

RECORD OF PROCEEDINGS

Minutes of *COUNCIL MEETING*

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held August 19, 1996

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 19, 1996 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	J. V. Stone
	Susan Lienesch
	James Reppert
	Brooks Compton

Clerk of Council Marilyn McLaughlin

Assistant Clerk of Council Peggy Whisman

City Manager Gregory Horn

Assistant City Manager Michael Haverland

City Planner Alan Schwab

Public Works Director Steve Weaver

Municipal Attorney Robert Farquhar

Assistant to the City Manager Judith Gilleland

Mr. Kingseed moved that Councilmember James Singer be excused from this meeting. Mrs. Lienesch seconded the motion. The motion passed unanimously.

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

Council Meeting - July 15, 1996.

Council Work Session Meetings - July 15, 1996.

- July 22, 1996.

- August 5, 1996.

- August 12, 1996.

Joint City/Township Meeting - March 25, 1996,

Mrs. Lienesch brought attention to a typographical error in the minutes of the Work Session meeting held July 15, 1996, eighth paragraph, item 3: the word "analysis" should be changed to "analyze". Mr. Compton moved that the minutes of the foregoing meetings be approved, as distributed and as amended. Mr. Reppert seconded the motion. The motion passed unanimously; however Mr. Compton abstained from the minutes of the July 22 Work Session meeting.

Mayor Beals administered the Oath of Office to Centerville Arts Commission member Barbara M. Monnig.

Mayor Beals introduced Centerville Historical Society President Jan Nelson, who in turn thanked the City of Centerville and the community for support in the publication of the Society's latest book "A Sense of Community". She presented a copy of this Bicentennial book to Mayor Beals and to all members of City Council. She acknowledged the many editors, writers, and special contributors for their input. Mrs. Nelson identified this book as a legacy of the last 200 years of our community. She outlined the many volunteer hours and financial contributions received that made the production of this book possible. This book is on sale at the Walton House and in area bookstores.

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Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Arts Commission member Michael W. Sandner. Mr. Kingseed moved that the resignation of Centerville Arts Commission member Michael W. Sandner be accepted, with regret. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

Mayor Beals thanked the Board of County Commissioners, Montgomery County for conducting their Commission meeting in the City of Centerville on July 30, 1996 and addressing concerns of residents in the Centerville area.

Mayor Beals announced the following events scheduled in the Centerville/Washington Township community:

August 6, 1996 Mystery Night Out was very successful - a search for Aaron Nutt.

On August 16, 1996 a group of German exchange students with the Epiphany Lutheran Church toured the Centerville Municipal Building and were made Honorary Citizens of Centerville.

Stengers Ford has scheduled a ground breaking ceremony to be held at the northwest corner of Whites Corner Road and Alexandersville-Bellbrook Road on August 26, 1996.

A ribbon cutting ceremony is scheduled for August 29, 1996 for Waccamaw located in the Cross Pointe Center to begin at 9:00 A.M.

Q Lube is being welcomed to the Centerville/Washington Township area; a company that cleans and recycles old oil.

A photo contest has been sponsored by the Centerville-Washington Township Bicentennial Commission.

Concerts continue at the Leonard E. Stubbs Memorial Park.

Between August 31 and September 2, 1996 a Soccer Centerville Tournament will be held in the Centerville area with a team from Sister City Waterloo, Ontario Canada in contention.

Mayor Beals announced the retirement of Fire Fighter and Paramedic Roy Baver and Centerville's Chief of Police William Lickert.

Mayor Beals announced the issuance of the following Proclamations:

August 26, 1996 - Women's Equality Day in the City of Centerville.

September 2 - 7, 1996 - Used Oil Reclamation Week in the City of Centerville.

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

The resignation of Centerville's Chief of Police William Lickert has been regrettably accepted. The two highest ranking officers in-house have been invited to apply to fill this position. Plans are to announce a successor by mid September.

The flashing traffic signals at North Main Street and Irongate Park Drive will be on line Monday, August 26, 1996.

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The underpass on Yankee Street is well under construction. This underpass serves three purposes: it connects east and west residential areas in Yankee Trace, it assists Montgomery County in replacing a large culvert to carry stormwater under Yankee Street, and it gives the City access to the Yankee Trace pump station and irrigation lake without crossing the street.

The Stormwater Drainage Task Force will meet in mid September.

Members of the Nestle Creek Homeowners Association have again expressed concern with sodding, seeding, and rip rap around the ponds in their subdivision. Ray Black has been notified of these concerns; the City Staff will continue to monitor improvements in Nestle Creek.

All excavation involved in the Clio Road reconstruction project is near completion. Paving should begin the week of August 26, 1996. Completion of the project is expected by mid September.

