

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held April 16,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 16, 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

Acting Municipal Attorney Robert Hunter

City Planner Alan Schwab

City Engineer Norbert Hoffman

Administrative Assistant Michael Haverland

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

Council Meeting - March 19, 1990.

Council Work Session Meetings - March 19, 1990.

March 26, 1990.

April 2, 1990.

April 9, 1990.

Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin announced the receipt of a letter of resignation from Board of Architectural Review Member Edward D. Garten.

Mrs. McLaughlin advised that an Appeal to Council has been received from B. P. Oil Company against a decision rendered by the Planning Commission requiring the Applicant to dedicate approximately 30 feet on the Wilmington Pike side of the site and approximately 45 feet on the Clys Road side of the site for public rights-of-way. The property in question is located at the southwest corner of Wilmington Pike and proposed Clys Road. This has been set for Public Hearing on May 21, 1990.

Mayor Heintz advised that Mr. James P. Teske has been recommended for appointment by the Members of the Centerville Historical Commission to said Commission. Mr. Compton moved that Mr. James P. Teske be appointed as a member of the Centerville Historical Commission. Mr. Kingseed seconded the motion. The motion passed unanimously. The Oath of Office was administered to Mr. Teske by Mayor Heintz.

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Mayor Heintz recognized the following students from the Centerville High School to participate in Youth in Government Day scheduled for April 24, 1990:

Mayor	Sean Triplett
Deputy-Mayor	Erin Balonier
Councilmember	Nicole Steiner
Councilmember	Ray Johnson
Councilmember	Nareen Narahari
Councilmember	Jacki Jones
Councilmember	Stacy Sheldon
Clerk of Council	Monica Holtzmuller
City Manager	Stephen Gasior
Assistant City Manager	Doug Wade
Director of Finance	Carla Tyson
City Planner	Deana Winton
City Engineer	Thomas Trego
Chief of Police	Jason Kuh
Service Director	Gita Daneshjoo

Mr. Ron Testa, Continental Cablevision, Public in Government Relations Manager, outlined activities by Continental to upgrade and rebuild their cable television plant.

Upon question of Mr. Singer, Mr. Testa advised that they are continually negotiating with Sport Channel of Ohio to carry Cincinnati Red's baseball games; they constantly pursue a lower cost.

During the Mayor's Report, Mr. Compton read the following Drug Policy Statement for the City of Centerville:

POLICY MEMO
416-1

Drug Policy Statement

"The illegal casual use, abuse or sale of drugs will not be tolerated within the limits of the City of Centerville, Ohio."

In support of this policy the following should take place.

1. The City of Centerville staffs a drug enforcement officer position through the Centerville Police Department with the specific task of tackling the illegal casual use, abuse or sale of drugs in the City.
2. Council members voluntarily agree to a drug test and challenge other governmental entity leaders to do the same.
3. Alcohol is a recognized addictive substance and is illegal for those under the age of 21. The laws will be enforced accordingly.
4. Establish a Drug Hotline.
5. Continue the D.A.R.E. officer in the Centerville schools, funded by the City of Centerville.
6. Establish a comprehensive employee assistance program implemented within 3 months of the adoption of this policy. The employee assistance program should be implemented through an appropriate local health organization.

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Mr. Compton sees this as an indication of the commitment local government and local communities can make to begin to wage a war against the use of illegal drugs. He believes this is the opportunity for the City to capitalize on steps community organizations have made to stop the use of illegal drugs in Centerville.

Mr. Kingseed offered his support for this Policy, recognizing this as local government's attempt to set an example and change people's attitudes toward the use of drugs in our community.

Mr. Bernard Samples, 1810 Hibiscus Court, Trustee for FADE (Fight Against Drug Epidemic), stated his support for drug testing by Elected Officials, he urged unanimous adoption of this Policy by City Council. Mr. Samples outlined concerns Officials may have with participating in a drug test.

Mr. Joe Cogliano, Vice President, Dille Clinical Laboratory, outlined the process followed at Dille Labs to test for drugs. The results are nearly 100 percent accurate.

Mrs. Beals stated her concerns with random drug testing and the effect medical treatment may have in particular circumstances. She believes there should be probable cause.

Upon question of ~~Mrs. Beals~~^{Mr. Samples}, Mr. Samples advised that members of FADE would submit to voluntary drug testing.

Mr. Michael Pekarak, member of FADE, believes the time has come to put discipline on examples to the youth in our community.

Mayor Heintz recognizes this Policy as a good positive step making a definite statement.

