

RECORD OF PROCEEDINGS

Minutes of Council Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1013B

Held October 16, 1995

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 16, 1995, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman James Singer, and the Pledge of Allegiance to the Flag with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor J. V. Stone
 Councilmembers Sally Beals
 C. Mark Kingseed
 Brooks Compton
 James Singer
 Clerk of Council Marilyn McLaughlin
 Assistant Clerk of Council Peggy Whisman
 Assistant City Manager Michael Haverland
 Municipal Attorney Robert Farquhar
 City Engineer Norbert Hoffman
 City Planner Alan Schwab

Mayor Heintz advised that Councilmember Mark Beasley would not be present for this meeting. Mr. Singer moved that Mr. Beasley be excused from this meeting. Mr. Compton seconded the motion. The motion passed unanimously.

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

Council Meeting - September 18, 1995.
 Council Work Session Meetings October 2, 1995.
 October 9, 1995.

Mr. Compton moved that the minutes of the foregoing meetings be approved as distributed. Mrs. Beals seconded the motion. The motion passed by unanimous vote; however, Mr. Stone abstained from the Minutes of the Meeting held on October 9, 1995.

Mayor Heintz administered the Oath of Office to Centerville City Beautiful Commission Member Richard Pluckebaum.

Mr. Kent Bristol, Executive Director of the Miami Valley Cable Council, was present at this meeting to explain his responsibilities at the Miami Valley Cable Council and welcome Council's ideas and suggestions.

Mayor Heintz introduced City Beautiful Commission Chairman, Michael Battaglia, to assist in the presentation of awards to the following recipients in the City's summer City Beautiful Contest:

Greg & Karen Eisnaugle	1101 Green Tree Drive
Brady & Lillian Noble	6155 Ironside Drive
Frank & Sue Coffman	6320 Shadow Lake Trail

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Todd & Gayle Couch	1867 Ravine View Court
Ernest & Delia Cerutis	264 Blackstone Drive
Lois & Phillip Copp	7765 Bigger Road
Wayne & Linda Clark	1720 Ambridge Road
Marsha & Mike Greene	135 East Ridgeway Road
Pam Parramore	8045 Brainard Woods Drive
John & Sally Beals	7875 Stonehouse Court
Charles & Dorothy Gastineau	235 Tauber Drive
Edwin & Marian Sensenbaugh	163 Freyn Drive
Arthur & Alma Miller	144 Tuxworth Drive
Brian & Jamie Sakach	211 Marsha Jean Way
David & Valerie Senkowski	1107 Green Tree Drive
Jerry & Rebecca Vondrell	510 Chipplegate Drive
Carmen & Mary D'Amico	1090 Clintshire Drive
Marcia & Rick Heben	6509 Atterbury Court
James & Aleli Wills	1102 Ambridge Road
Joan & Bob Hosfeld	7660 John Elwood Drive
Lori & Jeff Geckler	181 Hampton Road
Gayle & John Havert	8217 Station House Road
Tony & Julie Young	57 Dale Ridge Drive
Brennan & Tina Acres	115 Weller Avenue
Lee & Barbara Lehman	9515 Sheehan Road
Rob & Connie Laumann	918 Thorndale Drive
Ray & Charlene Schilling	640 East Whipp Road
Joseph & Natalie Staeuble	5067 Glenmina Drive
Bill & Pam Skidmore	6946 Spring Farm Court
Ted & Joann Lienesch	875 Deer Run Road
Caren & Richard Van Vleck	7790 Stanley Mill Drive
Lila & Miles Docherty	7880 Stanley Mill Drive
Elaine Phillips	1320 Centerville Station
James & Virginia Parsons	111 Bristol Drive
Bryan & Julia Belden	135 Tuxworth Road
Bud & Jean Mader	1005 Thorndale Drive
Wayne & Judy Schuler	850 Kentshire Drive
Bobbi & Joe McDermott	131 North Johanna Drive
Jim & Sue Hagedon	8035 Parkeast Court
Harold & Marilyn Campbell	144 Bristol Drive
Jay & Ann Weiskircher	204 Martha Avenue
Bob & Judy Servis	1800 Baldwin Drive

Mr. Battaglia introduced other City Beautiful Commission members present at this meeting and explained the Christmas Decorating Competition that will be judged between Thanksgiving and Christmas. An announcement will be in the Town Crier.

