

RECORD OF PROCEEDINGS

Minutes of **COUNCIL MEETING**

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held MAY 19, 1997

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 19, 1997, 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	C. Mark Kingseed
Councilmembers	Brooks Compton
	J.V. Stone
	James Singer
	Susan Lienesch
	James Reppert
Assistant Clerk of Council	Peggy Whisman
City Manager	Gregory Horn
Public Works Director	Steve Weaver
City Planner	Steve Feverston
Municipal Attorney	Robert Farquhar

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

Council Meeting - April 21, 1997.
Council Work Sessions
-April 21, 1997.
-April 28, 1997.
-May 5, 1997.
-May 12, 1997.

Joint City Council/Washington Township Trustees Meeting
-April 14, 1997.

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

Centerville High School teacher Jeri Neidhard, and students from the American Literature Class presented Council with a book that the class compiled on the history of historic victorian homes in the Architectural Preservation District.

Mayor Beals introduced Beatrice Fuentes, an exchange student with Centerville High School from Spain. Beatrice has been in the United States since August, 1996, and has become an Honorary Citizen of Centerville.

Mr. Kingseed moved that Richard L. Tompkins and Richard Pluckebaum be appointed as members of the Centerville City Planning Commission. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of Council.

Mayor Beals administered the Oath of Office to Centerville City Planning Commission Members Richard L. Tompkins and Richard Pluckebaum.

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Chief Stephen Walker was present at this meeting to present the 1996 Centerville Police Department Annual Report. Chief Walker introduced Lieutenant Dave Williams, the Commander of the Line Operations Division of the Department; Officer Donna Peacock, a 14 year veteran who in 1996 was appointed the D.A.R.E. officer for Centerville, and has recently been attending the Missouri Highway Patrol Academy for polygraph instruction. Officer Peacock was recently named Ohio Crime Prevention Practitioner of the Year by the Ohio Crime Prevention Association. Chief Walker also introduced Officer Matt Dunn, Crime Prevention Officer. Officer Dunn has organized D.A.R.E. day at a Cincinnati Reds ballgame this Sunday, May 25. Mayor Beals will be present to throw the first pitch.

The following information was outlined by Mayor Beals:

Three proclamations were issued this past month:

May 19-23 - Try Transit Week in Centerville.

June 1 - Stand for Healthy Children Day.

June 4 - National Flag Day.

April 24 - Arbor Day in Centerville. In coordination with the City Beautiful Commission, Centerville planted eleven oak trees along Wilmington Pike. Centerville has been named a Tree City USA for the 11th year in a row.

April 21 - Normandy United Methodist Church dedicated their new Sanctuary. Normandy has preserved the property and its history with its new addition.

April 29 - Youth in Government Day in Centerville. All departments participated in this event, which is coordinated by Centerville High School and paid for in conjunction with Washington Township.

May 4 - The Centerville Historical Society very successfully held its annual Victorian Tea at Benham's Grove.

May 18 - The dedication of "The Record" took place at the Centerville Library. "The Record" is a twenty-three foot sculpture commemorating the Centerville Washington Township Bicentennial.

May 18 - Mayor Beals attended the ribbon cutting for the opening of the New Lebanon Municipal Building.

D.A.R.E. graduations are being held this upcoming week for 5th graders in Centerville that participated in the 18 week D.A.R.E. class.

May 25 - D.A.R.E. Day at the Cincinnati Reds ballgame.

May 28 - Hazco Sources, Inc. Open House. Hazco is a new business to Centerville. They have built a new building on Centerville Business Parkway.

June 2 - Dayton Wheel will be conducting a tour for Centerville City Council. Dayton Wheel now occupies the former Union Camp facility.

June 3 - The Fransican at St. Leonard will be breaking ground on a new Alzheimers facility.

A special thanks to the members of the Fairhaven Church. Over 200 volunteers work diligently to clean the Centerville owned railroad right-of-way on April 26, 1997.

June 8 - The Arts Festival will take place from 11:00 a.m. - 7:00 p.m. at the

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Leonard E. Stubbs Memorial Park. At 7:00 p.m. there will be a concert with the five time International Champions, The Gem City Sweet Adelines. This begins the concert series at the park, with Theatre Under the Stars featuring Bye Bye Birdie and Hello Dolly. Concert dates and times are published in the Centerville Town Crier.

Mr. Horn announced the following in his City Manager's report:

Congratulations to Chief Walker and the Centerville Police Department for an outstanding video annual report, and a special thank you to Tony Berlin, Channel 7, for narrating the report, and to Carl Schumel, Miami Valley Cable Council, for producing the video.

Operation Clean Sweep was just completed in the City and was once again a huge success with 430 tons of surplus materials, odds and ends, etc., picked up by our Service Department.