Mr. Compton moved that the "Drug Policy Statement" read earlier during this Meeting be adopted. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Heintz announced the issuance of the following Proclamations during the past month in the City of Centerville:

April 1 - 30, 1990	Cancer Control Month.
April 8 - 14, 1990	Building Safety Week.
April 22, 1990	Earth Day.
April 22 - 28, 1990	10th Annual National Organ And Tissue Donor Awareness Week.
April 22 - 28, 1990	National Volunteer Week.
April 27, 1990	Arbor Day.
May 14 - 18, 1990	Clean-Up Time.

MARATHON PETROLEUM COMPANY MAJOR USE SPECIAL APPROVAL

Mr. Kenning reviewed the Planning Commission Meeting held March 27, 1990.

The Public Hearing was held concerning a Major Use Special Approval Application submitted by Marathon Petroleum Company for property located along the west side of Wilmington Pike and south of East Whipp Road. Mr. Schwab located the 22.593 acre tract of land, zoned B-PD, on a map. Proposed is a plan for a hypothetical shopping center with the first phase of development being a vehicle service station on one of the three outlots at

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the corner. Mr. Schwab pointed out the fact that the zoning of the property was changed in 1986 from B-2 to B-PD, now requiring a 100 foot buffer between residential and B-PD zoning. He identified land uses and zone classifications of adjacent properties. Mr. Schwab located on the plan the curb cuts along Wilmington Pike and Whipp Road which have been approved by the Wilmington Pike Task Force and the three additional cuts proposed by the Applicant to access the service station. Also included on the proposed plan is a variance for a canopy setback of 35 feet instead of the required 50 feet. Mr. Schwab reviewed the following Staff recommendations to the Planning Commission:

1. A stormwater drainage plan shall be approved by the City Engineering Department showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.

2. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed temporary and permanent stormwater retention basins.

3. The required 100 foot buffer strip along the west and south property lines abutting Fox Run Condominiums shall be maintained in its natural state. Additional landscape screening shall be planted along the service driveway and this screening shall be subject to approval by the Planning Department.

4. The developer shall add an additional lane of pavement, curb, gutter, stormwater drainage and sidewalk along Wilmington Pike in accordance with plans approved by the City Engineering Department.

In lieu of the above improvement, the City Engineering Department may require a temporary improvement that consists of a left turn lane along Wilmington Pike at each entrance to the shopping center and the south entrance to the service station with the monetary difference between the temporary improvement and the above "permanent" improvement to be placed in escrow with the City to be used for the future widening of Wilmington Pike in front of the development. The temporary improvement plans must be approved by the City Engineering Department.

5. Appropriate cross easements for vehicular access and parking between the shopping center and service station approved by the City Attorney shall be required before a lot split is granted.

6. All driveways to the service station site shall be restricted to right turn movements only.

7. The position of the service station driveway onto Whipp Road shall be subject to approval by the City Engineer. The end of the median on Whipp Road may require alteration, at the expense of the developer, to accommodate this driveway.

8. The north service station driveway onto Wilmington Pike shall be perpendicular to Wilmington Pike.

9. The Planning Commission must approve detailed building elevation drawings for the shopping center and service station showing the materials and colors for all proposed buildings and canopy.

10. Dumpster location(s) and required screening shall be

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approved by the City Planning Department.

11. All exterior lighting shall be approved by the City Planning Department.

12. Non of the signs shown shall be approved as part of this application.

13. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

The Planning Commission, being concerned with the location of the three outlots and the curb cuts proposed to access the service station, recommended denial of the Major Use Special Approval to Council by a 4 to 3 vote.

Mr. Schwab advised that, upon further discussion with the City Engineer:

1. it appears to be feasible to relocate and/or construct a stormwater tile to accommodate the small stream that runs to the south along the western side of the property,

2. one driveway to the gas station along Wilmington Pike would be adequate, said driveway to be adjacent to the proposed southern property line of the gas station, and

3. a chainlink fence could be required at the back of the shopping center to restrict access from the commercial property to the Fox Run Condominiums.

Mr. Harold Forshaw, Engineer for Marathon Petroleum Company, outlined their proposal. They have requested two curb cuts off Wilmington Pike to access the service station in order to provide a smooth traffic pattern, but, if required, would be amenable to one. They believe it necessary to access the facility from both roadways. Mr. Forshaw stated their concurrence with all recommendations of the City Staff.

