

DAYTON LEGAL BLANK CO. FORM NO. 50149

Held October 6, 199719

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 6, 1997, at 8:00 p.m. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer, 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
	J. V. Stone

Clerk of Council Marilyn McLaughlin
 City Manager Gregory Horn
 Public Works Director Steve Weaver
 City Planner Steve Feverston
 City Engineer Norbert Hoffman
 Municipal Attorney Robert Farquhar
 Assistant to the City Manager Kelly Fackel

**TIM & CINDY O'BRIEN APPEAL DAY CARE FACILITY
 PRD CORPORATION, INC.**

The Public Hearing was held concerning an Appeal filed by Tim and Cindy O'Brien against Planning Commission's approval of a Special Approval Application permitting the construction of a day care facility on the rear property at 232 North Main Street by PRD Corporation, Inc.

Mr. Feverston reviewed the Special Approval Application submitted by the PRD Corporation to the Board of Architectural Review and to the Planning Commission. Proposed is the construction of a 7,533 square foot day care facility to be located on a .822 acre parcel of land in the Architectural Preservation District. The Board of Architectural Review recommended approval of the Application to the Planning Commission in consideration of architecture, screening, landscaping and lighting for the building. The Planning Commission approved the Application in consideration of stormwater drainage, parking requirements, setback requirements, access control, access to and from the property as well as the recommendations of the Board of Architectural Review. Mr. Feverston located the subject property on a map and identified adjacent zone classifications and land uses. He reviewed the Site Plan as approved by the Planning Commission for the location of the day care facility in the rear of 232 North Main Street. He reviewed the basis for the Appeal as submitted by the Appellants relative to traffic flow, parking facilities, and a noise buffer between the residential neighborhood and the facility. Mr. Feverston outlined traffic impacts of the proposed day care onto North Main Street and Bradstreet Road as projected by City Engineer Norbert Hoffman. He explained how the revised Site Plan approved by the Planning Commission meets parking requirements as contained in the Centerville Zoning Ordinance. He pointed out the fact that the green space and vegetation along the north property line of Benham's Grove was not required by the Zoning Ordinance, but was left in place voluntarily.

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Attorney John Ruffolo, representing the applicants, petitioners and concerned residents in the Maple Avenue and Bradstreet Road area, expressed their concern with issues of safety, property values, noise, driveway access, parking access, and fire and safety equipment access. He cited sections of the Centerville Zoning Ordinance which relate to these issues.

Heidi Miller, 50 Bradstreet Road, expressed concern with the safety of neighborhood children walking to and from school in consideration of the egress and ingress at this proposed establishment. She identified current traffic congestion at and near the intersection of Bradstreet Road and State Route 48. She stated that due to the lack of sidewalks in the neighborhood, residents fail to view this day care as a service to them. Mrs. Miller also expressed concern with a potential dangerous situation with traffic from this facility exiting onto State Route 48. Concern was also expressed with the location of the dumpster and the hours and days for the dumping of this container in consideration of safety for children.

Timothy Trick, 50 Bradstreet Road, expressed concern with increased traffic generated by the proposed day care center and its impact upon existing businesses in Centerville. He stated his opposition to the potential noise from the children attending the day care, the lack of a quality fence and noise barrier around this facility, and the possibility that this day care could be in operation twenty-four hours per day.

James Gallagher, 294 Cherry Drive, reinforced traffic concerns expressed relative to Bradstreet Road and at the intersection of State Route 48 and Bradstreet Road. He suggested that City Council know the future of the vacant building located immediately southwest of the subject property prior to a decision being made on this Appeal.

Cindy O'Brien, 60 Bradstreet Road, submitted to City Council a Petition signed by 106 residents of the Pleasant Hill Plat stating their opposition to the development of the property located at 232 North Main Street as a day care center based on increased noise levels, impact on property values, increased traffic throughout the neighborhood, safety of children walking to and from school, potential for serious accidents at the State Route 48/Bradstreet area, and non-compatibility with neighborhood and surrounding businesses.

Mr. Ruffolo brought attention to various sections of the Zoning Ordinance which he believes have been varied and not satisfied. He suggested that the following issues be addressed by City Council:

- the request for this day care facility not be approved before the utility easement requested from the City by the PRD Corporation for a sewer line is granted,
- a traffic problem created when the utility easement under the access easement needs repair,
- a fence seven feet high instead of six feet be required if the Site Plan is approved,
- no right turn be permitted onto Bradstreet Road from the day care center, and
- the impact of the total package should be considered, not each issue separately.

Lori Streit, 6859 Yankee Street, husband owns property on Bradstreet Road, emphasized a traffic squeeze which exists on Bradstreet Road with two way traffic and parking on both sides as it will relate to the control of traffic in and out of the day care center.

