

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held October 20, 1997, continued

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The following be added to the first paragraph "Mrs. Lienesch asked about buffering required by like development outside the Architectural Preservation District. Mr. Horn responded when there was conflicting requirements the higher requirement was used". Mr. Reppert moved that the minutes of the September 15, 1997 Council Work Session and meeting be approved as distributed, and the September 22, 1997 Council Work Session minutes be approved as amended as requested by Mrs. Lienesch. Mr. Stone seconded the motion. The motion passed unanimously.

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

Mayor Beals administered the Oath of Office to Centerville Arts Commission member Chet Bauch.

Kent Bristol, Executive Director for the Miami Valley Cable Council, on behalf of 3CMA, the City, County Communications and Marketing Association, presented to Mayor Beals the Savvy Award. This is an award given to Cities engaged in communications and public relations for local government. Centerville took first place for the production of Centerville Reports.

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

On October 9, 1997 Assistant Clerk of Council Peggy Whisman received her designation as Certified Municipal Clerk from the Ohio Municipal Clerks Association and the International Institute of Municipal Clerks.

Flu shots will be administered on Tuesday, October 21, 1997 in the Council Chambers of the Centerville Municipal Building, between the hours of 2:00 and 3:45 P.M.

The Joseph Bernardin Center was dedicated at The Franciscan at St. Leonards on Wednesday, September 24, 1997. This is a new independent living facility for seniors.

Centerville developer and realtor Robert Ferguson has passed away.

October 30 will be Trick or Treat in Centerville; Mayor Beals asked that decorations be enjoyed, not destroyed.

Veterans Day will be celebrated at the Leonard E. Stubbs Memorial Park at the War Memorial on Tuesday, November 11, 1997 at 11:00 A.M. If inclement weather, the ceremony will be moved into the barn at Benham's Grove.

Election Day is November 4, 1997. Mayor Beals encouraged the electorate to vote.

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The Christmas Tree lighting ceremony will be held at Benham's Grove on Sunday, November 23, 1997.

The Christmas Walk will be held on Sunday, December 7, 1997 between noon and 5:00 P.M.

The following two Proclamations were issued during the past month:

Fire Prevention Week - October 5 - 11, 1997.

National Respiratory Care Week - October 12 - 18, 1997.

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

Correspondence has been received by the City from SCOPE (Supporting Council of Preventive Effort), a community action agency which serves several Counties in the Miami Valley area to administer the emergency home energy assistance to those homes eligible for fuel assistance during the winter months. He brought attention to the location where residents can acquire assistance and received information relative to this fuel assistance program.

The recent issue of the Town Crier included a survey for residents to complete and return to the City of Centerville, asking for input relative to the proposed Master Plan for the Leonard E. Stubbs Memorial Park. Mr. Horn encouraged residents to respond to this survey.

Meetings have been scheduled for November 5, December 10, 1997 and January 14, 1998 by Edsall & Associates to take place at the Magsig Middle School on West Franklin Street to begin at 7:00 P.M. to receive input from residents for the development of the Master Plan for the Leonard E. Stubbs Memorial Park.

The collection of leaves by the Public Works Department is currently taking place.

Autumn golf rates are now available at The Golf Club at Yankee Trace for the remainder of the current golf season.

Mr. Weaver asked residents to rake leaves into the curb and to minimize the placement of branches and other debris in piles of leaves to be picked up by City crews. The program is progressing well. He pointed out that leaves collected are not placed in a land fill; they are composted into a soil mixture for future use.

Mrs. Lienesch reviewed the recent meeting held by the Aircraft Noise Task Force. At this meeting citizens sought information relative to who the contact person is at the local ATM office, and expressed concern with air traffic at night of intrusive and repetitive noise levels; information will be forthcoming relative to the name of the contact person. Another meeting has been scheduled for Thursday, November 6, 1997 at 7:00 P.M. at the Washington Township Government Center. Discussions continue relative to the long term recommendations presented to the City and Township a few months ago by the Task Force.

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**ORDINANCE NUMBER 15-97 ZONING ORDINANCE AMENDMENT
H-R INVESTMENTS REZONING REQUEST**

The Public Hearing was held concerning the Rezoning Request filed by H-R Investments Company and Sarah Teague for 8.222 acres of land located along the west side of State Route 48 and south of Sheehan Road. Requested is a change from Washington Township PUD-O2 to Centerville B-1 (Neighborhood Business) zone classification. Mr. Feverston located the subject property on a map and reviewed adjacent zone classifications and land uses. He reviewed a concept plan for the land in question to be divided into six lots to be developed into individual commercial and office uses. Mr. Feverston outlined restrictions and uses permitted in B-1 as detailed in the Centerville Zoning Ordinance. The Planning Commission, by unanimous vote, recommended approval of this Rezoning Request to City Council.

