

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held June 16, 1997, continued19

A groundbreaking ceremony for an alzheimer's facility was held at The Franciscan at St Leonard.

The Centerville Arts Festival was held on June 8, 1997 with approximately 2,000 people in attendance in spite of the inclement weather. The summer concert series is now in full swing with Theater Under The Stars (TUTS) performing the musical "Hello Dolly" from June 18-22 and June 25-29. The schedule for concerts in the Leonard E. Stubbs Memorial Park will be included in the next issue of the Town Crier.

On Saturday, June 21, 1997 the Miss Americana Pageant will be held in the Township Hall. Mrs. Beals outlined the many Americana 4th of July Festival activities planned in the Centerville-Washington Township community for July 3 and 4, 1997.

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

Long time employee Charlie Fox will retire his services in the Public Works Department on June 30, 1997.

Kelly Fackel has been hired as Centerville's Assistant to the City Manager.

Pathways at Yankee Trace have been completed along the eastern border of Yankee Street from the Greystone Villa area to Social Row Road. The remaining pathway along Yankee Street north to the main entrance into Yankee Trace will be completed by the private residential developer within the next thirty days.

Activities at The Golf Club at Yankee Trace continue to increase on a daily basis.

The firm Horne & King Architects is moving forward with the preparation of a Need Assessment & Facilities Study for the Centerville Police Department and administrative offices for Washington Township Fire Department.

A portion of the annex building located to the south of the Centerville Municipal Building is being converted into additional space for the Police Department.

ORDINANCE NUMBER 9-97 ZONING ORDINANCE AMENDMENT HILLS REAL ESTATE GROUP REZONING

Mr. Shrimplin reviewed the Planning Commission meeting held May 27, 1997. He reviewed a Rezoning Request submitted by Hills Real Estate Group for approximately 4.5381 acres of land located at the northeast corner of Clio Road and Bigger Road for a change from Centerville I-1 classification to Centerville B-2 classification. The Planning Commission, by unanimous vote, recommended denial of this Rezoning Request. Mr. Kingseed moved that Ordinance Number 9-97, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 4.5381 Acres More Or less, From Centerville I-1 Classification To Centerville B-2 Classification, be set for Public Hearing on July 21, 1997. Mr. Stone seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held June 16, 1997, continued19

ORDINANCE NUMBER 10-97 ZONING ORDINANCE AMENDMENT
CITY OF CENTERVILLE

Mr. Shrimplin reviewed a Rezoning Request submitted by the City of Centerville for the same property included in the Request filed by Hills Real Estate Group. Requested in this application is a change in zoning from I-1 classification to O-S classification. The Planning Commission, by a vote of 3-2, recommended approval of this Rezoning Request. Mr. Singer moved that Ordinance Number 10-97, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 4.5381 Acres More Or less, From Centerville I-1 Classification To Centerville O-S Classification, be set for Public Hearing on July 21, 1997. Mr. Reppert seconded the motion. The motion passed unanimously.

WILLIAM AND GEORGIA GILLESPIE APPEAL TO COUNCIL

The Public Hearing was held concerning a Appeal filed by William and Georgia Gillespie against a decision rendered by the Planning Commission during their meeting on April 29, 1997 to deny a Variance Request for a rear yard setback to provide for the construction of a patio enclosure at their 814 Deer Run Road residence. Mr. Shrimplin located the subject property on a map being located in a Residential Planned Development (R-PD) zoned district and identified adjacent land uses. The applicants have requested a 23.5 rear yard setback instead of the required 30 foot setback. The subject property is bounded on the west by the Pleasant Hill Swim Club, on the east by a condominium residence, on the south by undeveloped land, on the north by a reserve area in the Deer Run condominium complex, and is located at the end of a cul-de-sac.

David Beyerle, dt Design, Inc., representing the applicants, identified this as a unique situation in consideration of the fact that a 20 foot wide water main easement is located along the east property line limiting the usable side yard by more than nine feet and the unusual configuration of this particular lot. There is no other area on the lot to position this enclosure due also to exiting interior rooms and door locations. The enclosure is proposed to be constructed upon an existing concrete slab. Mr. Kingseed moved that the decision of the Planning Commission rendered during their April 29, 1997 meeting to deny a Variance Request submitted by William and Georgia Gillespie for a rear yard setback be reversed, thus granting a setback of 23.5 feet to provide for the construction of a patio enclosure at 814 Deer Run Road. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

DREW A. SHOCK APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Drew A. Shock against a decision rendered by the Planning Commission during their meeting on May 13, 1997 to deny a Variance Request for the deletion of a portion of a landscape plan for property located at 5600 Clys Road, property more particularly known as Anna's Child Care & Learning Center. Mr. Shrimplin located the subject property on a map and identified adjacent land uses. Requested was a variance to delete the planting of five trees along the east property line and three trees and various shrubs along the circle drive which was part of a landscaping plan that was previously approved by the Planning Commission. The Planning Commission directed City Staff to allow the applicant to relocate and vary the types of plantings on the site with no landscaping being

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAVIDSON LEGAL BLANK CO., FORM NO. 10148

Held June 16, 1997, continued

19

deleted from the approved plan. Upon question of various members of Council, Mr. Shrimplin advised that following communications between Mr. Shock and City Planner Steve Feverston, Mr. Shock chose to follow through with his Appeal to City Council. Mr. Reppert moved that the decision rendered by the Planning Commission on May 13, 1997 to deny a Variance Request to delete a portion of a landscape plan for property located at 5600 Clys Road be ratified. Mr. Singer seconded the motion. The motion passed unanimously. The assumption was made that City Staff will meet with the applicant to resolve adequate landscaping on this particular property.

