

# RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10134

Held January 15, 19 90

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, January 15, 1990 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Preston Dawes, City Chaplain, 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 J. V. Stone  
Sally Beals  
James Singer  
C. Mark Kingseed  
Mark Beasley  
Clerk of Council Marilyn McLaughlin  
City Manager Darryl Kenning  
Chief of Police William Lickert  
City Planner Alan Schwab  
Director of Finance William Bettcher  
Municipal Attorney Robert Farquhar  
Administrative Assistant Michael Haverland

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

Council Meeting - December 18, 1989.  
Council Work Session Meetings - December 18, 1989.  
- January 8, 1990.

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.

Mr. Forest Swift, Executive Director of Miami Valley Regional Transit Authority, was present at this Meeting to outline activities and projections of the Miami Valley public transportation system. He identified the downtown transportation plans, both the Main Street project and option two; adjustments to better serve the south of Dayton area; countywide night service; and RTA's environmental strategic plan for the future. According to Mr. Swift, night service should begin during August of this year. Upon question of Mr. Compton, dismantling of the trolleys will take approximately three years to complete.

Mrs. McLaughlin announced the receipt of a letter of resignation from Board of Architectural Review Member Mark Beasley.

## DEPUTY-MAYOR

Mr. Singer moved that Mr. Brooks Compton be elected Deputy-Mayor for the years 1990-1991 for the City of Centerville. Mrs. Beals seconded the motion. The motion passed unanimously.

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COUNCIL COMMITTEE AND CITY REPRESENTATION

Mrs. McLaughlin outlined the following Council Committees and City Representation projected by Mayor Heintz for the year 1990:

COUNCIL COMMITTEES

COMMUNITY RELATIONS

Mark Beasley, Chairman  
James Singer  
C. Mark Kingseed

FINANCE AND LONG-RANGE PLANNING

James Singer, Chairman  
Sally Beals  
Brooks Compton

LEGAL

J. V. Stone, Chairman  
C. Mark Kingseed  
James Singer

PUBLIC HEALTH AND SAFETY

C. Mark Kingseed, Chairman  
Sally Beals  
J. V. Stone

STREETS AND HIGHWAYS

Sally Beals, Chairman  
Brooks Compton  
Mark Beasley

COUNCIL LIAISON

BICYCLE COMMITTEE

Mark Beasley

BOARD OF ARCHITECTURAL REVIEW

Sally Beals

CENTERVILLE CITY SCHOOLS

Brooks Compton

CENTERVILLE PROPERTY REVIEW COMMISSION

C. Mark Kingseed

CENTERVILLE-WASHINGTON PARK DISTRICT

C. Mark Kingseed

CITY BEAUTIFUL COMMISSION

Mark Beasley

CITY PLANNING COMMISSION

James Singer

CENTERVILLE HISTORICAL COMMISSION

Mark Beasley

SISTER CITY COMMITTEE

J. V. Stone

WASHINGTON TOWNSHIP TRUSTEES

Shirley Heintz

CENTERVILLE REPRESENTATION

DAYTON AREA CITY MANAGEMENT ASSOCIATION

Darryl Kenning

Michael Haverland

MIAMI VALLEY CABLE COUNCIL

J. V. Stone, Chairman (Delegate)

Darryl Kenning (Alternate)



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-Government Technology Committee  
Darryl Kenning, Chairman

MIAMI VALLEY REGIONAL PLANNING COMMISSION  
Shirley Heintz (Delegate)  
Darryl Kenning (Alternate)

-Lower Great Miami River Basin Council  
J. V. Stone, Chairman

-Technical Advisory Committee  
Alan Schwab (Delegate)  
Norbert Hoffman (Alternate)

-Transportation Committee  
Shirley Heintz (Delegate)  
Sally Beals (Alternate)

-Wilmington Pike Executive Committee  
Shirley Heintz, Vice-Chairman

-Wilmington Pike Task Force  
Norbert Hoffman (Delegate)  
Alan Schwab (Alternate)

-Haz-Mat Advisory Board  
Shirley Heintz

MONTGOMERY AND GREENE COUNTY MAYORS & MANAGERS ASSOCIATION  
Shirley Heintz  
Darryl Kenning

