

# RECORD OF PROCEEDINGS

Minutes of *COUNCIL MEETING*

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held September 21, 1998

19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 21, 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 led by Boy Scout Troop 516, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer  
 Councilmembers      George Smith  
                                  Susan Lienesch  
                                  James Reppert  
                                  C. Mark Kingseed  
                                  J. V. Stone  
 Clerk of Council Marilyn McLaughlin  
 Assistant Clerk of Council Peggy Whisman  
 City Manager Gregory Horn  
 Assistant City Manager Judith Gilleland  
 Public Works Director Steve Weaver  
 City Engineer Norbert Hoffman  
 Chief of Police Steve Walker  
 City Planner Steve Feverston  
 Municipal Attorney Robert Farquhar  
 Assistant to the City Manager Kelly Fackel

Boy Scouts in Troop 516 introduced themselves to the audience.

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

Council Meeting - August 17, 1998.

Council Work Session Meetings - August 17, 1998.

August 24, 1998.

September 14, 1998.

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

Mayor Beals administered the Oath of Office to City Beautiful Commission member Thomas Miske and to Centerville Arts Commission member John Malas.

Kent Bristol, Executive Director of the Miami Valley Cable Council, outlined the excellent relationship which exists between the Cable Council, Centerville Officials and City Staff. He presented to Mayor Beals an Award of Merit for the Cable TV program "Centerville Reports". Mayor Beals presented this award to Centerville's Community Resources Coordinator Maureen Russell-Hodgson. Mrs. Hodgson listed the players who participate in this program and thanked them for their expertise.

Mark Kellam, Centerville-Bellbrook Times Editor, presented to Mayor Beals an Award of Merit for the Centerville employee's newsletter "Inside Edition". Mayor Beals presented this award to Mrs. Hodgson who in turn thanked the members of the contributing City Staff.

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Mayor Beals presented to Police Chief Steve Walker a check in the amount of \$225.00 which she received while bowling for her favorite charity during the U.S. Conference of Mayors held in Reno, Nevada in June of this year. This check was endorsed to be placed in the John Kalamian Scholarship Fund.

Following introductions by Chief Walker, Mayor Beals administered the Oath of Office to Records Communications Specialist Barbara Volpe and to Police Officer Matthew Brown.

Chief Walker outlined the hard work which recently took place in the Centerville Police Department to receive re-accreditation for the third time.

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

Flu shots will be given in the Centerville Council Chambers on Tuesday, October 20, 1998 between 2:00 P.M. and 3:45 P.M.

Proclamations were issued declaring September 21-26, 1998 as Law Abuse Awareness Week; September 17-23, 1998 as Constitution Week; and September 14-18, 1998 as National Payroll Week in the City of Centerville.

A Bob Ross Mercedes Memorial Golf Tournament was held at Yankee Trace on August 17, 1998. The winners of this tournament will compete in a Pro-Am tournament at Papalua, Maui in January, 1999.

The City and Washington Township have joined together to develop a Joint Land Use/Comprehensive Plan for which a Task Force has been formed. Representing the City as members of the Task Force are Councilmember George Smith, Planning Commission Member James Durham and City Planner Steve Feverston.

The John P. Kalamian Memorial Golf Tournament will be held at The Golf Club at Yankee Trace on October 5, 1998. This will be the first fund placed in the Centerville-Washington Foundation.

#### JOINT LAND USE/COMPREHENSIVE PLAN TASK FORCE

Mr. Kingseed moved that Councilmember George Smith, Planning Commission Member James Durham and City Planner Steve Feverston be appointed to the Task Force for the development of a Joint Land Use/Comprehensive Plan. Mr. Reppert seconded the motion. The motion passed unanimously.

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

He congratulated the Police Department on Re-accreditation and City Staff responsible for the publications Centerville Reports and Inside Edition.

Beggars Night will be held on Saturday, October 31, 1998 between the hours of 6:00 P.M. and 8:00 P.M. in both Centerville and Washington Township.

