

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held July 20,

19 92

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, July 20, 1992 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember J. V. Stone, and the Pledge of Allegiance to the Flag, with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Brooks Compton
 Councilmembers C. Mark Kingseed
 J. V. Stone
 Mark Beasley
 Sally Beals

Clerk of Council Marilyn McLaughlin
 City Manager Gregory Horn
 City Planner Alan Schwab
 City Engineer Norbert Hoffman
 Assistant to the City Manager Judith Gilleland
 Director of Recreational Services James Reppert

The Minutes of the following Meetings had been distributed prior to this Meeting:

Council Meetings - June 15, 1992.
 - June 29, 1992.
 Council Work Session Meetings - June 15, 1992.
 - June 22, 1992.
 - June 29, 1992.
 - July 6, 1992.
 - July 13, 1992.

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.

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

Mr. Compton read a Certificate of Congratulations signed by Mayor Heintz and all members of Council, presented to Cathy Jefferson by Mayor Heintz. Mrs. Jefferson captured the City Women's Amateur Golf Championship for the first fourpeat championship in the history of the tournament.

Mayor Heintz administered the Oath of Office to City Beautiful Commission Member Carley van der Kloet.

Mr. Don Klasing, Administrator for Sycamore Hospital, was present at this meeting to give a brief report on the hospital and outline a Master Plan for the total campus project to satisfy needs in coming years.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held

July 20, 1992 continued

19

Mayor Heintz announced the issuance of a Proclamation designating July 22, 1992 as Soaring Sounds Drum Corps International Day in Centerville.

Mayor Heintz welcomed Centerville's new City Manager Gregory Horn to the Centerville community.

Mayor Heintz thanked all involved in the success of the Americana Festival held in Centerville on July 4, 1992.

Mayor Heintz expressed appreciation to the Sister City Committee for coordinating plans for representatives from Centerville's Sister City Waterloo, Ontario Canada the weekend of July 3, 1992.

Mayor Heintz outlined concerts scheduled in the Amphitheater in the Leonard E. Stubbs Memorial Park. These concerts held on Thursdays and Sundays have been coordinated by the Centerville Arts Commission.

Mayor Heintz brought attention to the Soaring Sounds Drum Corps competition being held on July 22, 1992 at the Centerville High School. Drum and bugle corps from across the United States and Canada will enter into this outstanding competition.

Mr. Horn advised that bids received for the construction of Yankee Trace Golf Course are being analyzed by City Staff. A recommendation should be forthcoming to City Council within the next two weeks.

ASHLAND OIL/SUPER AMERICA APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by John R. Koverman, Jr., Agent for Ashland Oil/Super America, against a decision rendered by the Planning Commission during their meeting on June 9, 1992. Requested is the erection of a sign 32 square feet per side for a total signage of 64 square feet at 113 North Main Street. Mr. Schwab located this property on a map for which a building permit has been issued for the erection of a Super America service facility in the Architectural Preservation District. Permitted by the Centerville Zoning Ordinance is a sign 16 square feet per side for a total both sides of 32 square feet. Mr. Schwab pointed out the fact that a Variance Application for this same sign was denied by City Council several years ago when the revised site plan was approved for the building. Mr. Schwab outlined the process by which this Variance has come forth for Council's consideration: a Variance Application for the proposed sign was denied by the Board of Architectural Review; an Appeal was then filed against this decision with the Planning Commission which was unanimously denied; thus this Appeal against the decision of the Planning

RECORD OF PROCEEDINGS

443

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

Held

July 20, 1992 continued

19

Commission to City Council. Mr. Schwab identified the zoning of adjacent land, land uses and explained elevations for the new building under construction. He compared renderings of the new building with the structure recently demolished as well as signage previous and now proposed.

Mr. John Koverman, Attorney for Super America, introduced representatives from Super America. He identified how he sees this project as the outstanding convenient store anywhere in this country. Mr. Koverman explained how in 1966, through court action, the City zoned the subject property B-1, a zoning classification which permitted a service station. After Super America purchased the property in 1970 the City of Centerville rezoned said property to Architectural Preservation. Mr. Koverman pointed out the fact that the sign requested is the only signage which will appear on the property at 113 North Main Street, property having a 200 foot frontage on a four lane double State Highway. He outlined requirements for signs in the AP District both ground mounted and wall mounted and identified the size of signage permitted. Mr. Koverman stated that if this property had business zoning a 64 square foot sign would be permitted. The property was zoned B-1 when it was purchased by Super America. Mr. Koverman reviewed actions taken as this Variance Application proceeded through the Board of Architectural Review, the Planning Commission and now before City Council. He pointed out the fact that City Staff found: that the granting of this variance would not infringe on the rights of neighboring property owners to use their property, diminish property values, endanger the public safety, or create a public nuisance; that the granting of this variance would not permit the establishment of any use which is not otherwise permitted in the district; and that the granting of this variance would not be injurious to the area or otherwise detrimental to the public welfare. Mr. Koverman explained the necessity for adequate identification at this location in consideration of the fact that the building being constructed is not an image store for Super America. Inadequate signage could cause a sight distance problem for motorists. Mr. Koverman cited other signage in the Architectural Preservation District which is the same size as requested in this case. He requested that this Variance be granted so that Super America can compete with other gas stations in the area.