SENIORS, INC.  
-Board of Trustees  
Shirley Heintz  
Brooks Compton

-Long Range Planning  
Brooks Compton

MONTGOMERY COUNTY SOLID WASTE ADVISORY COMMITTEE  
Shirley Heintz

WASHINGTON TOWNSHIP RECREATION BOARD  
Brooks Compton

SOUTH METRO DAYTON AREA CHAMBER OF COMMERCE  
-Board of Trustees  
James Singer  
Mark Beasley (Alternate)

SYCAMORE MEDICAL CENTER  
-Citizens Advisory Council  
Shirley Heintz  
Darryl Kenning  
J. V. Stone

WASTEWATER ADVISORY COMMITTEE  
Brooks Compton

MIAMI VALLEY CITIZENS AGAINST SUBSTANCE ABUSE  
Shirley Heintz, Co-Chairman

DAYTON AREA COUNCIL ON YOUTH  
-Substance Abuse Committee  
Shirley Heintz, Vice-Chairman

Mr. Compton moved that these appointments be approved. Mr. Singer seconded the motion. The motion passed unanimously.

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Mayor Heintz gave her State of the City Address outlining achievements made in 1989 and projections for 1990.

Police Chief William Lickert outlined the City's Juvenile program in the Centerville City Schools and introduced Juvenile Officer Christine Smart. Officer Smart shared her past experiences and outlined projections for the future.

#### BLUE PARROT APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Dennis J. Hoertt against a decision rendered by the Board of Architectural Review and the Planning Commission to require that the background color of the signs for the Blue Parrot, 8 West Franklin Street, be a non-gloss whitish color. Mr. Schwab located the subject property on a map, and reviewed this Application submitted to the Board of Architectural Review to permit the change of three signs from Angel's Camp to Blue Parrot. The Board of Architectural Review, by unanimous vote, approved the three signs in their present locations with the exception that the background color be changed to a semi or non-gloss whitish color. The Planning Commission, by a 3-2-1 vote affirmed the decision of the Board of Architectural Review. Mr. Schwab pointed out the fact that the main issue raised during the Planning Commission Meeting was use of the building color chart for signs in the Architectural Preservation District, a color chart has not been formally adopted for signs.

Mr. Dennis Hoertt, Applicant, brought attention to the insignificant difference in color between the light apothecary blue the signs are presently painted and the white as required by the Board of Architectural Review. The vote by Planning Commission did not represent the majority of the total Membership. Mr. Hoertt pointed out the fact that the light apothecary blue is a color on the building color chart.

Upon question of Mrs. Beals, Mr. Hoertt advised that the signs were changed prior to application, due to the fact that he was not aware a permit was necessary. The blue color used as background was a border color on the signs for Angel's Camp.

Mr. Kingseed did not believe there to be an adequate degree of difference in the two colors in question.

Mr. Stone emphasized the lack of standards for signs in the AP District.

Upon question of Mayor Heintz, Mr. Schwab advised that there is a shade of blue on the building color chart which matches the light blue color used on the three signs for the Blue Parrot.

Mr. Stone moved that the Appeal filed by Dennis Hoertt to retain the apothecary blue color on the three signs for the Blue Parrot be sustained, thus reversing the decision of the Planning Commission and the Board of Architectural Review. Mr. Compton seconded the motion. The motion passed unanimously.



