

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held July 21, 1997

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 21, 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
	James Singer
	Susan Lienesch
	James Reppert
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 Planner	Steve Feverston
Municipal Attorney	Robert Farquhar
Assistant to the City Manager	Kelly Fackel

Mayor Beals advised that Councilmember J. V. Stone would not be present for this meeting. Mr. Kingseed moved that Councilmember Stone be excused from this meeting. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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

Council Meeting - June 16, 1997.

Council Work Session Meetings:

- June 16, 1997.

- July 7, 1997.

- July 14, 1997.

Council Retreat - February 7 & 8, 1997.

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

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission member Thomas E. Erstfeld. Mrs. Lienesch moved that the resignation of Thomas E. Erstfeld be accepted, with regret. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

Mayor Beals outlined the following events which took place during the past month:

- A Proclamation was issued designating July 11, 1997 as Robert P. Ross, Sr. Day in the City of Centerville. The Proclamation was read by Mr. Kingseed.
- Joann and James Treffinger celebrated their 50<sup>th</sup> Wedding Anniversary on Sunday, July 20, 1997. Mr. and Mrs. Treffinger have served the City of Centerville in many ways over the past years.



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- A new business "Castles and Attics" has opened on the northwest corner of Main and Franklin Streets.
- Mayor Beals congratulated and thanked the Americana 4<sup>th</sup> of July Festival Committee for a very successful event and commended Astronaut Cathy Coleman for her participation as Grand Marshall.
- Concerts continue in the Leonard E. Stubbs Memorial Park on Thursday and Sunday evenings. TUTS begins their production of Bye Bye Birdie on July 23, 1997.
- Mystery Night Out, coordinated by the Centerville Police Department, is scheduled for August 5, 1997 between 6:00 PM and 9:30 PM.
- The "Carvers Steaks and Chops" restaurant has scheduled a benefit on August 22, 1997 for the Dayton Art Institute.
- A delegation from the City of Centerville will travel to Sister City Waterloo, Ontario Canada, for an exchange visit August 14-17, 1997.
- The Sister City Committee is planning a trip to Sister City Bad Zwischenahn, Germany, in 1998.

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

- Three positions have been filled at City Hall:
  - Assistant City Manager - Judith Gilleland.
  - Assistant to the City Manager - Kelly Fackel.
  - Assistant Director of Finance Mark Schlagheck.
- Two City employees have retired:
  - Police Sergeant Robert Young.
  - Public Works Equipment Operator Charles Fox.
- Reconstruction work is progressing well on East Franklin Street. Traffic will be converted to the south side of the roadway during the current week.
- Following the removal of the hump in the asphalt on Sheehan Road, the roadway will be overlaid.
- Mr. Horn reviewed a meeting he recently had with Montgomery County Administrator Deborah Feldman and Montgomery County Sanitary Engineer James Brueggeman; they have stressed that they plan to move forward with the construction of a relief sewer to the Village South area; however, timing of this project is in need of further discussion. Plans are being developed at this time for some interim remedial actions by and for 25-30 properties in the Village South development. Meetings will be held during the month of September between the County, City Council, City Staff and residents relative to interim remedial actions to be taken. Mr. Horn outlined some of the remedial actions which are currently being considered.
- A proposal for a traffic light study at four intersections in the City of Centerville has been awarded to TEC Engineering. Traffic counts have been completed, traffic accident studies are being put together, and a report should be received from the consultant in approximately two weeks.



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## SOUTH METRO INDUSTRIAL PARK SECTION TWO RECORD PLAN

Mr. Feverston reviewed the Record Plan for South Metro Industrial Park, Section Two for property located west of Bigger Road, south of I-675, north of Thomas Paine Parkway, and being the extension of and final phase of South Metro Industrial Park. The zoning of this 11.27 acre parcel is Industrial Planned Development and Business Planned Development. Proposed is the development of said acreage into two lots which will be subdivided to suit the needs of each individual client. Mr. Feverston located the subject property on a map and identified adjacent zone classifications and land uses. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer in accordance with the approved Major Use Plan.
2. In lieu of completion of the required improvements prior to 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.
3. A temporary turn-around shall be constructed at the terminus of South Metro Parkway. The design shall be subject to approval by the City Engineering Department. The turn-around shall be removed when South Metro Parkway is extended.
4. All landscape screening shall be installed in accordance with the approved Major Use Plan.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

Mr. Feverston reviewed the recommendation from the City Engineer that the Record Plan for South Metro Industrial Park, Section Two, be approved subject to the receipt of an acceptable Subdivider's Agreement, a Performance Bond to cover the public improvements in the amount of \$239,250.00, of which \$27,000.00 is for sidewalks, and an Inspection Fee of \$770.00. Mr. Compton moved that the Record Plan for South Metro Industrial Park, Section Two, be approved subject to all conditions recommended by the Planning Commission and the City Engineer. Mr. Reppert seconded the motion. The motion passed unanimously.

