

## RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held November 20, 1995

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, November 20, 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 led by Webelo Pack 299; Mayor Shirley Heintz presided. Councilmembers and City Staff present were as follows:

Deputy Mayor J. V. Stone  
 Councilmembers C. Mark Kingseed  
                   Brooks Compton  
                   James Singer  
 Clerk of Council Marilyn McLaughlin  
 Assistant Clerk of Council Peggy Whisman  
 City Manager Gregory Horn  
 Assistant City Manager Michael Haverland  
 Municipal Attorney Robert Farquhar  
 City Planner Alan Schwab  
 Assistant to the City Manager Judith Gilleland  
 Police Lieutenant Bruce Robertson

Mayor Heintz advised that Councilmembers Mark Beasley and Sally Beals would not be present for this meeting. Mr. Stone moved that Mr. Beasley and Mrs. Beals be excused from this meeting. Mr. Kingseed seconded the motion. The motion passed unanimously.

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

Council Meeting - October 16, 1995.  
                   - November 6, 1995.

Council Work Session Meetings - October 16, 1995.  
   - October 23, 1995.  
   - November 6, 1995.  
   - November 13, 1995.

City Council/Washington Township Trustees Joint Meetings  
   - August 14, 1995.  
   - September 25, 1995.

Mayor Heintz pointed out the fact that FEES should be corrected in the Minutes of the September 25, 1995 Joint Meeting to read "Membership dues currently - township/city residents \$12.00 per year and other - \$15.00 per year. The increase recommended by the Seniors Board will be to \$15.00 and \$20.00 per year." Mr. Compton moved that the minutes of the foregoing meetings be approved as corrected and distributed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

Mayor Heintz administered the Oath of Office to Board of Tax Appeals Member Gina S. Tollefson.

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Jan Harry, representing the Volunteer Action Center of the United Way, was present at this meeting to outline for Council their charge to strengthen non-profit public and educational organizations. She presented to Centerville's Volunteer Coordinator Maureen Russell Hodgson a plaque of recertification for Centerville's CIVIC program. Centerville's program has met all standards for a well managed, well rounded, quality volunteer program. Mrs. Hodgson thanked all involved in the Centerville CIVIC Volunteer Program.

Randy Daniel, Executive Director of the South Metro Chamber of Commerce, brought greetings from the Executive Board of the Chamber to City Council. He expressed his enthusiasm to pull communities together in economic development activities.

Mayor Heintz recognized the following Centerville High School Athletes and presented to each of them a "For Achievement in Excellence" medal:

Centerville High School Girl's Golf Team - State Champions:

Elizabeth Norman  
Beth Geary  
Rachel Couch  
Thea Remy  
Janie Earle  
Shannon Sharp  
Katie Argue  
Catie Litner  
Katie Duffy

Centerville High School Girl's Tennis Team - Coaches State Tournament Champions:

Cassie Brunner  
Cydny Devilbis  
Cindy Weprin  
Sarah Little  
Erica Echko  
Alicia Graham  
Liz Simon  
Courtney Kowalczyk  
Anna Yen

Golf Team Coaches Tim Evans and Larry Budich outlined tournaments played opposing nine other teams to win the State Championship. Tennis Team Coach Joe Humphrey also outlined matches played to win their State Championship.

Lora Kraft provided Council and the listening audience a presentation on the Ohio E Check Vehicle Emissions Testing Program to begin in January, 1996. There are



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currently five facilities open in the Dayton/Springfield area. All vehicles from 2 to 25 years old must be tested prior to vehicle registration renewal. All motorists will be notified of the test requirement 90 days prior to their registration expiration date. The cost for the testing is \$19.50 and must be paid at the time of testing. Vehicles with odd number model years will be tested in odd years, vehicles with even number model years will be tested in even years, thus causing testing to occur every other year. New vehicles will be exempt from testing the first two years of ownership. Used vehicles require a test before initial registration, unless the previous owner supplies the new owner with a valid E Check inspection certificate.

Mayor Heintz recognized Ohio State Representative Robert Corbin in attendance at this meeting. Mr. Corbin briefly discussed various bills pending before the Senate and House of Representatives upon questions of Councilmembers.

Mrs. McLaughlin announced the receipt of resignation letters from Centerville Arts Commission member Robert McMillan and Centerville-Washington Township Bicentennial Commission member Joseph Beyerle. Mr. Kingseed moved that the resignation of Mr. McMillan be accepted with regret. Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Stone moved that the resignation of Mr. Beyerle be accepted with regret. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mayor Heintz brought attention to the following events:

On November 10, 1995, the Centerville Police Department received a Pedestrian Safety Award on behalf of the City of Centerville.

The veterans were honored at Benham's Grove on November 11, 1995, Veterans Day.

The Christmas Tree Lighting ceremony will be held on Sunday, November 26, 1995.

The annual Christmas Walk has been scheduled for Sunday, December 3, 1995 between noon and 5:00 PM. Events will take place in the Walton House and at Benham's Grove.

