

RECORD OF PROCEEDINGS

Minutes of COUNCIL MEETING

Meeting

Held June 15, 1998

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 15, 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:

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
 Public Works Director Steve Weaver
 Finance Director William Bettcher
 City Planner Steve Feverston
 Assistant to the City Manager Kelly Fackel
 Municipal Attorney Robert Farquhar

Mayor Beals advised that Deputy-Mayor James Singer would not be present for this meeting. Mr. Reppert moved that Mr. Singer be excused from this meeting. Mr. Smith seconded the motion. The motion passed unanimously.

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

Council Meetings -	May 18, 1998.
	June 8, 1998.
Council Work Session Meetings -	May 18, 1998.
	June 1, 1998.
	June 8, 1998.
Joint City/Township Retreat-	April 13, 1998.
Council Retreat-	April 27, 1998.

Mr. Stone moved that the minutes of the foregoing meetings be approved, as distributed. Mr. Smith seconded the motion. The motion passed by unanimous vote, however, Mrs. Lienesch abstained from the minutes of the Council Meeting held June 8, 1998.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Planning Commission Member Arthur Foland. Mrs. Lienesch moved that the resignation of Arthur Foland as a member of the Planning Commission be accepted, with regret. Mr. Kingseed seconded the motion. The motion passed unanimously.

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

Minnie Fels Johnson, Executive Director for the Regional Transit Authority, was present at this meeting to review for Council transportation achievements made in 1997, service highlights for the City of Centerville during 1997, and regional hub network objectives. She shared pictures

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of the southern hub located on Lyons Road in Washington Township. Mayor Beals thanked Ms. Johnson for adding to Route 14 the Dial-A-Ride service to provide bus service on Loop Road and to the Cross Pointe Centre.

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

A Proclamation was issued designating June 7, 1998 as Dayton's Celebration of Cancer Survival in the City of Centerville.

On May 21, 1998 a new branch of Liberty Bank opened in the City of Centerville.

May 26-29, 1998 DARE graduations were held at the following schools: Cline Elementary, Incarnation, Spring Valley Academy, and Stingley Elementary.

La Pinata, an authentic Mexican Restaurant, opened in the Centerville Place Shopping Center on June 4, 1998.

The Garden Fest sponsored by Friends of Benham's Grove was held June 12-13, 1998 at Benham's Grove.

June 19-23, 1998 Mayor Beals will be attending the U.S. Conference of Mayors in Reno, Nevada.

The 4th of July Americana Festival Concert will be held on July 3, 1998 at the Leonard E. Stubbs Memorial Park.

Visitors from Centerville's Sister City Waterloo, Ontario will arrive on July 2 and depart on July 5, 1998.

A reception will be held on July 3, 1998 at the Gallery at Yankee Trace in honor of the Grand Marshals David and Doris Ponitz for the Americana Festival Parade.

On July 8, 1998 a delegation from Centerville will travel to Centerville's Sister City Bad Zwischenahn in Germany.

Mayor Beals congratulated Councilmember J. V. Stone and his wife Elenora on their 50 years of wedded bliss.

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

The case filed by Nevin E. Elliott against the City of Centerville in Common Pleas Court involving the placement of vinyl siding on the exterior of the building located at 60 South Main Street has been reset for evidentiary hearing on July 30, 1998.

The hearing involving the transfer of a liquor permit for the Soft Rock Café, 877 East Franklin Street, has been set for July 1, 1998 at 9:30 A.M. in the Montgomery County Administration Building, 7th floor conference room. Members of City Staff will make a presentation on behalf of the City of Centerville.

The Garden Fest sponsored by Friends of Benham's Grove was an outstanding event. Mr. Horn congratulated all those who assisted in this event.

The City's street resurfacing program is progressing well, completion should occur prior to the opening of school in later summer.

The City has requested proposals for design engineering for the Alexandersville-Bellbrook Road widening project. This is the first phase for that area from Loop Road east to Old Greenbrier Lane.

An old fashion pig roast will be held at Yankee Trace on Sunday, June 28, 1998. The pig roast will begin at 4:00 P.M., the cost is \$9.95.

"Jazz on the Green" will begin Wednesday, July 8, 1998 on the patio adjacent to The Gallery at Yankee Trace from 7:00 P.M. to 9:30P.M.