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Following a recess in this meeting to provide for City Council to express appreciation to the award winners, the meeting reconvened into general session.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Planning Commission member Stanley Swartz. Mr. Kingseed moved that the resignation of Stanley Swartz as a member of the City Planning Commission be accepted with regret. Mr. Singer seconded the motion. The motion passed unanimously.

Mrs. McLaughlin announced the receipt of a letter of resignation from Centerville Arts Commission member Carolyn Meininger. Mrs. Beals moved that the resignation of Carolyn Meininger as a member of the Centerville Arts Commission be accepted with regret. Mr. Stone seconded the motion. The motion passed unanimously.

Mayor Heintz announced the issuance of the following Proclamation:

The month of October as National Arts and Humanities Month in the City of Centerville.

Mayor Heintz outlined State Issue 2 that is up for renewal by the electorate on November 7, 1995. Issue 2 allows the state to use their bonding capacity to lend money to areas in the entire state, and also to contribute money for major projects, such as road projects, waste water treatment plants, stormwater, etc. Centerville has received \$1.3 million from the state for the widening of Wilmington Pike and \$1.2 million toward the widening of State Route 48. Issue 2 does not increase taxes, and it has benefited the entire state from time to time.

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

The leaf pick up schedule is published in the Town Crier. Leaves will be picked up throughout the City until December 7, 1995.

Centerville has a new publication for business owners: the Centerville Commerce. Mr. William Stamper, Centerville Economic Development Coordinator, is publishing this newsletter monthly for Centerville business owners.

The Centerville Recycling Program for comingled recycleables continues to be a success. In addition, Centerville recycles newspapers. To have your newspapers recycled, place them in a paper bag or tie them with string and they will be picked up on your regularly scheduled waste collection pick up day. Currently, Centerville is receiving \$60 a ton for newspapers, which goes back into the Waste Collection Enterprise Fund.

Upon question of Mrs. Beals, Mr. Haverland explained that the leaves are composted by the City, and donated to a large leaf mulching, recycling operation just south of the City. The yard waste is picked up separately and taken to the Montgomery County Composting facility at the north incinerator.

The Public Hearing was held concerning an Appeal filed by Henry A. Harlamert on behalf of Irongate Manor Apartments, 128-144 Maple Avenue, against a decision

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rendered by the Planning Commission during their Meeting on September 12, 1995. Mr. Schwab located the property on the map being situated south of Irongate Park Drive, west of Maple Avenue and north of Ridgeway Road, and zoned Architectural Preservation District. Mr. Schwab reviewed a plan submitted to the Board of Architectural Review which included three (3) storage buildings and one (1) garage, with a step down width of 20 feet on the west end to 15 feet on the east side, and a 5 foot side yard setback. The Board of Architectural Review approved the plan. A Variance Application was then submitted to Planning Commission which included a side yard setback variation of 0 to 2 feet 6 inches. The Plan submitted included a 3 module storage building and one (1) garage 20 feet in width, with no side yard setback variance required for the first module, a 2 feet 6 inch side yard setback for the second module and a 0 foot side yard setback for the 3rd module. The Staff recommended to the Planning Commission denying the side yard setback variance based upon not meeting the standards as outlined in the Ordinance for granting a variance. In addition, Staff recommended that if Planning Commission approved the variance request, a 1 foot 6 inch side yard setback be required due to the overhang on the proposed storage building's roof. The Planning Commission, by a vote of 5-1, denied the Application for a Variance.

Mr. Brad Lennon, Design Group Architects, 131 South Main Street, addressed Council concerning the aesthetics of the storage building. After further evaluation of the project, Mr. Lennon advised that they have decided to relinquish the 0 foot setback variance and request only the 2 feet 6 inch side yard setback.