Mayor Beals presented Certificates of Congratulations to Centerville High School Odyssey of the Mind Team for taking first place in the world competition held on June 6, 1997.

## ORDINANCE NUMBER 9-97 HILLS REAL ESTATE GROUP REZONING REQUEST

Mayor Beals advised that prior to this Public Hearing being held, a request was received from Glenn Brehm, Director of Land Development for Hills Real Estate Group, that their Rezoning Request for a change of approximately 4.5381 acres located at the northeast corner of Clio Road and Bigger Road from I-1 to B-2 be withdrawn. Mayor Beals opened the Public Hearing concerning Ordinance Number 9-97 at this time. Mr. Brehm explained the fact that they proposed this change in zoning to provide for the development of a combination Revco Pharmacy, a small strip convenience center and a two story medical/professional office building to provide convenient access for everyday needs for abutting residents. In consideration of



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Planning Commission's recommendation for denial of this rezoning to City Council and the unfavorable position of Lexington Meadows condominium residents, Mr. Brehm advised that Hills has requested withdrawal of their rezoning application. Mr. Reppert moved that the request received from the Hills Real Estate Group for the withdrawal of their Rezoning Request for a change of zoning from I-1 to B-2 for property located at the northeast corner of Clys Road and Bigger Road be accepted. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

### ORDINANCE NUMBER 10-97 CITY OF CENTERVILLE REZONING REQUEST

The Public Hearing was held concerning a Rezoning Request submitted by the City of Centerville for a change in zoning for 4.5381 acres from I-1 to O-S, said property being situated at the northeast corner of Clys Road and Bigger Road and owned by Hills Real Estate Group. Mr. Feverston located the subject property on a map and identified adjacent zone classifications and land uses. He outlined the zoning history of this property for the period between 1967 and its zoning to I-1 as a part of an overall development plan by Hills Building and Construction Services Number 3 in 1990. He also reviewed changes made to the text of the Centerville Zoning Ordinance during the same period of time. Mr. Feverston compared uses permitted in an I-1 zone district with those permitted in O-S, Office-Service. He explained how the proposed O-S zoning would create harmony and balance with area land uses which is the intent of Centerville's Comprehensive Plan. Mr. Feverston advised that the Planning Commission, by a vote of 3-2, recommended approval of this Rezoning Request to City Council.

James Hardin, 6660 Wareham Court, speaking on behalf of the Lexington Meadows Homeowners Association, advised that the association unanimously supports the rezoning of the property in question to O-S.

Fred Geisert, 6796 Cedar Cove Drive, representing the Board of Managers of the Cedar Cove condominium development, spoke in favor of the proposed rezoning in consideration of safety and congestion for motorists traversing Clys Road.

John Koverman, Attorney for the applicant, outlined for Council how Hills agreed with the City's comprehensive rezonings in 1990 and the rezoning of the subject property to the current I-1 zoning. The property abutts industrial properties to the north. He pointed out the fact that circumstances have not changed since that time to warrant a change in zoning. Over the past several years his client has not received an offer in writing to purchase the subject property for any purpose. Mr. Koverman asked Council not to rezone this property to a stricter zone classification, but to keep the zoning I-1 which was part of the plan in 1990. He made reference to comments made by Mr. Horn and members of the Planning Commission during the Planning Commission Public Hearing held May 27, 1997 relative to this Rezoning Request. Mr. Koverman outlined their proposal currently before the Planning Commission for the construction of a Store-n-Lock which would be permitted in an I-1 zone district; this use being the only serious interest his client has had over the past several years. The Planning Commission has looked rather favorably upon this request. If this rezoning is granted a Store-n-Lock would be a non-conforming use. Mr. Koverman explained the fact that if his client cannot find a customer for the Store-n-Lock, they will have no choice other than the construction of an office building if the zoning is changed as proposed by the City.