Mrs. Betty Ann Perkins, 32 West Ridgeway Road, sees appropriate signage as a major factor in the streetscape prepared for the Architectural Preservations District. The open frontage along the property as well as the front elevation will provide good visibility for the size of sign permitted by the Zoning Ordinance. She encouraged Council to uphold the decision of the Board of Architectural Review and the Planning Commission. She fears that if this Variance is granted similar requests will be forthcoming.

Upon question of Mr. Beasley, Mr. Schwab advised that signage at the BP Oil Station on North Main Street exceeds Zoning

RECORD OF PROCEEDINGS

Held July 20, 1992 continued

19

Ordinance provisions. Signage at the Marathon Station in all probably exceeds the same provisions. Many signs in the Architectural Preservation District are legal non-conforming, having been put in place prior to the passage of the current Zoning Ordinance.

As requested by Mr. Compton, Mr. Schwab outlined City Staff's findings relative to requirements listed in the Zoning Ordinance to be satisfied for the granting of a Variance (answers should be yes):

1. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by the ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare, (no).

2. There must exist unique circumstances or conditions applicable to the land or buildings where strict application of this ordinance would deprive the applicant reasonable use of his property. Mere loss in monetary value shall not justify a variance (no).

3. There must be proof of hardship resulting from the strict application of this ordinance that was not created by the property owner. Economic gain or profit is not sufficient proof that a variance should be granted (no).

4. The granting of the variance is necessary for the reasonable use of land or buildings and the variance as granted is the minimum variance that will accomplish this purpose (no).

5. The granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same zoning district (no).

Two additional requirements outlined by Mr. Koverman previously in this meeting were answered yes by City Staff. Mr. Schwab explained the formula used to determine permitted signage in the Architectural Preservation District.

Mr. Beasley complimented Super America on the fine improvement being made at 113 North Main Street, he sees nothing unreasonable or unusual in their sign variance request.

Mr. Kingseed expressed concern with standards the City would be left with if this variance was granted.

Mrs. Beals pointed out the fact that the sign section of the Zoning Ordinance was reviewed several years ago, appropriate standards were set at that time, the sign for Benham's Grove is a good example of a sign according to today standards, a sign having adequate visibility.

Mr. Stone congratulated Super America on the improvement they are making at 113 North Main Street, however, he stressed the fact that standards for signs in the Architectural Preservation District have been set and should not be changed at this time.

Mrs. Beals moved that the Variance Application for the erection of a ground mounted sign 32 square feet per side for a

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. 10144

Held July 20, 1992 continued 19

total of 64 square feet at 113 North Main Street upon Application by John R. Koverman, Jr, Agent for Ashland Oil/Super America, be denied. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Beasley voted no.

ORDINANCE NUMBER 8-92 PERSONNEL

The Public Hearing was held concerning Ordinance Number 8-92. Miss. Gilleland reviewed this proposed Ordinance which establishes a pay grade for the new City Manager. Mr. Kingseed sponsored Ordinance Number 8-92, An Ordinance Amending Ordinance 28-91 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 9-92 ANNEXATION

Mr. Horn reviewed a proposed Ordinance authorizing the annexation of property totally owned by the City of Centerville located east of Yankee Street, property which is included in an ongoing annexation. Mr. Beasley moved that Ordinance Number 9-92, An Ordinance Authorizing The Annexation of Real Property Owned By The City Of Centerville Contiguous To Its Borders And Directing The City Law Director Of The City Of Centerville To Prosecute The Proceedings Necessary To Effect Said Annexation Pursuant To Revised Code Sections 709.14 et seq., be set for Public Hearing on August 17, 1992. Mr. Compton seconded the motion. The motion passed unanimously.

CENTERVILLE ARTS COMMISSION MCCUTCHEON CHAIRMAN

Mr. Stone moved that Mr. Jim McCutcheon be appointed as the Chairman of the Centerville Arts Commission for a period of one year. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

CENTERVILLE HISTORICAL COMMISSION TESKE CHAIRMAN

Mr. Beasley moved that Mr. James Teske be reappointed as Chairman of the Centerville Historical Commission for an additional year. Mr. Kingseed seconded the motion. The motion passed by unanimous vote of City Council.

CENTERVILLE ARTS COMMISSION APPOINT JOYCE SPOOR

Mayor Heintz advised that Mrs. Joyce Spoor has indicated an interest in being appointed as a member of the Centerville Arts Commission. Mr. Kingseed moved that Mrs. Joyce Spoor be appointed as a member of the Centerville Arts Commission for a term of three years. Mr. Beasley seconded the motion. The motion passed unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held July 20, 1992 continued 19

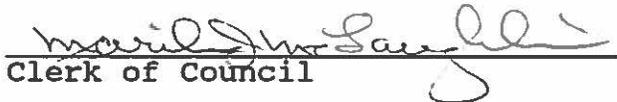
CITY BEAUTIFUL COMMISSION APPOINT STEPHEN LAKE

Mayor Heintz advised that Mr. Stephen P. Lake is interested in being appointed as a member of the City Beautiful Commission. Mr. Beasley moved that Mr. Stephen P. Lake be appointed as a member of the City Beautiful Commission for a term of three years. Mr. Compton seconded the motion. The motion passed by unanimous vote.

There being no further business the meeting was adjourned.


Mayor

ATTEST:


Clerk of Council