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## ORDINANCE NUMBER 21-89 CITY INITIATED REZONING BACKUS PROPERTY

The Public Hearing was held concerning Ordinance Number 21-89, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 1.0789 Acres More Or Less, From R-1d Classification To Centerville Architectural Preservation District Classification. Mr. Schwab reviewed this City initiated rezoning for property situated along the south side of West Franklin Street and east of Normandy Lane, being two tracts of land conveyed to Charles L. Backus, Jr.. Mr. Schwab located said property on a map and outlined adjacent zoning classifications and land uses. This same property is involved in a Rezoning Request submitted by Paul J. Striebel & Associates on behalf of Charles Backus for a change to O-S Office Service Classification. The Planning Commission, by a 4-1 vote, recommended denial of the rezoning to O-S and moved that the City Staff initiate a rezoning of this same property to APD; this motion was passed unanimously. The Planning Commission determined that the properties in question would be better served and the community better served with a more intense use than single family. The Planning Commission believed APD zoning to be more appropriate in consideration of increased architectural control, parking in rear, and APD zoning better matched the existing zoning of properties along the north of West Franklin Street across from the subject properties. The Planning Commission, by a 4-0-1 vote, recommended to City Council, the approval of the rezoning to APD. Mr. Schwab pointed out the fact that concern was expressed during the Planning Commission Meetings by adjacent property owners for potential increased traffic near the curve on Gershwin Drive, just south of the corner lot owned by Charles Backus. APD zoning would permit a wider variety of retail uses including fast food establishments.

Upon question of Mrs. Beals, Mr. Schwab clarified the fact that the question of curb cuts will be addressed when an application for Site Plan approval takes place.

Mr. Kingseed expressed concern with potential uses permitted in the Architectural Preservation District.

Mr. Compton moved that Ordinance Number 21-89, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 1.0789 Acres More Or Less, From R-1d Classification To Centerville Architectural Preservation District, not be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Singer and Mr. Beasley voted yes.

## ORDINANCE NUMBER 17-89 BACKUS REZONING

Mr. Stone moved that Ordinance Number 17-89, the Ordinance to rezone the Backus property to O-S Office Service, be removed from the table. Mr. Compton seconded the motion. The motion passed by unanimous vote. Mr. Stone sponsored Ordinance Number 17-89, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 1.0789 Acres More Or Less, From R-1d Classification To Centerville Office Service



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Classification, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 23-89 APPROPRIATIONS 1989

The Public Hearing was held concerning Ordinance Number 23-89. Mr. Kenning defined this proposed Ordinance as the clean-up Ordinance for 1989, readjusting amounts in various funds. Mr. Compton sponsored Ordinance Number 23-89, An Ordinance To Repeal Ordinance 16-88 In Its Entirety And to Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1989, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously by City Council.

ORDINANCE NUMBER 25-89 APPROPRIATIONS 1990

The Public Hearing was held concerning Ordinance Number 25-89. Mr. Kenning reviewed this proposed Ordinance which is the City's financial plan for 1990. Included in this Plan are total expenditures of \$9,729,980.00, total resources available \$13,258,591.00 and a net income of \$7,775,685.00. Mr. Kenning outlined programs to be undertaken and increases in personnel anticipated for 1990 included in this budget. Mrs. Beals sponsored Ordinance Number 25-89, An Ordinance To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1990, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 27-89 PERSONNEL

The Public Hearing was held concerning Ordinance Number 27-89. Mr. Kenning reviewed this proposed Ordinance to set salaries, pay grades and establish regulations for employees of the City of Centerville for the year 1990. Mr. Compton sponsored Ordinance Number 27-89, An Ordinance To Repeal Ordinance Number 18-88 And 6-89 In Their Entirety, 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. Kingseed seconded the motion. The motion passed by a vote of 6 to 1 with Mr. Stone voting no.

ORDINANCE NUMBER 28-89 ELECTRIC CODE

The Public Hearing was held concerning Ordinance Number 28-89. Mr. Kenning reviewed this proposed Ordinance to adopt the latest version of the National Electric Code in effect up to three family dwellings, with three exceptions: to require a light in rooms where service panel boards are located, to provide that aluminum and copper clad aluminum conductors not be



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permitted in wire sizes smaller<sup>er</sup> than #8 AWG, and to restrict overhead wires from being located over swimming pools. These three exceptions have been in effect for the past several years in Centerville. Mr. Singer sponsored Ordinance Number 28-89, An Ordinance Adopting The 1990 Electric Code-NFPA 70-1990 With Certain Exceptions And Repealing Ordinance Number 6-87, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 29-89 DISH-TYPE ANTENNAS