The annexation petition submitted by St. Elizabeth Corporation has been approved by the Board of County Commissioners, Montgomery County. When this annexation is accepted formally by City Council, all land more particularly known as the St. Leonard Center will be in the corporate limits of Centerville.

The City's medical insurance for employees has been renewed for one year at a 7 percent increase.

The Golf Club at Yankee Trace has experienced good activity during the months of June, July, and August.

Washington Township has indicated that West Spring Valley Road should be open to traffic by the end of September, 1996.

Economic development in the City of Centerville has been enhanced as evidenced by the many recent ground breakings.

Mr. Horn explained that Clio Road, being a primary roadway eligible for Federal Highway Funding, is being rebuilt paid for partially by federal funds. This reconstruction is necessary due to problems caused by underground drainage, deterioration of base, and inconsistencies in the asphalt. Due to the fact that this project is being funded 75 percent by the federal government, the reconstruction must take place at this time.

Mr. Kingseed, speaking as Chairman of the Public Health and Safety Council Committee, presented to City Council the Committee's report relative to a curfew. Mr. Kingseed advised that a Subcommittee of the Safe and Drug Free Schools Committee presented to the Committee a proposal for a curfew to help reduce drug and alcohol abuse in the Centerville/Washington Township community. Mr. Kingseed outlined the many measures which the City of Centerville and Washington Township have taken to protect the youth. The Council Committee considered all issues raised by the subcommittee and controls presently in effect by law enforcement agencies. They determined that there was not a sufficient link between the use of drugs and alcohol and a curfew. The City and Washington Township, working together on this issue, agreed that a curfew was not necessary at this time, but eyes will remain open and the matter will be revisited once every two years. Mr. Kingseed thanked and complimented the subcommittee for bringing this issue forward. Mr. Kingseed presented the recommendation of the Council Committee to City Council that a curfew not be placed in force at this time but that the City Manager and Chief of Police reconsider this issue at least every two years to determine if circumstances have changed. Mr. Reppert moved that the report relative to a curfew for the

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Centerville/Washington Township community presented by the Public Health and Safety Council Committee be accepted. Mr. Compton seconded the motion. The motion passed unanimously. Mr. Compton, bringing attention to reports received from Centerville's Chief of Police and the Washington Township and City of Centerville Satellite Juvenile Court evidencing that a curfew is not necessary at this time, moved that the recommendation of the Council Committee be approved. Mrs Lienesch. seconded the motion. The motion passed by unanimous vote of City Council. Mayor Beals pointed out that Centerville has developed a zero tolerance policy for crime and the use of drugs and alcohol in the Centerville Community; adequate tools are currently in place.

CHELTENHAM APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Karen Posey on behalf of the Cheltenham Homeowners Association against a decision rendered by the City Planning Commission denying a variance to permit a permanent ground sign on Baldwin Drive between Briggs Road and Hollowview Trail. Mr. Schwab reviewed the variance requested to erect an approximate twelve square foot identification sign on a stone wall located in front of the stormwater retention basin in the Cheltenham subdivision where the Nestle Creek subdivision meets Cheltenham. He located the subject property on a map and identified the zone classification as R-1c, single-family residential. Mr. Schwab showed slides of two similar identification signs for Cheltenham in other locations that were granted by variances several years previous. The stone wall for the sign placement is already in place. The Planning Department recommended approval of this variance to the Planning Commission subject to the following conditions:

1. One ground sign shall be located on Reserve Area "E" of Cheltenham Section Three along Baldwin Drive.
2. The sign shall be a single faced sign. The detailed design of the sign, landscaping, and location shall be subject to approval by the Planning Department.
3. The sign face area of the sign shall not exceed 12 square feet.
4. The sign height shall not exceed 4 feet.
5. Illumination of the sign shall be prohibited.

The Planning Commission, by a vote of 7-0, denied the Variance Application submitted by Karen Posey on behalf of the Cheltenham Homeowners Association, based upon the fact that an identification sign is not necessary on an interior street, namely Baldwin Drive. They further believed that if this type sign should be permitted, it should be permitted by regulations contained in the Zoning Ordinance and not through the variance procedure.

Karen Posey, President of the Cheltenham Homeowners Association, stated two reasons for the erection of this sign:

1. To create a sense of pride and to welcome buyers into a very transient neighborhood, this feeling is necessary due to the increased commercial development along Wilmington Pike in Greene County.
2. To take focus off the detention pond and create a feeling of beautification in Cheltenham.

She stressed their intent to make all entrances into Cheltenham look alike and be most attractive.

