includes authorization for the expenditure of up to \$600,000.00 in accordance with unit prices in order to provide for additional work and contingency items. If additional money is necessary, the matter will be brought before Council for consideration. Mr. Singer sponsored Resolution Number 16-98, A Resolution Accepting The Bid Submitted By S. E. Johnson Companies, Inc. For The 1998 Concrete Repair And Asphalt Resurfacing Road Improvement 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. Mr. Smith seconded the motion. The motion passed by unanimous vote of City Council.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held April 20, 1998, continued19

CENTERVILLE ARTS COMMISSION REAPPOINT STEVIE ANN HARDYAL

Mr. Kingseed moved that Stevie Ann Hardyal be reappointed as a member of the Centerville Arts Commission. Mr. Reppert seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION REAPPOINT DEBBIE BORGER

Mr. Stone moved that Debbie Borger be reappointed as a member of the City Beautiful Commission for the City of Centerville. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE CITY SCHOOL PERSONNEL APPEALS BOARD REAPPOINT NORMAN YOUNG

Mrs. Lienesch moved that Norman Young be reappointed as a member of the Centerville City School Personnel Appeals Board. Mr. Stone seconded the motion. The motion passed by unanimous vote.

CITY PLANNING COMMISSION APPOINT JAMES DURHAM CHAIRMAN

Mr. Reppert moved that James Durham be appointed to fill the unexpired term of Scot Stone as Chairman of the City Planning Commission. Mr. Stone seconded the motion. The motion passed unanimously.

Mr. Reppert moved that Mr. Durham be directed to cause an election for a Vice Chairman within the membership of the Planning Commission. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

With election day May 5, Mrs. Lienesch reminded voters that issue 26 which is the fire levy, operating and maintenance renewal, and issue 27 which is the recreation center renewal - no added dollars; they are vital services that are utilized in both communities - a good way to keep dollars here along with issue 3. Mayor Beals pointed out the fact that these issues are not sponsored by the City of Centerville; they are not endorsed by the Council as a whole but only by Mrs. Lienesch.

There being no further business, the meeting was adjourned.

Approved: _____

Sally D. Beals
Mayor