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

The fourth and final round for leaf pick-up will begin November 27, 1995, in the City of Centerville by the Service Department.

The Centerville Police Department is actively investigating damage to a major phone trunk line in the vicinity of Ameritech on North Main Street in Centerville.

Steve Weaver, recently hired as Centerville Public Works Director will begin employment on December 11, 1995.

The City's United Way Campaign has been completed.

The indoor golf academy at The Golf Club at Yankee Trace is near completion



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and is available for use. The golf course will remain open through the month of November.

The Restaurant at Yankee Trace will host its first Thanksgiving Day dinner. Reservations have been sold out for this event.

#### HENRY A. HARLAMERT APPEAL IRONGATE APARTMENTS

Mayor Heintz advised that the Appeal to City Council filed by Henry A. Harlamert on behalf of Irongate Apartments, 128-144 Maple Avenue, against a decision rendered by the City Planning Commission denying a Variance Application to permit a side yard setback between the building and side lot line of 0 to 2.5 feet, instead of the required side yard setback of 5 feet, was tabled on October 16, 1995 until the November 20, 1995 Council Meeting. Mr. Compton moved that the Appeal filed by Henry Harlamert be removed from the table. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Schwab briefly reviewed the Variance Application considered and denied by the Planning Commission during their meeting on September 12, 1995. He pointed out the fact that, following the Council Meeting on October 16, various options have been discussed between the applicant, City Engineer Norbert Hoffman and Mr. Schwab.

Brad Lennon, Design Group Architects and architect for the applicant, reviewed a revised plan locating the proposed buildings in a L shape configuration, which eliminates the 0 lot line variance and situates the center building approximately 7.5 feet from the existing garage to the south. This revised plan requires a variance of 2.6 feet for the easternmost building from the side lot line.

Mr. Harlamert advised that property owners to the south are receptive to granting a 5 foot easement to provide room for maintenance to the proposed buildings. He suggested that a fence be erected at the east and west ends in the rear of the proposed two easternmost buildings to provide a cleaner and safer environment. Discussion followed relative to screening from the property to the west of the third building and landscaping in front of the buildings and in the green space to the east. Mr. Harlamert agreed to work with the City Planning Department relative to landscaping around the proposed buildings. In consideration of the revised plan, Mr. Schwab recommended that the side elevations of the buildings be subject to the approval of the Planning Department.

Mr. Compton moved that the decision of the City Planning Department denying the Variance Application submitted by Henry Harlamert on behalf of the Irongate Apartments be modified according to a revised plan submitted during this Council Meeting, thus permitting the construction of storage buildings configured into a "L" shape thus eliminating the need for a side yard set back of 0 feet and approving a variance of 2.6 feet in the side lot line of the easternmost building, conditioned upon the following:

1. The west wall siding as agreed to by the applicant be supervised and approved by the City Planning Department.
2. Landscaping be approved by the Planning Department.



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3. A fence agreement be worked out with the property owners to the south.
4. For maintenance of the rear of the easternmost building, a perpetual easement from the property owners to the south of the proposed buildings be filed on record with Montgomery County.

Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

#### ORDINANCE NUMBER 23-95 PARAGON ROAD ANNEXATION

The Public Hearing was held concerning Ordinance Number 23-95. Mr. Horn reviewed this proposed Ordinance to annex 4 residential parcels of land from Washington Township to the City of Centerville, consisting of 27.264 acres of land, situated east of The Golf Club at Yankee Trace and west of Paragon Road. This was a 100 percent owners petition for annexation. Mr. Compton expressed appreciation to the property owners involved for pursuing this annexation throughout a long process and to Washington Township for not appealing the decision of the Second District Court of Appeals to the Ohio Supreme Court. Mr. Singer sponsored Ordinance Number 23-95, An Ordinance Accepting The Application Of Randale Honaker, Dianna L. Honaker, Fran R. Marsh, Sharon C. Marsh, James F. Gann, Jr. And Alan J. Rodeck For Annexation Of Territory, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

#### ORDINANCE NUMBER 24-95 DENNIS HOERTT ANNEXATION

The Public Hearing was held concerning Ordinance Number 24-95. Mr. Horn reviewed this proposed Ordinance and identified said parcel of land on a map, being situated west of The Golf Club at Yankee Trace consisting of 32.374 acres of land owned by Dennis Hoertt. This is a 100 percent owner annexation. Mr. Compton sponsored Ordinance Number 24-95, An Ordinance Accepting The Application Of Dennis J. Hoertt For Annexation Of Territory, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote. Mr. Kingseed expressed satisfaction with the fact that in this case a property owner has been afforded his choice.