The Police Facility Planning is underway with Horne & King Architects conducting a needs assessment study for the Police Department and for the Washington Township Fire Department's administrative offices. This conceptual study should be ready in approximately three months.

The East Franklin Street Widening and Reconstruction Program is proceeding with storm sewer installation, tree removal, etc., and actual street construction will begin when Centerville High School lets out for the summer.

The Golf Club at Yankee Trace had a very successful week end last week end with 225-250 golfers per day.

A reminder that the No Metal Spikes Policy will go into effect on June 1, 1997.

May 30th the Yankee Trace Residential Swim and Tennis Center will be opening.

The hiker biker pathway and the gas street lights are currently being installed along Yankee Street.

Request for Proposals have been sent out for the traffic study to be done on four (4) intersections in the City; Martha/SR48, Zengel/SR48, Elmwood/SR48, and Clio/Centerville Business Parkway. The study should take up to three months to complete.

Mrs. Lienesch had requested a legal opinion on the jurisdiction of a city over air noise. After some research, Mr. Horn reported that the Federal Legislative Authority has jurisdiction over air space, and preempts local jurisdictions.

NESTLE CREEK THREE, SECTION TWO

Mr. Feverston reported on the Planning Commission Meeting held on April 29, 1997. He reviewed the Record Plan for Nestle Creek Three, Section Two, located at the northeast corner of Alexandersville-Bellbrook Road and Bigger Road. This Record Plan is a replat of the original Nestle Creek Three Record Plan and involves 2.886 acres, and three lots (19, 20, 21). Proposed is the elimination of lot 20, reconfiguration of lot 19, and creating a lot line dividing lot 20 (the farm), from the outbuildings. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City

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Council subject to the following conditions:

1. Lots Number 23 and 24 shall be combined on the Record Plan into a single 2.61 acre lot.
2. A protective covenant shall be placed on this Record Plan that permits this 2.61 acre lot to be split one time and this split must be approved by the City of Centerville. The language of this covenant shall be subject to approval by the City Attorney.

Mr. Stone moved that the Record Plan for Nestle Creek Three, Section Two, be approved in accordance with the recommendations of the Planning Commission. Mr. Reppert seconded the motion. The motion passed unanimously.

YANKEE TRACE SECTION THREE, REPLAT

Mr. Feverston reviewed a Record Plan Replat for Yankee Trace, Section Three, property located west of Yankee Street and south of Silverlake Drive. Proposed is the adjustments of lot lines on five lots. The adjustment of lot lines is to accommodate the building of side entry garages. The Planning Commission, by unanimous vote, recommended approval of this Record Plan Replat subject to the following conditions:

1. Reserve Area AF shall be increased in area by .057 acres to equal the acreage of the original reserve area subject to approval by the City Planner.
2. All side and rear yard building setbacks for all lots affected by this replat shall be in accordance to the setback plan approved by the Planning Commission.

Mr. Kingseed moved that the Record Plan Replat for Yankee Trace, Section Three, be approved in accordance with the recommendations of the Planning Commission. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of Council.

YANKEE TRACE SECTION TWELVE

Mr. Feverston reported on the Planning Commission meeting held on May 13, 1997. He reviewed a Record Plan for Yankee Trace, Section Twelve, property situated east of Yankee Street and North of Charter Place, the extension of Yankee Trace Drive. The zoning of this 11.797 acre parcel is R-1c, Single Family Residential. Proposed is the division of this acreage into 16 lots and the extension of Yankee Trace Drive, the right-of-way only. The Planning Commission, by unanimous vote, recommended approval of Yankee Trace, Section Twelve Record Plan subject to the following conditions:

Planning Department:

1. The minimum building setback shall be in accordance to the Residential Cluster Development Plan approved by the Planning Commission.
2. A final grading plan shall be subject to approval by the City Engineer.
3. 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

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AE that provides vehicular access to Yankee Trace Drive from adjoining lands situated east of reserve area AE. The language of this covenant shall be subject to approval by the City Attorney.

4. In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer.

City Engineer:

1. Acceptable Subdivider's Agreements.
2. Performance Bond to assure the completion of the public improvements (grading, drainage, curbs, pavement, etc.) in the amount \$390,811.00 of which \$35,028.00 is for Hiker Biker Trail installation.
3. Inspection fee in the amount of \$940.00.

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

NOTE: The above conditions may be waived in lieu of SAF Phase Two being implemented.