Mr. George Catterlin, 2711 Kings Arms Circle, expressed his concern with increased traffic, lights, incidental crime, noise, reduction in property values and a chainlink fence. He questions whether another service station is needed in consideration of others in the area. He believes the architecture should be in character with the neighborhood. Mr. Catterlin questions the need for another strip shopping center.

Mr. Lee Hall, 259 Old Whipp Court, encouraged development of the entire parcel of land at one time, thus being consistent with the intent of the Zoning Ordinance. He expressed concern with water drainage, detention and retention in the area. He suggested that the property in question be developed as an Office Park. Mr. Hall submitted a Petition signed by 26 residents in opposition to this Major Use Special Approval Application.

Mr. John Wolfe, 5894 Overbrooke Road, stating his objection to this proposal, believes that the City erred when it zoned the subject property for business; it is bounded on three sides by residential. He does not believe that the shopping center and service station are in the best interest of the neighboring residents.

Mr. Larry Stevens, 5840 Overbrooke Road, believes his area has been forgotten by Centerville. He encouraged beautification in the parking area.

Martha Walters, 2608 Kings Arms Circle, brought attention to

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unleased shopping center spaces throughout Centerville; she sees no need for another strip center. Ms. Walters would like the area to remain green.

Carla Tyson, Centerville High School Senior, encouraged Council to protect the environment, do not permit the removal of trees for a shopping center.

Mr. Albert Dexter, 5831 Overbrooke Road, expressed concern with air pollution during late and early hours caused by delivery trucks.

Mayor Heintz reminded the audience that Council cannot consider the need for a shopping center, not a rezoning, nor the name of an establishment, but merely the safety of the proposal.

Mrs. Beals brought attention to green areas required in a parking lot in accordance with Centerville's Zoning Ordinance.

Upon question of Mr. Beasley, Mr. Schwab advised that screening will be addressed at the time of Site Plan approval.

As questioned by Mr. Beasley, Mr. Forshaw advised that they have alternate plans for service stations and would be amenable to changing the design of this station.

Mr. Singer expressed concern with traffic flow from the station to the north and congestion at the corner.

Mayor Heintz expressed concern with two additional curb cuts off Wilmington Pike to access the service station. She proposed entering the station from the cut previously approved by the Wilmington Pike Task Force.

Mr. Kingseed encouraged a plan aesthetically pleasing to the neighborhood.

In consideration of problems discussed during this Public Hearing, Mr. Stone moved that this matter be tabled for further discussion. Mr. Kingseed seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Compton, Mr. Singer and Mayor Heintz voted no.

Mr. Schwab advised that in accordance with the Zoning Ordinance, City Council must render a decision within a specified period of time.

In consideration of this, Mr. Kingseed moved to remove this item from the table. Mr. Singer seconded the motion. The motion passed unanimously.

Mr. Singer moved that the recommendation of the Planning Commission be upheld, and the Major Use Special Approval Application submitted by Marathon Petroleum Company to develop a shopping center and service station on the southwest corner of Wilmington Pike and Whipp Road, be denied. Mr. Kingseed seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

WHIPP ROAD PLAT REPLAT

Mr. Kenning reviewed a Replat to accurately locate East Whipp Road on the Record Plan for Whipp Road Plat. Mr. Beasley moved that the Replat for the Whipp Road Plat be approved, as presented. Mr. Singer seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 2-90 ZONING ORDINANCE AMENDMENT
HILLS REZONING

Mr. Stone moved that the Rezoning Request submitted by Hills Developers, Inc., for property located along the east side of Bigger Road, north of Alexandersville-Bellbrook Road and south of I-675, be removed from the table. Mr. Kingseed seconded the motion. The motion passed unanimously.

Mr. Compton left the Meeting at this time due to a potential conflict of interest.

Mr. Kenning reviewed the zone changes now being proposed by Ordinance Number 2-90.

Mr. Schwab outlined on a map existing zoning, rezoning as first proposed by the Applicant, zone changes recommended by the Planning Commission, and the zone changes as revised in this proposed Ordinance.

Mr. John Koverman, Attorney for the Applicant, outlined the following net result for the total acreage if Ordinance Number 2-90 revised is passed:

approximately 28 acres - R-PD,
approximately 64 acres - R-lc,
approximately 5 acres - I-1.

Upon question of Mr. Beasley, Mr. Schwab advised that parkland dedication or fee in lieu will be considered when a Development Plan is presented.

Mr. Harvey Smith, President, Centerville-Washington Park District, expressed their need for a neighborhood park site to serve the total acreage. Mr. Koverman offered their intent to donate five acres north of proposed Clyo Road to the City of Centerville for park purposes. His client recognizes the desire of the Centerville-Washington Park District to have a park located in the southern portion of the development. The five acre parcel north of Clyo Road and parkland to the south are two different issues.