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1999 TAX BUDGET

The Public Hearing was held concerning the City's 1999 Tax Budget for submission to the Montgomery County Auditor. Mr. Bettcher reviewed this Tax Budget which must be submitted to the County Auditor by July 15, 1998. The estimated total revenue for the City of Centerville for the year 1999 is \$19,800,000. Mr. Bettcher pointed out the fact that the City's inside tax millage is at the bare minimum of 2.35 mils which generates approximately \$1,000,000 in property tax, the lowest millage since 1977. Mr. Stone moved that the 1999 Tax Budget for the City of Centerville for submission to the Montgomery County Auditor be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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

The Public Hearing was held concerning the City initiated rezoning for 32.566 acres of land owned by Dennis Hoertt located west of Paragon Road and east of Yankee Trace, Section Thirteen. Proposed is a change in zoning from Washington Township Agriculture to Centerville R-1c, Single-Family Residential. Mr. Feverston located the subject property on a map and identified adjacent land uses and zone classifications. He outlined the uses which are permitted under the R-1c zone classification. The proposed zoning is consistent with the City's comprehensive plan and with surrounding properties. The Planning Commission, by a vote of 6-0, recommended approval of this rezoning to City Council. Mr. Reppert sponsored 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 Centerville R-1c, Single-Family Residential Zone Classification, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

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

The Public Hearing was held concerning the City initiated rezoning for 4.273 acres of land owned by Joseph V. DeSaro and Mary F. DeSaro located on the south side of Spring Valley Road, west of Paragon Road. Proposed is a change in zoning from Washington Township Special Use to Centerville O-S, Office-Service. Mr. Feverston located the subject property on a map and identified adjacent land uses and zone classifications. He listed uses permitted under Washington Township Special Use zone classification and uses permitted under Office-Service. The Planning Commission, recognizing the Office-Service zone classification as the best transition with adjacent land uses, recommended approval of this rezoning to City Council, by a vote of 6-0. Upon question of Mayor Beals, Mr. Feverston identified the realignment for Spring Valley Road west to Yankee Street. Mr. Stone sponsored 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 Agriculture Special Use Classification To Centerville O-S, Office-Service Classification, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 15-98 ZONING ORDINANCE AMENDMENT TEXT VARIANCES

The Public Hearing was held concerning Ordinance Number 15-98. Mr. Feverston reviewed this proposed Ordinance to modify the Variance section of the Centerville Zoning Ordinance to exclude the fact that an applicant for Variance must prove an unnecessary hardship. The Ohio Supreme Court has held that an applicant need only to show practical difficulties and not establish unnecessary hardship. Mr. Smith sponsored Ordinance Number 15-98, An Ordinance Amending Section 32, Variance, Of 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 by a vote of five to one with Mr. Stone voting no.

ORDINANCE NUMBER 17-98 ZONING ORDINANCE AMENDMENT LIFESTYLE COMMUNITY

The Public Hearing was held concerning Ordinance Number 17-98. Mr. Feverston reviewed this proposed Ordinance which amends the single family residential section of the Zoning Ordinance. He explained how it provides for a lifestyle cluster community with a central focus. Such development must consist of at least 200 acres and developed at a density not to exceed two dwelling units per acre. Mr. Feverston listed some of the permitted uses in a Lifestyle Community, uses which are not ordinarily permitted in a single family residential zone classification. An overall master plan for the total Lifestyle Community must be approved by the City including all uses incorporated on the plan. Mr. Feverston advised that the Planning Commission recommended approval of this Ordinance to City Council with two modifications:

1. The deletion of the following under Section 1, Subsection D.2e:
 4. The minimum lot width for any individual lot shall be 60 feet.
 5. The minimum front yard building setback for any individual lot shall be 25 feet.
 6. The minimum side yard building setback for any individual lot shall be 5 feet.
 7. The minimum rear yard building setback for any individual lot shall be 20 feet.
2. Change the wording in Subsection 10 to read as follows:
 10. The percent of detached housing units shall at no time during the construction of the Lifestyle Community be less than 60% of all housing units constructed or under construction..

Mr. Feverston outlined additional changes to the proposed Ordinance recommended by City Council:

1. Change the word "farmettes" to "small farms".
2. Include the use of vinyl as a permitted material for fencing at entryways.
3. Change Subsection 10 to read as follows:

The percentage of detached housing units shall at no time during the construction of the Lifestyle Community be less than 50% of all platted, single-family lots and unplatted housing units constructed or under construction.

Mr. Horn brought attention to three important issues contained in this Ordinance:

The development must consist of at least 200 acres.

The maximum density allowed is 2 units per acre.

In R-1c zoning, in order to be classified as a Lifestyle Community, the developer would

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have to agree that at least 65% of the units would be detached.