Mr. Stone moved that the Record Plan for Yankee Trace, Section Twelve, be approved in accordance with the recommendations of the Planning Commission and the City Engineer. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

WRAPSODY LTD VARIANCE

Mr. Feverston reported on the Board of Architectural Review meeting held on May 6, 1997. He reviewed for City Council a Variance Application submitted by Wrapsody LTD, for a sign to be located twelve (12) feet into the right-of-way for the property located at 298 North Main Street in the Architectural Preservation District. After some research, City Staff found that the right-of-way on North Main Street in that location, in fact, bisects the deck that is located on the front of the property. The Board of Architectural Review, by unanimous vote, recommended to City Council that the Variance be granted or that the City vacate the right-of-way to a certain point behind the sidewalk so that a variance is not needed. City Staff feels they need more time to research this situation in order to find a permanent solution. Therefore, the Planning Department recommended approval of a temporary sign subject to the following conditions:

1. The sign shall be installed no later than July, 1997, and be displayed for a time not to exceed 90 days.
2. The sign shall be located a minimum of ten (10) feet behind the sidewalk and centered in front of the existing deck.
3. The sign shall conform to all other minimum requirements contained in the

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sign section of the Zoning Ordinance and all necessary approvals and permits must be received by the applicant.

Upon question of Mr. Reppert, Mr. Feverston indicated that if more than 90 days is needed by Staff to rectify this situation, an extension of the temporary sign will be granted. Mr. Reppert moved that the Variance be granted for a temporary sign subject to the conditions set forth by the Planning Department. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of Council.

LEISURE ENTERTAINMENT CORPORATION CONDITIONAL USE

The Public Hearing was held concerning the Conditional Use Application submitted by the Leisure Entertainment Corporation. Mr. Feverston located the property on the map, which is in the Cross Pointe Shopping Center, specifically at 175 East Alexandersville-Bellbrook Road. The zoning for the property is B-PD, Business Planned Development. Proposed is a commercial entertainment establishment that provides an indoor laser tag game and an ancillary use of up to fifteen (15) coin operated electronic games. The Planning Commission, by unanimous vote, recommended approval of the Conditional Use Application to City Council, subject to the following conditions:

1. The approval of this Conditional Use shall be limited to only those uses proposed by this Application. Specifically, this approval shall only permit a game room(s) for the indoor laser tag use and a game room for a maximum of fifteen (15) coin operated electronic games. Any expansion of this indoor commercial entertainment facility, as described in the Application, shall require a separate Conditional Use Application to be filed with the City and subject to approval by the City Council.
2. Any change in use that would create or add a new conditional use shall require a separate Conditional Use Application to be filed with the City and subject to approval by the City Council.
3. No sign shown on the plans shall be approved as a part of this application.

Mr. Patrick A. McEwen, Kimco Realty, was present at this meeting to answer any questions that Council may have of the landlord.

Ms. Valerie Hogan, Laser Quest, was present at this meeting to answer any questions that Council may have. Upon question of Council, Ms. Hogan explained that there are 150 of these types of establishments across the country, the closest to Centerville being in Akron, Ohio, and soon one is opening in Canton, Ohio. Laser Quest focuses on family entertainment and offers birthday parties, group businesses, youth groups, corporate businesses, etc. Party rooms and memberships are available.

Mrs. Lienesch moved that the Conditional Use Application for Leisure Entertainment Corporation, be approved in accordance with the recommendations of the Planning Commission. Mr. Compton seconded the motion. The motion passed unanimously.

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ORDINANCE NUMBER 6-97 LANDMARK STATUS FOR 9505 YANKEE STREET

Mr. Singer moved that Ordinance Number 6-97, An Ordinance To Designate The Building Addressed As 9505 Yankee Street And Known By Local Historians As The Asher Tibbals House, As a Landmark Within The City Of Centerville, Ohio, And Amending Ordinance No. 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, Alteration, Development, Construction, Or Demolition Of A Designated Landmark, be set for Public Hearing on June 16, 1997. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 5-97 DESIGNATE NEWSPAPER GENERAL CIRCULATION

The Public Hearing was held concerning Ordinance Number 5-97. Mr. Horn reviewed this proposed Ordinance which gives the City greater flexibility in publishing notices in the Centerville-Bellbrook Times, particularly in bidding situations. Mr. Horn further explained that because we are a home rule community we do have the right to designate the Wednesday publication for our notices even though there is no charge for this edition of the newspaper. Mr. Singer sponsored Ordinance Number 5-97, An Ordinance Establishing A Procedure For Competitive Bidding For Public Contracts By Designating The Wednesday Edition Of The Centerville-Bellbrook Times As A Newspaper Of General Circulation, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed unanimously.