The summer resurfacing program in the City of Centerville is complete except for some minor concrete curb replacements. Mr. Horn thanked residents for their patience.

The construction of a sculpture in the Leonard E. Stubbs Memorial Park is progressing well.

Sunday Brunch continues to be held in the Gallery at Yankee Trace between the hours of 10:00 A.M. and 2:00 P.M.

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In house preparation continues for the 1999 Budget for the City of Centerville.

On September 28, 1998, a Special Council Meeting will be held for the consideration of legislation to begin Yankee Trace Special Assessment Financing, Phase III.

Mr. Weaver announced the beginning of the leaf collection service for residents in the City of Centerville scheduled for October 12, 1998. However, due to the early shedding of leaves, the service will begin not later than October 5 in particularly heavy areas in the City. Every section of the City will be served four times during the season.

Miss Gilleland reviewed the September and October schedule of events to take place in the Centerville-Washington Township community.

### ORDINANCE NUMBER 23-98 CENTERVILLE HISTORICAL COMMISSION CHANGE NAME AND EXPAND MEMBERSHIP

The Public Hearing was held concerning Ordinance Number 23-98. Mr. Horn reviewed this proposed Ordinance to change the name of the Centerville Historical Commission to the Centerville Washington Township Historical Commission and to expand its membership to include Washington Township residents. Passage of this legislation will provide for joint funding and joint participation, a matter discussed during a previous Joint City/Township Retreat.

Betty Ann Perkins, Chairman of the Centerville Historical Commission, offered her endorsement for the passage of this legislation.

Robert Daley, President of the Centerville Washington Township Historical Society Board of Directors, also endorsed passage of the legislation and distributed to Council the Society's Long Range Plan, 1998/99 - 2003/04. He outlined the many activities which currently exist and activities proposed by the Society.

Mr. Reppert sponsored Ordinance Number 23-98, An Ordinance Amending Sections 270.01 and 270.02 Of The Centerville Municipal Code By Expanding The Purpose And Membership Of The Centerville Historical Commission And Changing Its Name, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

Mack VanAllen, 220 Kimbary Drive, was present at this meeting to ask questions relative to the Aircraft Noise Task Force Committee appointed by the City and Washington Township, issues discussed during the last meeting of the Committee in June of this year.

Mr. Horn advised that the general survey relative to services which included aircraft noise information was a survey conducted by Washington Township. Mrs. Lienesch advised that a letter relative to interpretation from the company that conducted the survey has been received, but to her knowledge, has not been forwarded to the FAA.

Mrs. Lienesch advised that a response has not been received from Maureen Wood, Federal Aviation Agency, relative to commitments made at a February meeting of the Task Force.

Mr. Horn advised that he has not received information concerning a potential increase in air flights. He announced a meeting of the Miami Valley Regional Planning Commission, Transportation Sub-committee scheduled for Thursday, September 24, 1998 to begin at 9:00 A.M.

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Mrs. Lienesch advised that the local aircraft noise Task Force has not met recently due to the fact that the issue is being discussed at a regional level.

#### RETS TECHNICAL CENTER MINOR AMENDMENT

Mr. Feverston reviewed the previously approved Major Use Special Approval Application for the construction of the Rets Technical Center at the northeast corner of Alexandersville-Bellbrook Road and Loop Road, and the request for a minor amendment to this plan from Wenco, Inc. The current plan includes an access onto Loop Road approximately 30 feet south of an already existing access into the Alex-Bell Veterinary Clinic. Being considered at this time is an agreement between the Veterinary Clinic and Rets Tech Center for a joint single access point onto Loop Road. From a traffic operation stand point, Mr. Feverston identified this proposal as a much preferred and safer approach. Mrs. Lienesch expressed concern with the crossover of traffic into the Veterinary Clinic from this joint access. Mr. Stone moved that the minor amendment to the previously approved Major Use Special Approval Application for Rets Technical Center to provide a joint single access point onto Loop Road from the Tech Center and the Veterinary Clinic be approved. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Lienesch and Mr. Smith voted no.