Upon questions of Mack VanAllen, 220 Kimbary Drive, Mr. Feverston advised that B-1, O-S, and O-PUD zone classifications would be comparable to the zoning the property now has under Washington Township zoning. Speculation is not possible by the City relative to the future use of adjacent land located in Washington Township.

Bruce Davidson, Woolpert Consultants, representing the applicant, advised that development of the property immediately west of the subject 8.222 acres is a matter currently before the Washington Township Trustees for consideration. Mr. Davidson pointed out that B-1 is being sought for the subject property by the applicant in order to broaden the potential use of the property.

Upon question of Linda Reynolds, 9617 Whalers Wharf, Mr. Feverston advised that a restaurant would be permitted in a B-1 zone classification, but not a tavern, night club, fast food or auto drive-in restaurant. The facility cannot be larger than 5,000 ground square feet. He pointed out that the current Washington Township zoning is very similar to Centerville B-1. Ms. Reynolds expressed concern with a potential increase in traffic generated by permitted uses at this location.

In answer to a question of Mrs. Lienesch, Mr. Feverston advised that permitted uses in B-1 have been reviewed with Mr. VanAllen and Ms. Reynolds.

Mr. Horn pointed out that the City has had no contact with property owners around the subject 8.222 acres relative to annexation to the City of Centerville.

Mr. Compton sponsored Ordinance Number 15-97, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 8.222 Acres, More Or Less, From Washington Township PUD-O Classification To Centerville B-1 Classification, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

Held October 20, 1997, continued19**ORDINANCE NUMBER 13-97 ZONING ORDINANCE AMENDMENT TEXT
LANDSCAPE, SCREENING, BUFFERYARD REQUIREMENTS**

The Public Hearing was held concerning Ordinance Number 13-97. Mr. Feverston reviewed this proposed Ordinance which amends sections of the current Zoning Ordinance for the City of Centerville to provide more specific standards for landscaping, screening, fencing, mounding and bufferyard requirements in single family, multi-family, and non residential zoned districts. The Ordinance also increases the amount of landscaping required in a parking lot. Mr. Feverston advised that the Planning Commission, by unanimous vote, recommended approval of this Ordinance to City Council.

Upon question of Mr. VanAllen, Mr. Feverston advised that these standards will apply to the property along the west side of State Route 48 which has been rezoned by Ordinance Number 15-97.

Mr. Horn pointed out that this Ordinance requires that a permit be acquired from the City prior to the erection of a fence in any zoned district to provide for better control of height, placement, and materials used.

In answer to a question of Mrs. Lienesch, Mr. Feverston advised that this Ordinance will require buffering and fencing in the Architectural Preservation District between uses, but will not apply to the property proposed for a day care center at 232 North Main Street.

Mr. Reppert sponsored Ordinance Number 13-97, An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Establish Regulations And Procedures For The Creation of Landscape, Screening And Bufferyard Requirements Within The City Of Centerville, Ohio, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

**ORDINANCE NUMBER 14-97 ZONING ORDINANCE AMENDMENT TEXT
COMMERCIAL ENTERTAINMENT**

The Public Hearing was held concerning Ordinance Number 14-97. Mr. Feverston reviewed this proposed Ordinance which provides that a commercial recreation facility be permitted in a B-2 zone classification as a Conditional use, and a commercial entertainment facility be permitted in B-PD zoned classification as a Conditional Use. He reviewed the definition for commercial entertainment and requirements set forth in the Ordinance. The Planning Commission, by unanimous vote, recommended approval of this Ordinance to City Council.

Upon question of Mr. Singer, Mr. Feverston explained that if a school or church proposes to build closer to an established commercial entertainment facility than is permitted by this Ordinance, the church or school would be permitted to do so; this would then make the commercial entertainment use non-conforming.

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Mr. Compton sponsored Ordinance Number 14-97, An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 17-97 COMPETITIVE BID LIMIT

The Public Hearing was held concerning Ordinance Number 17-97. Mr. Horn reviewed this proposed Ordinance which requires that competitive bids be received for contracts, the purchase of supplies, materials and labor involving an expenditure in excess of \$20,000.00. In the event multiple bids are not available, the City Manager will bring before City Council any purchase greater than \$15,000.00.

Upon question of Mrs. Lienesch, Mr. Horn advised that this Ordinance does not include professional services.