1998 TAX BUDGET

The Public Hearing was held concerning the 1998 Tax budget for the City of Centerville. for submission to the Montgomery County Auditor. This budget must be submitted by July 16, 1997 in order for the City to receive its share of the Local Government Fund. The total of Centerville's Tax Budget for 1998 is approximately twenty-one million dollars. Mr. Singer moved that the 1998 Tax Budget for the City of Centerville be approved, as presented, for submission to the Montgomery County Auditor. Mr. Kingseed seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 6-97 LANDMARK DESIGNATION ASHER TIBBALS HOUSE

The Public Hearing was held concerning Ordinance Number 6-97. Mr. Shrimplin reviewed this proposed Ordinance to designate the Asher Tibbals House, 9505 Yankee Street, as a landmark within the City of Centerville. He located the subject property on a map, being situated on the west side of Yankee Street approximately 750 feet north of Heritage Lake Drive and south of Silvercreek Estates. The property is listed in, and is a part of, the Ohio Historic Inventory. Upon question of Mr. Singer, Mr. Shrimplin advised that the applicants, Donald and Margaret Martin, are the owners of the subject property. Mr. Horn advised that, through communications with the owners, City Staff has become very excited and supportive of this endeavor. Mr. Reppert sponsored 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, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 8-97 GOLF COURSE RULES AND REGULATIONS

The Public Hearing was held concerning Ordinance Number 8-97. Mr. Horn reviewed this proposed Ordinance which amends Rules and Regulations for The Golf Club At Yankee Trace to incorporate a "No Metal Spike" policy. This policy will decrease the wear and tear on the golf facility as well as the golf course itself. Mr. Compton sponsored Ordinance Number 8-

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held June 16, 1997, continued19

97, An Ordinance Amending 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. Singer seconded the motion. The motion passed by unanimous of City Council.

Mack Van Allen, 220 Kimbary Drive, was present at this meeting to address Council relative to a request submitted by Kenneth Hahn that City Council enlist the Municipal Attorney to research the possibility of placing a building ban upon the property owned by Morgan Davis on Loop Road until the sanitary sewer problem in the Village South Subdivision has been resolved. Mr. Horn advised that the City will keep its options open to provide ample time for the County to respond to a letter written to the Montgomery County Commissioners by Mr. Hahn on behalf of the Village South Neighborhood Association concerning their ongoing sanitary sewer system problems. Upon question of Mr. Van Allen, Mrs. Lienesch advised that the Aircraft Noise Task Force is presently in the recommendation stage.

RESOLUTION NUMBER 41-97 MODIFY SEAL FOR STATE OF OHIO

Mr. William Burnett, 1516 Mayo Avenue in the City of Kettering, identified for Council upgrades of the official seal for the State of Ohio during previous years with the latest upgrade taking place in 1967. He solicited Council's support for the inclusion of a replica of the Wright Brothers first manned flight aircraft positioned just left of the rising sun three-quarters exposed, in recognition of the fact that the Wright Brothers came from the State of Ohio. Upon question of Mr. Singer, Mr. Burnett advised that as a private citizen he has been seeking endorsement from State and local officials. The City of Waynesville has endorsed this endeavor and the City of Dayton will address the issue at their next Commission meeting. Mr. Singer sponsored Resolution Number 41-97, A Resolution In Support Of Modifying The Official Seal Of The State Of Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed with five votes in favor of the motion; Mr. Stone and Mrs. Lienesch voted no.

RESOLUTION NUMBER 42-97 89.2634 ANNEXATION

Mrs. McLaughlin presented to City Council the original transcript of the proceedings of the Board of County Commissioners of Montgomery County, Ohio, in the matter of the proposed annexation of 89.2634 acres, more or less, situated in Section 34, Town 3, Range 5 M.Rs, Washington Township, Montgomery County, Ohio, to the City of Centerville, Montgomery County, Ohio. Mr. Horn identified the subject property being situated between Paragon Road and Sheehan Road and north of Social Row Road. Mr. Kingseed sponsored Resolution Number 42-97, A Resolution Accepting The Application Of Ronald Goenner, Mary Jo Goenner, Michael H. Willcox, Edith S. Willcox, William E. Procuniar, Charles P. Burkhart, Dennis J. Hoertt, And The Yankee Development Group For The Annexation Of Territory, and moved that it be passed. Mr. Compton 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 June 16, 1997, continued19