#### ORDINANCE NUMBER 24-98 PROPERTY MAINTENANCE

Ms. Fackel reviewed a proposed amendment to the property maintenance section of the Centerville Municipal Code to streamline procedures, to give the Code Enforcement Official more leeway to enforce the code and sight violators, to shorten the time for dealing with violations, and to refine the appeal process. Mr. Singer moved that Ordinance Number 24-98, An Ordinance Amending Chapter 1482 Of The Centerville Municipal Code By Changing The Procedure For Violations, be set for Public Hearing on October 19, 1998. Mr. Reppert seconded the motion. The motion passed unanimously.

#### ORDINANCE NUMBER 25-98 DEFINE RECREATIONAL FIRE

Mr. Horn reviewed a recommendation from Fire Chief Ken Parks that the following change be made to Section F-403.2 of the Centerville Fire Code:

Recreational fire: An outdoor fire utilized to cook food for human consumption fueled by seasoned dry firewood, propane, charcoal or other fuel designed for cooking, being used in an appliance or similar device designed for cooking, such as a grill or fire ring, and must be no larger than 3 feet by 3 feet in size.

The drafting of this Ordinance is a result of a complaint filed by a resident against open burning in a residential area. Mrs. Lienesch moved that Ordinance Number 25-98, An Ordinance Amending Section F-403.2 Definitions Of The Centerville Fire Code (Also Known As The Southwest Ohio Fire Safety Council 1994 Uniform Fire Code) By Changing The Definition Of Recreational Fire, be set for Public Hearing on October 19, 1998. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

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Held September 21, 1998, continued19**RESOLUTION NUMBER 31-98 KALAMAN GOLF TOURNAMENT SUPPORT**

Mr. Horn reviewed a proposed Resolution in support of the John P. Kalaman Memorial Golf Tournament to be held at The Golf Club at Yankee Trace. Staff members of the Centerville Police Department and the golf course have been very involved in the plans and arrangements for this tournament. Mr. Kingseed sponsored Resolution Number 31-98, A Resolution Supporting The John P. Kalaman Memorial Golf Tournament And Encouraging And Authorizing Employees Of The City To Participate In Assuring Its Success, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

**RESOLUTION NUMBER 32-98 CERTIFYING TAX RATES**

Mr. Horn reviewed a proposed Resolution to accept the tax rate inside the 10 mill limit for the City of Centerville in the amount of 2.35 mills. Mayor Beals explained how the 10 mill inside the limitation is divided between four entities. Mr. Reppert sponsored Resolution Number 32-98, A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mr. Smith seconded the motion. The motion passed by unanimous vote of City Council.

**RESOLUTION NUMBER 33-98 EXTEND COMMUNITY REINVESTMENT AREA**

Mr. Horn reviewed a proposed Resolution to expand the boundaries of the Community Reinvestment Area to the present corporate boundaries of the City of Centerville. In 1980 a Community Reinvestment Area was designated with boundaries the same as the Architectural Preservation District to provide for tax abatement for the restoration of historic structures. In 1991 a Landmark Preservation Ordinance was passed to provide reinvestment status for structures outside the Architectural Preservation District that were worthy of restoration. The passage of this legislation provides for community reinvestment for historic structures anywhere within the current corporate limits of the City of Centerville, making tax abatement a possibility. Mr. Stone sponsored Resolution Number 33-98, A Resolution Amending Resolution No. 57-80 and No. 14-91, A Resolution Making Findings And Determinations As Permitted In Sections 3735.65 To 3735.70 Of The Ohio Revised Code, Establishing And Describing The Boundaries Of A "Community Reinvestment Area" And Designating A Housing Officer To Administer The Program, and moved that it be passed. Mr. Smith seconded the motion. The motion passed unanimously.