Upon question of Mack VanAllen, 220 Kimbary Drive, Mr. Horn explained how the cluster configuration fits into R-1c residential zoning, Lifestyle Community.

James Sullivan, Vice President and Treasurer of Yankee Trace Development, Inc., the developer of the residential pods in and around The Golf Club at Yankee Trace, offered their support for the proposed Ordinance. They see it as a very progressive Ordinance which provides the game plan and framework to develop the remainder of the land at Yankee Trace affording them the flexibility to consider products according to the Market Place at a particular time.

Mayor Beals identified the proposed Ordinance as very creative legislation to provide for unique development situations.

Upon question of Mr. Stone, Mr. Feverston explained the difference between the ratio of no less than 65% of the total number of detached dwelling units after final completion and the ratio of not less than 50% of detached housing during construction.

Mr. Farquhar advised that, in accordance with Centerville Charter provisions, the changes to the Ordinance previously discussed are minor technical changes and therefore an additional Public Hearing is not required.

Mr. Reppert moved that Ordinance Number 17-98 be amended as recommended by the Planning Commission and City Council. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mr. Kingseed sponsored 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 Zoning District, and moved that it be passed as amended. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 18-98 JOINT VENTURE ADVERTISING IMAGE CAMPAIGN

Mr. Horn reviewed a proposed Agreement between the City of Centerville, Washington Township and the Centerville City Schools to engage the services of Joint Venture Advertising to prepare for the total community a marketing and image campaign. The total cost of this campaign for the City of Centerville will not exceed \$50,000.00. Produced will be a video campaign and a marketing brochure to inform people relocating to the area the community's many amenities, services and excellent facilities. This will also be available to Realtors doing business in Centerville and Washington Township. Mr. Stone sponsored Resolution Number 18-98, A Resolution Authorizing The City Manager To Enter Into An Agreement With The Centerville City School District Board of Education, And The Washington Township Board Of Trustees To Engage The Services Of Joint Venture Advertising And Communications, Inc. For The Development Of A Marketing And Image Campaign, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 19-98 SUPPORT FOR 892 STUDY

Mayor Beals advised that Miami Valley Regional Planning Commission has been debating whether to conduct a study to determine the feasibility of creating a connector from I-675 to I-70 west of Dayton. Development which is occurring has necessitated the consideration for such a study so that the necessary corridor can be preserved. The highway itself would not be constructed for perhaps thirty years. Upon question of Mr. Kingseed, Mayor Beals advised that

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the cost for the study will be borne by the MVRPC. Mr. Smith sponsored Resolution Number 19-98, A Resolution Of Support For The Proposed State Route 892, Which Is Currently Being Studied As A Four-Lane Divided Highway Serving As An I-75/I-70 Connector Through Western Montgomery County, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by a vote of five, with Mrs. Lienesch voting no.

COUNCIL POLICY MEMO 98-1 USE OF AUDIO, VIDEO, VISUAL EQUIPMENT

Mayor Beals advised that a Council Policy has been prepared to control the use of video or audio recordings as testimony during meetings of City Council. Mr. Reppert moved that Council Policy Memo 98-1, Testimony at Public Hearings Before Council, Use of Audio, Video, Visual Equipment, Limited Use at Meetings of Council, be approved. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

CITY BEAUTIFUL COMMISSION APPOINT CAROL JEAN HENSLEY

Mrs. Lienesch moved that Carol Jean Hensley be appointed as a member of the City Beautiful Commission. Mr. Reppert seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION REAPPOINTMENTS
CARLA BLEIL, ANITA LOOPER, MARY BOLTON, CHAIRMAN MARY ANN GASIOR

Mr. Reppert moved that Carla Bleil, Anita Looper and Mary Bolton be reappointed as members of the Centerville Arts Commission and Mary Ann Gasior for an additional year as Chairman. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE HISTORICAL COMMISSION
REAPPOINT BETTY ANN PERKINS CHAIRMAN

Mr. Kingseed moved that Betty Ann Perkins be reappointed as Chairman of the Centerville Historical Commission for an additional year. Mrs. Lienesch seconded the motion. The motion passed unanimously.

CITY PLANNING COMMISSION APPOINT DOUGLAS CLINE

Mrs. Lienesch moved that Douglas Cline be appointed to fill the unexpired term of Arthur Foland as a member of the City Planning Commission. Mr. Reppert seconded the motion. The motion passed by unanimous vote.

There being no further business the meeting was adjourned.

Approved: Sally D. Beals
Mayor

ATTEST:
Wanda M. Daughel
Clerk of Council