The Public Hearing was held concerning Ordinance Number 29-89. Mr. Kenning reviewed this proposed Ordinance which sets forth regulations for the placement and erection of dish-type antennas. This is the reenactment of a previous Ordinance with the sunset provision removed. The Ordinance provides a mini-variance procedure for a special hardship not in keeping with the intent of this document. Upon question of Mr. Compton, Mr. Schwab advised that the Ordinance as written would not require notice to adjacent property owners when a variance is requested. Discussion followed relative to the inclusion of a notification procedure being included in the proposed Ordinance. Mr. Compton moved that Ordinance Number 29-89 be amended to include a notification procedure to adjacent property owners when any variance is requested. Mr. Kingseed seconded the motion. The motion passed unanimously. Mrs. Beals sponsored Ordinance Number 29-89, An Ordinance Supplementing Part Thirteen, Building Code, Title Five-Local Regulations Of The Codified Ordinance, Of Centerville, Ohio, By Enacting Chapter 1355 Entitled "Regulation Of Outdoor Dish-Type Antennas" as amended, and moved that it be passed. Mr. Kingseed seconded the motion. The motion passed by unanimous vote.

## RESOLUTION NUMBER 1-90 TAX RATES

Mr. Kenning reviewed a proposed Resolution accepting amounts and rates as determined by the Montgomery County Budget Commission and authorizing necessary tax levies for the City of Centerville inside and outside the 10 mill limit. These limitations being 2.35 mills inside and .69 mills outside for a total of 3.04, the same as in 1989. Mr. Compton sponsored Resolution Number 1-90, A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 2-90 TACTICAL CRIME SUPPRESSION UNIT

Mr. Kenning reviewed a proposed Resolution to join Cities together in a Tactical Crime Suppression Unit, under the umbrella of the Miami Valley Cable Council, to assist in the tracking and apprehension of criminals in overlapping boundaries. The TCSU also provides for the sharing of training, equipment and manpower

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when needed. Mrs. Beals sponsored Resolution Number 2-90, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement By And Among The Miami Valley Cable Council And The Cities Of Kettering, Miamisburg, Moraine, Oakwood And West Carrollton In A Tactical Crime Suppression Unit, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

#### EAST PARK PLACE PERFORMANCE BOND REDUCTION

Mr. Kenning, making reference to a report of the City Engineer, recommended that the Performance Bond posted on East Park Place be reduced from \$60,200 to \$13,000. Almost all public improvements have been completed except for the final course of asphalt pavement, the sidewalks and minor miscellaneous items. Mr. Kingseed moved that the Performance Bond posted on East Park Place be reduced to \$13,000 to cover the remaining public improvements. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council

#### INTERSTATE EXECUTIVE CENTER LETTER OF CREDIT RELEASE

Mr. Kenning, upon report of the City Engineer, recommended that the Letter of Credit in the amount of \$69,000 posted on Interstate Executive Center be released. All public improvements have been completed according to City Standards. Mr. Stone moved that the Letter of Credit posted on Interstate Executive Center be released as recommended by the City Manager, subject to the receipt of a \$3,500 Maintenance Bond for the duration of one year. Mr. Compton seconded the motion. The motion passed unanimously.

#### PROPERTY REVIEW COMMISSION

Mayor Heintz advised that the terms of Mr. Richard J. Ernst and Mr. James W. Wasson will soon expire as Members of the Property Review Commission; both are interested in serving another term. Mr. Singer moved that Mr. Richard Ernst and Mr. James Wasson be appointed to another three year term as Members of the Property Review Commission. Mr. Compton seconded the motion. The motion passed by unanimous vote.

#### SISTER CITY COMMITTEE

Mayor Heintz reported that the terms of Mr. Ted van Ruiten and Mr. John Spoor will soon expire as Members of the Sister City Committee. Mr. Singer moved that Mr. Ted van Ruiten and Mr. John Spoor be appointed for another term of three years as Members of the Sister City Committee. Mrs. Beals seconded the motion. The motion passed by unanimous vote.



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BOARD OF TAX APPEALS

Mayor Heintz advised that the terms of Mr. Robert P. Hensley and Mr. Stephen Mikula will soon expire on the Board of Tax Appeals. Mr. Beasley moved that Mr. Robert Hensley and Mr. Stephen Mikula be reappointed as Members of the Board of Tax Appeals for an additional three years. Mr. Stone seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz  
Mayor

ATTEST:

Marilyn J. Saughel  
Clerk of Council