Mr. Stone sponsored Ordinance Number 17-97, An Ordinance To Amend Chapter 210, Contracts And Purchasing, Of The Centerville Municipal Code To Provide That Competitive Bids Be Taken For The Purchase Of Supplies And Materials When The Cost Exceeds \$20,000.00, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 19-97 PERSONNEL

The Public Hearing was held concerning Ordinance Number 19-97. Mr. Horn reviewed this proposed Ordinance to add two new positions in the Centerville Police Department: Staff Services Coordinator and Police Records/Communications Supervisor. He outlined the duties to be performed by Staff serving in these capacities. Mr. Singer sponsored Ordinance Number 19-97, An Ordinance To Amend Ordinance Number 20-96, To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And The Regulations For Employees Of The City Of Centerville, Ohio, The Italicized Portions To Be Added, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

Thomas Blome, 511 Willowhurst Street, was present at this meeting to address issues concerning the Appeal filed by the Elliotts and acted upon by City Council on October 13, 1997. He presented to Council a copy of the receipt Laura Elliott received from the City of Centerville for \$75.00 which did not reflect that it was an application for a Variance to install vinyl siding. He questioned the City's stamp for deposit on the back of the check. Mr. Horn advised that this stamp is used for all receipts by the City of Centerville to be placed in the City's General Fund. Mr. Blome suggested that the Architectural Preservation District Ordinance be repealed, a commission of citizens review structures in the AP district, then send information to the Historic Registry for decisions. He asked Council to take another look at the Elliott Appeal, seek additional information, and consider the application again.

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Upon question of Mrs. Lienesch, Mr. Feverston outlined events which took place relative to the application of vinyl siding on the house located at 60 South Main Street. He identified the receipt as being a receipt for the filing fee to apply for a Variance to permit the siding to remain on the structure.

Upon questions of Linda Blome, 511 Willowhurst Street, Mayor Beals reiterated the process followed in the Elliott case. Mrs. McLaughlin advised that the Elliotts were notified of Council's decision relative to their Appeal to Council.

RESOLUTION NUMBER 71-97 PUBLIC DEPOSITORY

Mr. Horn advised that an application has been received from the Community National Bank of Warren County, Ohio, to be designated as a public depository for the City of Centerville. This is a financial institution which will be locating in the City of Centerville. Mr. Compton sponsored Resolution Number 71-97, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 72-97 DISPOSITION OF WILDLIFE

Mr. Horn reviewed an agreement between the City of Centerville and the Board of Commissioners of Montgomery County for the disposition of wildlife injured or killed on public streets delivered to the Montgomery County Animal Shelter. This agreement provides for the payment by the City of \$30.00 per wildlife disposed. Upon question of Mrs. Lienesch, Mr. Horn advised that the cost to the City of Centerville for this service is less than \$1,000.00 per year. Mr. Stone sponsored Resolution Number 72-97, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Board Of Commissioners Of Montgomery County For the Disposition Of Wildlife Delivered To The Montgomery County Animal Shelter By The City of Centerville, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 73-97 YANKEE TRACE LIGHTING IMPROVEMENTS

Mr. Horn reviewed the one bid received from Cincinnati Gaslite Company, Inc, for lighting improvements - Phase Four, in Yankee Trace. The bid is in the same amount: \$31,386.71 as previously bid by Cincinnati Gaslite for Sections one, two, three, four, five, and six. These lights will be put in by the developer and paid for as part of the Special Assessment Financing program. Mr. Horn identified the location of these lights in Sections seven, eight, nine, and ten. The installation of these lights will satisfy the needs of residents for the winter months. Upon question of Mr. Singer, Mr. Horn advised that the City continues to pursue the installation of a mechanism to turn these lights on and off. Mr. Compton sponsored Resolution Number 73-97, A Resolution Accepting The Bid Submitted By Cincinnati Gaslite Company, Inc., For Yankee Trace

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Lighting Improvements Phase - 4 For The City Of Centerville, And Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

Mrs. Lienesch brought attention to correspondence received from Timothy Trick outlining issues of revealing information concerning noise pollution. She asked for the definition of offense against family, domestic dispute and suicide. She questioned whether totals recorded in the police monthly report should be revealed to the Aircraft Noise Task Force. Upon question of Mrs. Lienesch, Mr. Horn advised that when a complaint against noise is received, the Police Department responds to request that the noise level be lowered. In a specific case, an independent consultant was hired to test the noise level.

Upon request of Mrs. Lienesch, Mr. Horn reviewed correspondence received from Richard Harbison relative to a rumor that another car dealership will locate at the corner of Alexandersville-Bellbrook Road and Wilmington Pike in the midst of class residential areas.

There being no further business, the meeting was adjourned.

Approved: _____

Mayor

Attest: _____

Clerk of Council