ORDINANCE NUMBER 11-97 DESIGNATE CHAIRMANSHIP SISTER CITY COMMITTEE AND CITY BEAUTIFUL COMMISSION

Mr. Compton moved that Ordinance Number 11-97, An Ordinance To Amend Ordinance Number 10-73 And Resolution Number 28-73 To Provide For The Appointment Of A Chairman By The Council Of The City Of Centerville For The City Beautiful Commission And The Sister City Committee, be set for Public Hearing on July 21, 1997. Mr. Singer seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 43-97 DESIGNATE PUBLIC DEPOSITORIES

Mr. Bettcher reviewed a proposed Resolution estimating the probable amount of public monies to be deposited in public depositories and setting a date for the filing of applications by eligible institutions. Public monies are deposited as inactive, active and interim funds. This is the first phase for the designation of public depositories for the City of Centerville. Mrs. Lienesch sponsored Resolution Number 43-97, A Resolution Estimating The Probable Amount Of Public Monies To Be Deposited, Setting A Date For The Designation Of Public Depositories And Authorizing Notice, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 44-97 PAVEMENT MARKINGS

Mr. Weaver advised that the Miami Valley Cable Council coordinated the bidding process for five member Cities for pavement markings. Each jurisdiction awards their own bid to the appropriate contractor. The low and best bid for the City of Centerville was submitted by the Kneisel Contracting Corporation for oil base paint in the amount of \$16,702.40. This is approximately \$3,200.00 less than last year for the same quantity. Upon question of Mayor Beals, Mr. Weaver advised that the EPA has extended the use of oil base paint to 1998 due to the amount of oil base paint in storage. In answer to a question of Mr. Singer, Mr. Weaver reported that the Cities of Moraine, West Carrollton, Oakwood and Springboro joined with Centerville in this bidding process through the Miami Valley Cable Council. Mr. Stone sponsored Resolution Number 44-97, A Resolution Accepting The Bid From Kneisel Contracting Corporation For The 1997 Pavement Marking Program For the City Of Centerville, Ohio, and move that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 45-97 GEM REAL ESTATE GROUP AGREEMENT

Mr. Horn reviewed an Agreement executed between the City of Centerville and The Gem Real Estate Group, Inc. for consulting services for matters dealing with the residential development at Yankee Trace. This Agreement establishes an hourly rate for

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held June 16, 1997, continued

19

use on a as needed basis. Mr. Kingseed sponsored Resolution Number 45-97, A Resolution Ratifying The Action Taken By The City Manager To Execute An Agreement Between The Gem Real Estate Group, Inc. And The City Of Centerville, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

**RESOLUTION NUMBER 46-97 AGREEMENT WITH MONTGOMERY COUNTY
ROADWAY REPAIRS**

Mr. Weaver outlined an Agreement executed between the City of Centerville and the Board of County Commissioners of Montgomery County for the repair of City roadways necessitated by normal County water main breaks, sewer maintenance, and manhole and valve box grade adjustments. This Agreement provides the City the authority to arrange for permanent repairs with the County reimbursing the City for same. Mr. Reppert sponsored Resolution Number 46-97, A Resolution Ratifying The Action Taken By The City Manager For Entering 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. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 47-97 BELLINGHAM DITCH IMPROVEMENTS

Mr. Horn reviewed an Agreement executed with McDougall Associates, Inc. for the services of a professional land surveyor relative to the reconstruction of ditches associated with the Bellingham Ditch. Upon suggestion of Mr. Reppert and Mr. Singer, Washington Township will be notified of the City's intent to improve these ditches. Mr. Stone sponsored Resolution Number 47-97, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement With McDougall Associates, Inc., For Surveying Certain Ditches For The City Of Centerville, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE ARTS COMMISSION APPOINT CARLA M. BLEIL

Mr. Kingseed moved that Carla M. Bleil be appointed as a member of the Centerville Arts Commission. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

**CENTERVILLE ARTS COMMISSION APPOINT CHAIRMAN
MARY ANN GASIOR**

Mr. Singer moved that Mary Ann Gasior be appointed as Chairman of the Centerville Arts Commission for a period of one year beginning July 16, 1997. Mr. Compton seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1074B

Held June 16, 1997, continued19

SISTER CITY COMMITTEE
REAPPOINTMENT OF SANDRA BAVER AND MARY PIZZA

Mr. Stone moved that Sandra Baver and Mary Pizza be reappointed as members of the Sister City Committee for the City of Centerville. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

CITY BEAUTIFUL COMMISSION REAPPOINT GARY SIERSCHULA

Mrs. Lienesch moved that Gary Sierschula be reappointed as a member of the City Beautiful Commission for the City of Centerville. Mr. Compton seconded the motion. The motion passed unanimously.

CENTERVILLE HISTORICAL COMMISSION REAPPOINT CHAIRMAN
BETTY ANN PERKINS

Mr. Kingseed moved that Betty Ann Perkins be reappointed as Chairman of the Centerville Historical Commission for an additional year. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Stone left the meeting at this time due to a potential conflict of interest in the next agenda item.

PLANNING COMMISSION REAPPOINT CHAIRMAN SCOT STONE

Mrs. Lienesch moved that Scot Stone be reappointed as Chairman of the Planning Commission for the City of Centerville for an additional year. Mr. Singer seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals

Mayor

ATTEST: Maril J. Langford

Clerk of Council