#### ORDINANCE NUMBER 30-95 INDOOR GOLF ACADEMY COMPENSATION RATES

Mr. Horn reviewed a proposed Ordinance to establish compensation rates for golf professionals giving lessons at the indoor academy facility at Yankee Trace. Compensation being established is a 50-50 split between the City of Centerville and the professional of revenue generated over a base amount of \$1,400.00 by each professional per calendar month. Upon question of Singer, Mr. Horn pointed out that the split is less for the golf professional giving indoor lessons than outdoor due to the fact that many of



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these lessons will be given during open hours of the golf facility. Rates will be monitored and if adjustments are warranted, the matter will be further discussed with City Council. Mr. Compton sponsored Ordinance Number 30-95, An Emergency Ordinance Establishing Compensation Rates For Indoor Lessons Given By Golf Professionals At The Golf Club At Yankee Trace, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

#### ORDINANCE NUMBER 31-95 INDOOR GOLF ACADEMY COMPENSATION RATES

Mr. Singer moved that Ordinance Number 31-95, An Ordinance Establishing Compensation Rates For Indoor Lessons Given By Golf Professionals At The Golf Club At Yankee Trace, be set for Public Hearing on December 18, 1995. Mr. Kingseed seconded the motion. The motion passed unanimously.

#### ORDINANCE NUMBER 32-95 GOLF ACADEMY FEES

Mr. Horn reviewed a proposed Ordinance to establish indoor golf academy fees and academy membership fees for 1996. Included in the Ordinance are rates for the use of the indoor driving range during the winter months and different types of academy membership fees beginning April 1 and continuing through October, 1996. Mr. Horn outlined the various fees being established for The Golf Club at Yankee Trace. Mayor Heintz brought attention to Section 3 of the Ordinance which authorizes the City Manager to adjust rates in consultation with City Council. Mr. Compton sponsored Ordinance Number 32-95, An Emergency Ordinance Amending Ordinance 35-94 Adopting Indoor Golf Academy Fees And 1996 Golf Academy Membership Fees, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

#### ORDINANCE NUMBER 33-95 GOLF ACADEMY FEES

Mr. Singer moved that Ordinance Number 33-95, An Ordinance Amending Ordinance 35-94 Adopting Indoor Golf Academy Fees And 1996 Golf Academy Membership Fees, and moved that it be set for Public Hearing on December 18, 1995. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

#### RESOLUTION NUMBER 77-95 PUBLIC DEFENDER

Mr. Horn reviewed a proposed Resolution to authorize a Contract with the Montgomery County Public Defender Commission to provide legal counsel to indigent persons charged with violations of the City's Municipal Code which could result in the loss of liberty of said persons. Being requested from the City of Centerville for 1996 is



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\$1650.00. The Agreement provides that at the end of the calendar year, monies owed by the City of Centerville will be calculated and settlement made in the form of a rebate or additional payment, whichever is appropriate. Many times in the past the City has received a rebate. Mr. Compton sponsored Resolution Number 77-95, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Person; Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1996, And Terminating On December 31, 1996, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 78-95 DISPOSITION OF WILDLIFE

Mr. Horn reviewed a proposed Resolution to authorize a Contract with the Board of Commissioners of Montgomery County to provide for the disposal of a carcass of large wildlife when killed in the City of Centerville. The wildlife would be delivered to the Montgomery County Animal Shelter. The cost of this disposal is \$30.00 per carcass. Mr. Compton sponsored Resolution Number 78-95, 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. Kingseed seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 79-95  
COMPUTER HARDWARE FOR POLICE DEPARTMENT

Mr. Horn reviewed the following bids received for the purchase of computer hardware for the Centerville Police Department:

Stillwater Microsystems	\$64,618.00
Applied Micro Technology	\$53,764.00

Police Lieutenant Bruce Robertson recommended acceptance of the low and best bid submitted by Applied Micro Technology. AMT supplied computer software to the Police Department in April of the current year. Mr. Singer sponsored Resolution Number 79-95, A Resolution Accepting The Bid Submitted By Applied Micro Technology, Inc., For The Purchase Of Computer Hardware For The Centerville Police Department 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 of City Council.

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## KELISCOT ESTATES PERFORMANCE BOND REDUCTION

Mr. Horn reviewed a recommendation of City Engineer Norbert Hoffman that the Performance Bond posted for Keliscot Estates be reduced from \$38,850.00 to \$6,500.00. This amount is sufficient to cover repair work, the remaining plat improvements and the final lift of asphalt. Mr. Kingseed moved that the Performance Bond posted on Keliscot Estates be reduced from \$38,850.00 to \$6,500.00. Mr. Stone seconded the motion. The motion passed by unanimous vote.

## BICENTENNIAL COMMISSION APPOINT LORI GECKLER

Mr. Stone moved that Lori Geckler be appointed to fill the vacancy on the Centerville-Washington Township Bicentennial Commission created by the resignation of Joseph Beyerle. Mr. Compton seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

APPROVED:

*Shirley F. Wentz*  
  
 Mayor

ATTEST:

*Wendell J. Laughlin*  
  
 Clerk of Council