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Mr. Horn reviewed for Council a meeting recently held involving City Staff, Mr. Koverman and Mr. Brehm, at which time they discussed the rezoning of the property located on the northeast corner of Clio Road and Bigger Road to B-2. At that time, City Staff did not believe that business zoning was appropriate for the property in question. Mr. Horn expressed concern with the fact that the City has very little control from an organizational standpoint over the development of this small piece of land if it retains its present I-1 zoning classification. The rezoning of this land was initiated by the applicant at which time the City saw a need to reexamine the current zone classification. Mr. Horn stressed the fact that Office-Service zoning is the best zoning for the property in question.

Upon question of Mr. Singer, Mr. Koverman explained the fact that the Store-n-Lock would be constructed on the initiative of Hills Real Estate Group, the previous potential purchaser is no longer around. Hills proposes to proceed with this so they aren't locked out if Council chooses to rezone the property to O-S. Mr. Koverman pointed out that traffic coming and going from a Store-n-Lock is very insignificant compared to any type office use.

In answer to a question of Mr. Compton, Mr. Koverman advised that they are concerned that if the zoning is changed to Office-Service classification, and the Store-n-Lock is approved by the Planning Commission prior to the zoning change taking effect, they will not be able to make significant improvements should the need exist in later years. They have proposed a temperature controlled storage where people rent wire cages instead of rooms; this is a new concept in the Dayton area. Hills is concerned that if this concept does not take off as expected, they would like to modify their non-conforming use which would not be permissible.

Mr. Hardin asked City Council to rezone the subject property to O-S for the protection of homeowners in the area. They want this protection if the Store-n-Lock does not become a reality. The homeowners in Lexington Meadows recognize O-S as a better buffer between the existing I-1 to the north and the residential area to the south.

Upon question of Mr. Compton, Mr. Geisert advised that residents in Cedar Cove support the O-S zone classification. They fear that retail establishments along Clio Road would cause congestion at the corner. They like what they currently see along Clio Road.

Mr. Singer pointed out the fact that if Hills Real Estate Group is interested in developing something that meets favorable position from residents in Lexington Meadows, O-S is the best choice.

Mr. Kingseed, recognizing that City Council has an obligation to consider the interest of residents during deliberations concerning a zone change, while at the same time giving the property owner the opportunity to get a good return on his investment, stated his concurrence with the proposed O-S zoning change.

Mr. Kingseed sponsored 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 To Centerville O-S Classification, and moved that it be passed. Mr. Singer seconded the motion. Mr. Compton, having a great deal of confidence in Hills Real Estate Group, expressed his support for the development which has been proposed if the zoning of the subject property remained I-1. A roll call on the motion resulted in five ayes in favor of the motion; Mr. Compton voted no.



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## ORDINANCE NUMBER 11-97 CITY BEAUTIFUL/SISTER CITY CHAIRMANSHIP

The Public Hearing was held concerning Ordinance Number 11-97. Mr. Compton sponsored 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, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 12-97 ADDITIONAL REGULATIONS RELATING TO BUILDINGS

Mr. Kingseed moved that Ordinance Number 12-97, An Ordinance Amending The Centerville Municipal Code By Providing Additional Regulations Relating To Buildings, be set for Public Hearing on August 18, 1997. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 48-97 SUPPORT CENTREVILLE FOUR CORNERS ASSOCIATION

Mr. Horn reviewed a proposed Resolution to sanction the Centerville Four Corner Association as a liaison between the Architectural Preservation District and Centerville's downtown merchants, to foster education, preservation and promotion of the historic district in the City of Centerville. Mr. Kingseed sponsored Resolution Number 48-97, A Resolution In Support Of The Formation Of The Centerville Four Corners Association, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 49-97 DESIGNATE PUBLIC DEPOSITORY THE FIFTH THIRD BANK OF WESTERN OHIO

Mr. Horn explained the fact that every two years the City of Centerville must advertise for public depositories for the deposit of active funds, interim funds and inactive funds. An application has been received from The Fifth Third Bank of Western Ohio for the deposit of specified amounts in all three categories. Mr. Reppert sponsored Resolution Number 49-97, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 50-97 SALE OF PACKER TRUCK