Joe Willhoite, 225 Linden Drive, identified the number of children and the route they take walking to and from school in the morning and afternoon. He expressed concern with the future of the proposed facility if and when it is no longer utilized as a day care center.

Tim O'Brien, 60 Bradstreet Road, advised that the residents are not opposed to the PRD Corporation building something on this lot, they are opposed to this particular use.

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Bill Rodenburg, 185 Maple Avenue, questioned the City Engineer's traffic study in consideration of the amount of customers patronizing Bill's Donut Shop.

Lyle Matson, 215 Elmwood Drive, suggested that the City widen Bradstreet Road to provide for parking on both sides and two way traffic.

Richard Pavlak, President of PRD Corporation, Inc. and the owner of the proposed day care center, outlined the history of the property he owns at the southeast corner of Bradstreet Road and State Route 48; how he restored it from a gasoline station to its present appearance and use. He explained how the flow of traffic in and out of the facility and adequate parking spaces have been worked out with members of City Staff. Not all children will be dropped off or come to the day care center at the same time. Mr. Pavlak suggested that the lack of sidewalks in the neighborhood be addressed by the residents themselves. He advised that ample parking spaces have been provided for any use that may go into the vacant building located adjacent to the subject property. He outlined changes made on the revised Site Plan to meet all requirements of the Centerville Zoning Ordinance, the Planning Commission and the Board of Architectural Review.

Matt Foster, 8740 Sugarcreek Point, owner and operator of the proposed day care, emphasized his interest in the community in which he lives and explained how the use fits into the area. He was happy to conform to the additional requirements imposed for operation in the Architectural Preservation District. He pointed out the fact that the establishment has a Main Street address for the purpose of egress and ingress; the second exit onto Bradstreet Road is intended as a secondary exit. This business will be run as a quality child care educationally based facility. Mr. Foster advised that this will never be open on a twenty-four hour basis. It will be open between the hours of 6:30 A.M. to 6:00 P.M.

Kim Perkins, 61 Lakeview Drive, stated his opposition to the day care facility being located in his neighborhood.

Upon question of Mr. Compton, Mr. Feverston advised that the Washington Township Fire Department has reviewed the proposed Site Plan.

In answer to questions of Mr. Singer, Mr. Hoffman advised that no base line traffic data is available for Maple Avenue, north and south of Bradstreet Road. His data was compiled from personal traffic count observations. Mr. Singer suggested that this base line data be obtained prior to the construction of the proposed day care center, if approved. Mr. Feverston advised that the number of children permitted per square foot of space and the playground size is set by state licensing rules and regulations.

As questioned by Mrs. Lienesch, Mr. Feverston advised that handicap spaces is a requirement of ADA and not a zoning matter. He identified the location for two handicap parking spaces. Mr. Hoffman explained how erosion control can be maintained by the installation of a silt fence along the north and west property line during construction.

Upon question of Mr. Kingseed, Mr. Hoffman advised that he does not believe a no right turn onto Bradstreet Road from this facility is necessary based upon anticipated traffic flow generated by this day care center.

Discussion followed relative to the number of children being driven to school by parents in the neighborhood and to the traffic pattern used for drop offs. Many children walk and ride bicycles to the C. L. Stingley and Tower Heights Schools.

Mr. Reppert stated his concern with the projected traffic pattern generated by this facility, it will be detrimental to the neighborhood.

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In answer to a question addressed to Municipal Attorney Robert Farquhar, he advised that times of operation cannot be controlled by the City of Centerville due to the fact that this is a permitted use.

Upon question of Mr. Compton, Mr. Feverston outlined other uses which would be permitted on the subject property as it is currently zoned Architectural Preservation.

As questioned by Mr. Stone, Mr. Hoffman believes that traffic control is workable if this day care is constructed; most traffic will be oriented onto North Main Street. He outlined the procedure for residents to follow if they wish to pursue the installation of sidewalks in their neighborhood.

Mr. Compton moved that the Appeal filed by Tim and Cindy O'Brien against the decision rendered by the Planning Commission permitting the construction of a day care center in the rear of 232 North Main Street, be denied. Mrs. Lienesch seconded the motion. A roll call vote resulted in four ayes in favor of the motion, with Mr. Reppert, Mr. Singer and Mrs. Lienesch voting no.

David Lee, 9073 Academy View Court, was present at this meeting to request that the Aircraft Noise Task Force reconvene and that it reaffirm its membership. He also requested that the City begin the process to employ the services of a professional consultant to evaluate any alternatives and to generate new alternatives. Upon question of Mr. Singer, Mrs. Lienesch advised that the office of Congressman Tony Hall is in constant contact with the Administrator of the FAA relative to the recommendations of the Task Force.