**RESOLUTION NUMBER 34-98 DECLARE SURPLUS PROPERTY**

Mr. Horn reviewed a proposed Resolution to declare City owned property no longer needed by the City as surplus property so that it can be sold at a joint entity auction on Saturday, September 26, 1998. Mr. Singer sponsored Resolution Number 34-98, 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. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

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## RESOLUTION NUMBER 35-98 PURCHASE ROCK SALT

Mr. Horn reviewed a proposed Resolution for the purchase of rock salt for the City of Centerville through the Southwest Ohio Purchasers for Government joint bidding program. The low bid for Centerville is \$27.20 per ton plus \$1.50 per ton to pile the salt in the City's salt bin. Mr. Horn advised that highway salt will be purchased on an as needed basis. Upon question of Mr. Singer, Mr. Weaver advised that the cost per ton is based upon delivery convenience and quantity to be purchased. Mr. Smith sponsored Resolution Number 35-98, A Resolution Accepting The Bid From Morton Salt, Inc. And Authorizing The City Manager To Enter Into An Agreement With Morton International, Inc. For The Purchase Of Highway Rock Salt For Snow And Ice Control For 1998/1999 For The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 36-98 ALEXANDERSVILLE-BELBROOK ROAD WIDENING

Mr. Horn reviewed a proposed Resolution to accept the proposal submitted by Worl & Associates for engineering services for the first phase of widening Alexandersville-Bellbrook Road from Loop Road to just west of Bigger Road. Mr. Weaver reviewed the pre-proposal meeting held with the consultants which resulted in the City receiving proposals from seven engineering firms. The selection process was based upon evaluation of the content of the proposal, recognition of problem areas, and the realization of timetables. Worl & Associates provided the insight the City was seeking. They performed the environmental survey for this project two years ago. Mr. Weaver recommended acceptance of the proposal submitted by Worl & Associates in the amount of \$281,500.00. Mr. Singer sponsored Resolution Number 36-98, A Resolution Authorizing And Directing The City Manager To Accept A Proposal Submitted By Worl & Associates For The Engineering Services For The Alexandersville-Bellbrook Road Widening, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously. Mr. Steve Worl expressed appreciation to City Council for the opportunity to participate in this project.

## RESOLUTION NUMBER 37-98 APD BRICK SIDEWALK EAST FRANKLIN STREET

Mr. Weaver reviewed the following two bids received for the construction of brick sidewalks along the north side of East Franklin Street from Main Street eastward and in front of the Centerville United Methodist Church:

L. J. DeWeese Company, Inc.	\$33,072.00
Neal Excavating Company, Inc.	39,233.68

Upon question of Mrs. Lienesch, Mr. Weaver explained the fact that this project includes the replacement and repair of new brick walk on existing concrete sidewalk; this is the second phase of the sidewalk project. The project also includes restoration of the tree lawn area that was disturbed by the installation of street lights. Mr. Kingseed sponsored Resolution Number 37-98, A Resolution Accepting The Bid Submitted By L. J. DeWeese Company, Inc. For The APD Brick Sidewalk Construction - East Franklin Street Part II For The City Of Centerville And Authorize The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by six ayes in favor of the motion, Mrs. Lienesch voted no.

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## RESOLUTION NUMBER 38-98 FINANCIAL CONTRIBUTION TO DOWNTOWN DAYTON PARTNERSHIP

Mayor Beals reviewed a request from the City of Kettering that the City of Centerville join with them in investing \$1.00 per Centerville resident to demonstrate unified support of the Riverscape Project in downtown Dayton; this investment to be made through the Downtown Dayton Partnership. Centerville's contribution to the Downtown Dayton Partnership will be used for capital improvements for an identifiable project as approved, in advance, by the Centerville City Council. Upon question of Mr. Smith, Mayor Beals advised that the City of Kettering's request for financial support for the Riverscape Project is a result of their belief that a vibrant downtown Dayton is essential to the economic health of the entire region. Mr. Stone sponsored Resolution Number 38-98, A Resolution To Approve A Financial Contribution To The Downtown Dayton Partnership For The Revitalization Of The Dayton Central Business District, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by six ayes in favor of the motion, Mr. Smith voted no.

There being no further business, the meeting was adjourned.

Approved: \_\_\_\_\_



Mayor

ATTEST:



Clerk of Council