Mr. Horn advised that the City of Kettering is interested in purchasing a 1975 International Harvester unit with a 20 cubic yard Dempster Packer from the City of Centerville for a purchase price of \$1,500.00. This equipment is no longer utilized by the City of Centerville. The City of Kettering has agreed to lend this equipment to the City of Centerville if the need arises. Upon question of Mrs. Lienesch, Mr. Weaver advised that this agreement will be placed in writing following this meeting. Mrs. Lienesch sponsored Resolution Number 50-97, A



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Resolution Declaring A 1975 Waste Packer As Surplus Property And Providing For The Sale Of Said Equipment To The City Of Kettering, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

### WASTE COLLECTION INCREASE

Mr. Horn pointed out that rates for special waste collection services by the City of Centerville have not increased for at least ten years. Mr. Weaver outlined the intent of the Public Works Department to continue the high level of services to which residents are accustomed relative to special services. He proposed the following changes in the waste collection policy and rates to place fees in line with costs currently being incurred by the department:

1. The amount of trash that will be picked up from each residential customer will be limited to five 32 gallon cans or bags each week, exclusive of recycables.
2. "Special Refuse" - building materials, sod, concrete or dirt - will no longer be collected from residential customers.
3. The price of special pickups shall be \$20.00 for the first ½ hour, with each additional 15 minutes of loading time billed at \$10.00.
4. The price of brush pickup shall be \$20.00 for the first ½ hour, with each additional 15 minutes of loading time billed at \$10.00.

Mr. Weaver recommended that these changes be implemented November 1, 1997.

Mayor Beals brought attention to the fact that there are other means of disposing of construction materials. She reminded the audience that although tipping fees have increased, waste collection fees to Centerville residents have not increased. Mr. Kingseed moved that the recommended changes proposed by Mr. Weaver to the City's waste collection policy and rates be approved, to be implemented November 1, 1997. Mrs. Lienesch seconded the motion. The motion passed unanimously.

### NESTLE CREEK III PERFORMANCE BONDS RELEASE

Mr. Horn reviewed a recommendation received from City Engineer Norbert Hoffman that the Performance Bonds posted on Nestle Creek III be released, conditioned upon the receipt of a one year Maintenance Bond in the amount of \$8,000.00. Public improvements have been completed except for the sidewalk across three lots, these walks will be put in place by the builder when the construction of the homes on these lots has been completed. A letter of concurrence relative to this release has been received from the President of the Nestle Creek Homeowners Association. Mr. Reppert moved that the Performance Bonds posted on Nestle Creek III be released, subject to the receipt of a one year Maintenance Bond in the amount of \$8,000.00. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.



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### YANKEE TRACE SECTIONS EIGHT AND NINE PERFORMANCE BOND REDUCTION

Mr. Horn reviewed a recommendation received from Mr. Hoffman that the Performance Bonds posted on Yankee Trace Sections Eight and Nine be reduced as follows:

Section Eight - reduced from \$61,595.00 to \$9,000.00.

Section Nine - reduced from 47,250.00 to \$7,000.00. A separate Letter of Credit for the Hiker/Biker installation remains unchanged. The above amounts are sufficient to complete remaining work. Mr. Compton moved that the Performance Bonds posted on Yankee Trace, Sections Eight and Nine be reduced as recommended by the City Engineer. Mr. Reppert seconded the motion. The motion passed unanimously.

### RESOLUTION NUMBER 51-97 PUBLIC WORKS CENTER PARKING LOT

Mr. Horn advised that the following bids were received for the construction of the south side parking lot at the Public Works Center on South Suburban Road:

John R. Jurgensen	\$51,682.11
Weidle Corporation	53,441.25
TdM Construction Company	54,056.00
Excel Contracting, Inc.	56,414.00
L. J. DeWeese Company	59,353.00
Matrix Highway Construction	61,539.00
Allied Builders	65,712.44

Mr. Weaver recommended that the bid received from John R. Jurgensen in the amount of \$51,682.11 be accepted. Mr. Singer sponsored Resolution Number 51-97, A Resolution Accepting The Bid Submitted By The John R. Jurgensen Company For The Public Works Center Parking Lot Improvement Project 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. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals  
Mayor

ATTEST: Maureen J. Sausfeld  
Clerk of Council