RESOLUTION NUMBER 64-97 EASEMENT TO AMERITECH

Mr. Horn reviewed a request received from Ameritech Ohio for an easement 10 feet wide and 90 feet long at the end of the Heritage Lake spillway for the installation of underground cable for the expansion of services to residents in Yankee Trace. Language has been included as an addendum to the Resolution granting the easement to keep the City's options open if and when a model right-of-way Ordinance is adopted by City Council. Mr. Reppert sponsored Resolution Number 64-97, A Resolution Ratifying The Action Taken By The City Manager To Grant An Easement, On Behalf Of The City Of Centerville, To Ameritech Telephone Company To Install Underground Cable For The Expansion Of Services To Residences In Yankee Trace, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 65-97 SIDEWALK EASEMENT EAST FRANKLIN STREET

Mr. Weaver outlined a request by the City of Centerville for a permanent easement across the property owned by Charles W. and Mary B. Bradley for the purpose of a sidewalk; an issue which surfaced during the East Franklin Street improvement project. Mr. Stone sponsored Resolution Number 65-97, A Resolution Accepting A Permanent Easement For Public Sidewalk Purposes From Charles W. Bradley And Mary B. Bradley, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

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Mr. Horn reviewed an Agreement between the City of Centerville and the Combined Health District of Montgomery County, for the implementation, operation, and maintenance of a program for the prevention and treatment of alcoholism and chemical dependency. The City sets aside 10% of the funds received from the State of Ohio for liquor permit fees toward payment for this program. This Agreement is the same as passed by the City in previous years. Mr. Kingseed sponsored Resolution Number 66-97, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Combined Health District of Montgomery County For The Implementation, Operation And Maintenance Of A Program For The Prevention And Treatment Of Alcoholism And Chemical Dependency And Providing For The Payment Of Fees, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 67-97 SURPLUS PROPERTY

Mr. Horn advised that a list of property no longer utilized by the City of Centerville has been prepared by the Public Works Director. If this equipment is declared as surplus property it can be sold during a public entity auction to be held by Washington Township. Mr. Stone sponsored Resolution Number 67-97, 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. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 68-97 ACCEPT BID FOR SALT FROM CARGILL

Mr. Horn advised that Southwest Ohio Purchasers for Government advertised for bidders for highway rock salt on behalf of several entities. He reviewed the bid received from Cargill Salt, Inc. for the supply of salt to the City of Centerville in the amount of \$30.99 per ton plus \$1.50 per ton for the salt to be piled. Because of the City's storage capabilities the cost for the piling must be included. Mr. Singer sponsored Resolution Number 68-97, A Resolution Accepting The Bid From Cargill Salt, Inc., And Authorizing The City Manager To Enter Into An Agreement With Cargill Salt, Inc., For The Purchase of Highway Rock Salt For Snow And Ice Control For 1998 For The City Of Centerville, Ohio, and moved that it be passed. Mr. Reppert seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 69-97 CONCEPT EAST DITCH

Mr. Hoffman reviewed the one bid received for the Concept East ditch improvement project from R. B. Jergens Contractors, Inc. Other bidders did not want to get involved with another project for the current year. Unit prices are consistent with unit prices received in 1996 for the Glenburn ditch improvement project. Upon question of Mr. Reppert, Mr. Hoffman explained his recommendation to restore the ditch beginning north of Bellingham Drive and extending to Bethel Road. He suggested that the quote to clean and restore an additional 600 lineal feet of open ditch between homes along Cloverwood Drive and Gracewood Drive be

RECORD OF PROCEEDINGS

Minutes of

Meeting

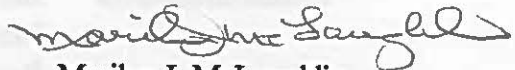
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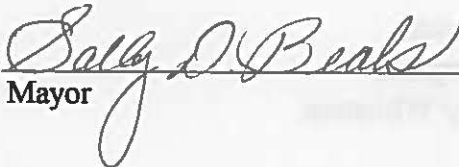
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accomplished at some future date. The biggest problem with the ditch between Cloverwood and Gracewood is siltation, debris, vegetation and trees blocking the flow of storm runoff. The stabilization and restoration project is confined to a specific area. Mr. Stone sponsored Resolution Number 69-97, A Resolution Accepting The Bid Submitted By R.B. Jergens Contractors, Inc. For The Concept East Ditch 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. Mr. Singer seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned.



Marilyn J. McLaughlin
Clerk of Council

Approved: 
Mayor