Mrs. Lula Stephens, Manager of Irongate Manor Apartments, expressed that the residents of the apartment building and the neighbors are in favor of this project. In addition, Mrs. Stephens presented a petition signed by 54 residents of the apartments stating their support of the storage building being built.

Mr. Henry A. Harlamert, Applicant, advised that building the storage building was the request of the residents of the apartments. He also explained that the members of the Planning Commission were very supportive of the project, however, could not vote against the Zoning Ordinance passed by City Council. Mr. Harlamert explained that the adjoining property owner would deed the necessary land to him to eliminate the need for the 0 foot setback. In addition Mr. Harlamert agreed to comply with whatever the City Engineer recommended for drainage between the buildings.

Mayor Heintz and Mrs. Beals both encouraged all citizens to call the City of Centerville and file a complaint when unsightly conditions exist on someone's property or anywhere in the City.

Mr. Singer expressed concern over the narrow passageway the construction of this storage building creates, and suggested some type of closure at each end, such as a fence.

Mrs. Beals expressed concern over the narrow passageway in consideration of maintaining the back of the building, and in the collection of debris, harboring animals, etc.

Mr. Compton asked how many feet would exist between the new building and the existing building on the adjoining property, and if there was enough room to get between

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them to do maintenance work. Mr. Lennon explained that at its narrowest point there were 7½ feet.

Mr. Harlamert outlined an alternative proposal. Possibly have the 3 modules and garage configurated into an "L" shape. This would eliminate the need for a side yard setback on 2 of the 3 modules. This would also shorten the narrow passageway.

Mr. Stone moved that the Variance Application submitted by Mr. Henry A. Harlamert be tabled until the next regular council meeting scheduled for November 20, 1995, which would give Mr. Harlamert time to discuss an easement with the adjoining property owner, and give him the opportunity to reconsider the location of the storage building and the garage. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 22-95 MUNICIPAL CODE UPDATE

The Public Hearing was held concerning Ordinance Number 22-95. Mr. Haverland advised that this is the first annual update to codify all City Ordinances and appropriate Resolutions for inclusion in the Centerville Municipal Code and repeal any Ordinances in conflict with any new Ohio legislation that has been passed. Mr. Compton sponsored Ordinance Number 22-95, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 23-95 ANNEXATION OF TERRITORY

Mrs. McLaughlin, Clerk of Council for the City of Centerville, presented to Coiuncil the transcript of the proceedings of the Board of County Commissioners of Montgomery County relative to the petition to annex 27.264 acres of land from Washington Township to the City of Centerville. Mr. Singer moved that Ordinance Number, 23-95, An Ordinance Accepting Of Randale Honaker, Dianna L. Honaker, Fran R. Marsh, Sharon C. Marsh, James F. Gann, Jr. And Alan J. Rodeck For Annexation Of Territory, be set for Public Hearing on November 20, 1995. Mrs. Beals seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 24-95 ANNEXATION OF TERRITORY

Mrs. McLaughlin, Clerk of Council for the City of Centerville, presented to Council the transcript of the proceedings of the Board of County Commissioners of Montgomery County relative to the petition to annex 32.566 acres of land from Washington Township to the City of Centerville. Mrs. Beals moved that Ordinance

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Number, 24-95, An Ordinance Accepting The Application of Dennis J. Hoertt For Annexation Of Territory, be set for Public Hearing on November 20, 1995. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 72-95 TREATMENT OF ALCOHOLISM

Mr. Haverland reviewed a proposed Agreement with the Combined Health District of Montgomery County through which the City of Centerville pledges 10 percent of funds received by the City, from the State of Ohio, for liquor permit fees for the year 1995 for special programs for the prevention and treatment of alcoholism. Mrs. Beals sponsored Resolution 72-95, 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. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 73-95 EXCHANGE OF LAND