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Upon question of Mr. Compton, Mr. Schwab advised that the applicant has requested the sign height be changed to 5 feet maximum. Mr. Compton moved that the decision of the Planning Commission rendered on June 25, 1996 to deny the Variance Application submitted by Cheltenham Homeowners Association to erect a permanent ground sign, one foot four inches high by eight feet four inches long, mounted on a brick landscaping wall on Baldwin Drive be reversed, thus the erection of the sign being approved subject to conditions recommended by the Planning Department with the height of the sign not exceeding 5 feet. Mr. Reppert seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 6-96 GAZEBO RENTAL

The Public Hearing was held concerning Ordinance Number 6-96. Mr. Horn reviewed this proposed Ordinance which establishes reservation policies for the bandstand gazebo donated by Centerville Rotary at Benham's Grove. The policy includes three provisions:

A three hour rental, limited to a maximum 30 day advanced booking, for a charge of \$75.00.

A one hour rental, limited to a maximum 29 day advanced booking, for a charge of \$25.00.

A standard rental which requires advanced booking notice with the reservation for rental of the cottage, barn, Gerber house, or entire complex, at no additional charge.

The Ordinance grants the City Manager authority to adjust fees up to ten percent annually and make minor changes to the policies, with adjustments to be reported to City Council. Mr. Kingseed sponsored Ordinance Number 6-96, An Ordinance To Establish Reservation Policies For The Use Of The Open Air Gazebo At Benham's Grove, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 7-96 SALE OF SURPLUS PROPERTY

Mr. Horn reviewed a proposed Ordinance to provide more flexibility in the Centerville Municipal Code for the sale of surplus property owned by the City of Centerville with a value of more than \$1,000.00. Currently surplus property having a value of more than \$1,000.00 must be sold by legal advertising and written sealed bids. The proposed change provides for the sale of surplus property at a combined auction by another entity or at a vehicle auction. This procedure will save on legal advertising costs and equipment for sale will be considered by more interested parties. Mr. Horn pointed out that the City has police vehicles to be declared as surplus property. The sale at a vehicle auction provides the opportunity to take these vehicles out of the area. Proposed is the passage of this Ordinance as an emergency measure due to the fact that a joint entity surplus property auction will take place on Saturday, September 14, 1996. Mr. Stone sponsored Ordinance Number 7-96, An Emergency Ordinance Adopting An Alternative Procedure For The Disposal Of Surplus Property Of The City Having An Estimated Value Of More Than One Thousand Dollars (\$1,000.00), and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

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ORDINANCE NUMBER 8-96 SALE OF SURPLUS PROPERTY

Mrs. Lienesch moved that Ordinance Number 8-96, An Ordinance Adopting An Alternative Procedure For The Disposal Of Surplus Property Of The City Having An Estimated Value Of More Than One Thousand Dollars (\$1,000.00), be set for Public Hearing on September 16, 1996. Mr. Reppert seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 42-96 SURPLUS PROPERTY

Mr. Horn reviewed a proposed Resolution to declare specific equipment no longer utilized by the City of Centerville as surplus property. A list of the property to be declared as surplus has been circulated among all City departments to verify its unusefulness. Mr. Stone sponsored Resolution Number 42-96, 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. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 43-96 SERVICES FOR ANNEXED PROPERTY

Mr. Horn reviewed a proposed Resolution identifying the level of services to be provided the 10.957 acres of land owned by Dr. and Mrs. Ronald Goenner located west of Paragon Road and north of Social Row Road which is the subject of an annexation petition currently before the Board of County Commissioners, Montgomery County. The property is surrounded on three sides by land which is within the corporate limits of the City of Centerville. Mr. Kingseed sponsored Resolution Number 43-96, A Resolution In Support Of The Proposed Annexation Of Property Containing 10.957 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirements Of Revised Code Section 709.031 (B) Ohio Revised Code, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 44-96 STUBBS PARK ELECTRICAL EASEMENT

Mr. Horn reviewed a proposed Resolution to grant to the Dayton Power & Light Company a Right of Way and Easement in order to install underground electrical lines for the transmission of additional electrical services in the Leonard E. Stubbs Memorial Park. Requested is a 10 foot wide easement from Spring Valley Road north approximately 500 feet into the park. Mr. Compton sponsored Resolution Number 44-96, A Resolution Authorizing The City Manager To Grant A Right Of Way And Easement, On Behalf Of The City Of Centerville, To The Dayton Power & Light Company For The Underground Electric Lines Located North Of Spring Valley Road Through Leonard E. Stubbs Memorial Park, and moved that it be passed. Mrs. Lienesch seconded the motion. The motion passed by unanimous vote of City Council.

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CENTERVILLE ARTS COMMISSION APPOINT LINDA STILES SMITH

Mr. Compton moved that Linda Stiles Smith be appointed as a member of the Centerville Arts Commission. Mr. Stone seconded the motion. The motion passed by unanimous vote.

There being no further business, the meeting was adjourned.

Approved:

Sally D. Beak
Mayor

ATTEST:

Marie J. Saughlin
Clerk of Council