Discussion followed relative to parkland dedication and the ultimate ownership of the R-PD and the R-lc zone property north of proposed Clyo Road.

Mrs. Beals sponsored Ordinance Number 2-90, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 5 Acres More Or Less, From Centerville R-PD Classification To Centerville I-1 Classification; By Rezoning 10.1 Acres More Or Less, From Centerville R-PD Classification To Centerville R-lc Classification And By Rezoning 13.0 Acres More Or Less From Centerville R-lc Classification To Centerville R-PD Classification, and moved that it be passed. Mr. Beasley seconded the motion. A roll call vote resulted in five eyes in favor of the motion; Mr. Singer voted no.

Mr. Compton returned to the Meeting at this time.

ORDINANCE NUMBER 5-90 BUILDING REGULATIONS

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The Public Hearing was held concerning Ordinance Number 5-90. Mr. Kenning reviewed this proposed Ordinance which makes minor changes to building regulations previously adopted in the City of Centerville. Mr. Compton sponsored Ordinance Number 5-90, An Ordinance Adopting Building Regulations For The City Of Centerville And Repealing Previously Adopted Regulations, and moved that it be passed. Mr. Beasley seconded the motion. The motion passed by unanimous vote of City Council.

Mrs. Beals briefly reviewed Centerville's recycling program along with the City of Kettering and the City of Dayton. She announced passage of a Resolution by the Montgomery County Commissioners whereby the Solid Waste Management Department has authorized Montgomery County to solicit Bids for a Countywide residential co-mingled recycling program which involves accepting, transporting, separating and marketing acceptable recyclable materials.

ORDINANCE NUMBER 6-90 ARTS COMMISSION

Mr. Kenning reviewed minor changes proposed to the Ordinance which established an Arts Commission in the City of Centerville. Mr. Singer moved that Ordinance Number 6-90, An Ordinance Amending Chapter 157 Of The Centerville Municipal Code Relating To The Arts Commission, be set for Public Hearing on May 21, 1990. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 4-90 STREET IMPROVEMENTS

Mr. Kenning reviewed the following five Bids received for Centerville's 1990 Street Improvement Program:

TdM Construction Company, Inc.	\$296,163.50 (All items)
Asphalt	167,898.50
Concrete	128,265.00
John R. Jurgensen Company	\$293,537.00 (All items)
Asphalt	164,642.00
Concrete	128,895.00
Republic Asphalt Paving Company	
Asphalt	\$178,995.50
R. A. Miller Construction Company	
Concrete	\$131,525.00
L. P. Cavett Company	
Asphalt	\$163,977.10

Bids were received lower than expected and all were very close. Mr. Kenning outlined streets included in the improvement program and explained the repair process for both asphalt and concrete streets. City Engineer Norbert Hoffman recommended acceptance of the low and best combined Bid of John R. Jurgensen Company. Mr. Kenning advised that there is merit in accepting a combined Bid and there is value in good relationships with other separate low bidders. Mr. Kenning recommended that the total amount to be expended not exceed \$350,000.00.

Mr. Singer endorsed acceptance of the low Bid of TdM

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Construction Company, Inc. for concrete and the low Bid of L. P. Cavett Company for asphalt. These two Bids combined total \$292,242.10, \$1,294.00 less than the combined Bid of John R. Jurgensen Company.

Mr. Stone moved that the Bid of TdM Construction Company for concrete and the Bid of L. P. Cavett Company for asphalt be accepted, total amount not to exceed \$350,000.00, and thus sponsored Resolution Number 4-90, A Resolution Accepting The Bids Of The TdM Construction Company And The L. P. Cavett Company For 1990 Road Improvements For The City Of Centerville, Ohio, And To Authorize The City Manager To Enter Into Contracts In Connection Therewith, for passage. Mr. Beasley seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

PERSONNEL APPEALS BOARD

Mr. Singer moved that Mr. Charles P. Brown be reappointed as a Member of the Personnel Appeals Board. Mr. Compton seconded the motion. The motion passed by unanimous vote.

BOARD OF ARCHITECTURAL REVIEW

Mayor Heintz advised that a vacancy currently exists on the Board of Architectural Review. Mr. Compton moved that Mr. Jim A. Adams be appointed to fill the vacancy existing on the Board of Architectural Review. Mr. Stone seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Marie De Saugeli
Clerk of Council