TAX BUDGET 1998

Mr. Horn advised that the Tax Budget for the City of Centerville for the year 1998 to be submitted to the Montgomery County Auditor requires a Public Hearing. Mr. Singer moved that the City of Centerville Tax Budget for 1998 for submission to the Auditor of Montgomery County, be set for Public Hearing on June 16, 1997. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 7-97 GOLF COURSE RULES AND REGULATIONS

Mr. Horn reviewed this proposed ordinance to amend the Golf Course Rules & Regulations by adding the No Metal Spikes Policy that will go into effect on June 1, 1997. The Golf Club At Yankee Trace is the first public course to adopt this policy. Mr. Horn explained that it will preserve the golf greens, golf cars, golf paths, etc. Mr. Kingseed sponsored Ordinance Number 7-97, An Emergency Ordinance Amending

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Ordinance Number 22-96, An Ordinance To Adopt Rules And Regulations For The Golf Club At Yankee Trace, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 8-97 GOLF COURSE RULES AND REGULATIONS

Mr. Stone moved that Ordinance Number 8-97, An Ordinance Amending Ordinance Number 22-96, An Ordinance To Adopt Rules And Regulations For The Golf Club At Yankee Trace, be set for Public Hearing on June 16, 1997. Mr. Reppert seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 37-97 CONTRIBUTION TO THE CENTERVILLE COMMUNITY IMPROVEMENT CORPORATION

Mr. Horn advised that this contribution made to the Centerville Community Improvement Corporation would provide funds as an incentive to the renovation of certain structures in the APD. This would provide for low or no interest loans to those interested parties. Passing this Resolution is transferring the funds to the CCIC, however, Council, as the CCIC body, will still mandate how the funds are used. Mr. Reppert sponsored Resolution Number 37-97, A Resolution Authorizing And Directing That A Contribution Of Fifty Thousand Dollars (\$50,000.00) Be Made By The City Of Centerville To The Centerville Community Improvement Corporation To Be Used For Promoting Economic Development Within The City, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 38-97 AGREEMENT WITH HORNE & KING ARCHITECTS

Mr. Horn explained that the City has engaged the services of Horne & King Architects to conduct a Police Needs Assessment and Facilities Study. Currently the Firm has only been authorized for up to \$10,000.00. This proposed Resolution would authorize the firm for up to \$16,000.00, with \$14,000.00 being the City's portion and \$2,500.00 from Washington Township. The Firm will assess our building needs and suggest locations for a Police Facility that may accommodate some administrative offices for the Washington Township Fire Department. Mr. Reppert sponsored Resolution Number 38-97, A Resolution Authorizing The City Manager To Execute An Agreement With Horne And King Architects To Conduct A Needs Assessment And Facilities Study For The City Of Centerville, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

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RESOLUTION NUMBER 39-97 PURCHASE ONE TRAILER MOUNTED VACUUM LEAF LOADER

Mr. Horn advised that \$17,000.00 was budgeted in 1997 for the purchase of a vacuum leaf loader. One bid was received in the amount of \$13,740.00. Mr. Weaver stated that he questioned other communities who had purchased the same equipment from the same company and found that this is a fair and comparable price. Upon question of Mayor Beals, Mr. Weaver explained that this equipment meets all of the specification requirements of the City. Mr. Kingseed sponsored Resolution Number 39-97, A Resolution Accepting The Bid Submitted By The ODB Company For 1 (One) Trailer Mounted Vacuum Leaf Loader For The City Of Centerville And To Authorize The City Manager To Enter Into Contract In Connection Therewith, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 40-97 PURCHASE ONE UTILITY TRACTOR

Mr. Horn reviewed the following bids that were received for the purchase of a utility tractor for the Public Works Department.

Lemert Equipment Co.	\$13,800.00	\$4,200.00 trade in
Lemert Equipment Co.	\$14,792.22	\$4,200.00 trade in
New Carlisle Tractor Co.	\$15,925.00	\$3,225.00 trade in
Wm. Beck & Sons	\$15,950.00	\$3,000.00 trade in
Centerville Power Equipment	\$14,202.96	\$2,600.00 trade in
Steinke Tractor Sales	\$13,516.00	\$2,000.00 trade in
Steinke Tractor Sales	\$13,401.00	\$2,000.00 trade in

Mr. Horn recommended the low and best bidder. Mr. Compton sponsored Resolution Number 40-97, A Resolution Accepting The Bid Submitted By The Lemert Equipment Company For 1 (One) Utility Tractor For 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. Kingseed seconded the motion. The motion passed by unanimous vote of Council.

BOARD OF ARCHITECTURAL REVIEW APPOINT LAVERNE STEBBINS AND BRENDA A. FERRY

Mr. Reppert moved that Laverne Stebbins and Brenda A. Ferry be appointed as members of the Board of Architectural Review. Mr. Stone seconded the motion. The motion passed unanimously.

Approved: Sally D. Beals
Mayor

ATTEST:

[Signature]
Assistant Clerk of Council