Mr. Haverland reviewed a Resolution for the exchange of land between the City of Centerville and Ronald C. and Christine A. Hill necessary for Yankee Trace Drive right-of-way. Mr. Stone sponsored Resolution Number 73-95, A Resolution Authorizing An Exchange Of Land Between The City Of Centerville And Ronald C. Hill And Christine A. Hill For Municipal Purposes, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 74-95 UNMARKED POLICE VEHICLES

Mr. Haverland reviewed the following bid received for the purchase of two (2) unmarked police vehicles:

Jack Walker Pontiac	\$19,667.32 Each	Unmarked
Dayton, Ohio		

Mr. Haverland recommended acceptance of the bid submitted by Jack Walker Pontiac for the two (2) unmarked police vehicles. He explained that these larger types of vehicles fit the needs of the Police Department. Mrs. Beals sponsored Resolution Number 74-95, A Resolution Accepting The Bid Submitted By Jack Walker Pontiac For The Purchase Of Two Unmarked Police Vehicles 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. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 75-95 MARKED POLICE VEHICLES

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Mr. Haverland recommended that the City participate in a contract with the State of Ohio, Department of Administrative Services, for the purchase of five (5) marked police vehicles for the City of Centerville. Mr. Kingseed sponsored Resolution Number 75-95, A Resolution Authorizing The City Manager To Participate In A Contract With The Department Of Administrative Services, Office of State Purchasing For The Purchase Of Five Police Vehicles For The City Of Centerville In Accordance With Ordinance Number 19-88, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 76-95 YANKEE TRACE DRIVE IMPROVEMENTS

Mr. Haverland reviewed the following bids received for the Yankee Trace Drive Improvements in the City of Centerville:

R.B. Jergens Contractors, Inc. Dayton, Ohio	\$812,145.26
Dyno Construction Dayton, Ohio	\$822,518.65
Charles Hamilton Company Mainville, Ohio	\$894,749.00

Mr. Haverland explained that these improvements were for the southern entry of Yankee Trace Drive. He also reviewed the coordination between the City of Centerville and Great Traditions, and the proposed construction time frame for the development of the Yankee Trace Residential Development. Mr. Stone sponsored Resolution Number 76-95, A Resolution Accepting The Bid Submitted By R. B. Jergens Contractors, Inc. For Yankee Trace Drive Improvements, In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

YANKEE TRACE SECTION FOUR BOND REDUCTION

Mr. Hoffman reviewed his recommendation for Letter of Credit reduction for Yankee Trace Section Four, from \$137,500.00 to \$21,000.00. The developer has finished much of the storm sewer work, grading work, curb, and the first lift of asphalt. A separate Letter of Credit for \$9,000.00 for the hiker biker trail remains unchanged at this time. Mr. Kingseed moved that the Letter of Credit posted on Yankee Trace, Section Four be reduced to \$21,000.00 as recommended by the City Engineer. Mr. Stone seconded the motion. The motion passed unanimously.

BOARD OF TAX APPEALS APPOINT GINA S. TOLLEFSON

Mr. Stone moved that Gina S. Tollefson be appointed as a member of the Board of Tax Appeals for the City of Centerville. Mrs. Beals seconded the motion. The

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motion passed by unanimous vote of City Council.

BOARD OF ARCHITECTURAL REVIEW REAPPOINT THOMAS HANNA
CINDY KERR

Mayor Heintz advised that the terms of Thomas Hanna, and Cindy Kerr will soon expire as members of the Board of Architectural Review. Mr. Singer moved that said reappointments be made. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

CENTERVILLE PLANNING COMMISSION PATRICK HANSFORD
PETER MCMAHON

Mayor Heintz advised that the terms of Patrick Hansford and Peter McMahon will soon expire as members of the City Planning Commission. Mr. Singer moved that said reappointments be made. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE HISTORICAL COMMISSION BETTY ANN PERKINS
ROGER NELSON

Mayor Heintz advised that the terms of Betty Ann Perkins and Roger Nelson will soon expire as members of the Centerville Historical Commission. Mr. Singer moved that said reappointments be made. Mr. Stone seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

APPROVED: 

Mayor

ATTEST: 

Clerk of Council