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Minutes of

REGULAR COUNCIL

Meeting

Held April 17,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 17, 1989 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 led by Webelos, Eagle Den, Pack 616, with Mayor Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
Councilmembers J. V. Stone
Bernard Samples
Sally Beals
Brooks Compton
Jeffrey Siler
Clerk of Council Marilyn McLaughlin
Municipal Attorney Robert Farquhar
City Engineer Norbert Hoffman
City Planner Alan Schwab
Administrative Assistant Michael Haverland

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

Council Meeting - March 20, 1989.
Council Work Session Meetings - March 20, 1989.
- April 3, 1989.
- April 10, 1989.
Joint City/Township Meeting - March 27, 1989.

Mr. Siler moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Compton seconded the motion. The motion passed unanimously.

Mayor Heintz recognized Mrs. Ferne Reilich, Chairman of the Centerville Sister City Committee, present at this Meeting. Mrs. Reilich outlined the Sister City Program internationally and Centerville's involvement in the program. She extended two invitations to the citizens of the Centerville community: Sunday, April 23, 1989, the Sister City Committee is sponsoring a potluck dinner to begin at 5:00 P.M. at St. Leonard's Center, and the City of Waterloo, Ontario Canada has invited Centerville representatives to join them for a weekend in Waterloo, June 16, 17, and 18, 1989. Anyone interested in these events should contact City Hall and Mrs. Reilich will make contact.

Mayor Heintz introduced the following Centerville High School students participating in Youth in Government Day, April 25, 1989:

Mayor:	Brady Miller
Deputy-Mayor James Singer	Jennifer Anzur
Councilman Jeffrey Siler	Chris Kenning
Councilman Bernard Samples	Jim Cook
Councilman J. V. Stone	Wain Smith
Councilman Brooks Compton	Thasha Olinger
Councilwoman Sally Beals	Annie Bergsten

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Clerk of Council
City Manager
Director of Finance
City Planner
City Engineer
Chief of Police
Service Director

William Heimbuecher
Joseph Wieleba
Mike Pelger
Mike Mann
Amy Williamson
Mindy Heaton
Stacy O'Rourke

Mayor Heintz announced the issuance of three Proclamations during the past month:

April 1 to 30, 1989 as Cancer Control Month in the City of Centerville.

April 9 - 15, 1989 as National Victims' Rights Week in the City of Centerville.

April 23, 1989 as Consumers Week in Centerville.

Mayor Heintz advised that the Solid Waste Advisory Board for Montgomery County has passed an initiative grass reduction ban throughout Montgomery County. This is not a complete ban but a reduction, encouraging residents to reduce the amount of bagged grass clippings; starting date being June 1, 1989. Bagged grass has caused many problems at the incinerators thus causing the necessity of transporting bagged grass to the landfill.

Mr. Haverland, during his City Manager's Report to City Council, announced the following:

Centerville for the third year has been designated as a Tree City USA by the National Arbor Day Foundation. To celebrate this occasion, Arbor Day will be proclaimed April 28, 1989 in Centerville and a ceremony will be held on Friday, April 28 at 10:30 AM at the gazebo in front of Bethany Lutheran Village.

City Beautiful Clean up-Fix up-Paint up in Centerville will be held May 15-18, 1989. During this time the City's Service Department will pick up large items at no extra charge.

ORDINANCE NUMBER 2-89 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 2-89, an Ordinance to amend certain sections of the Zoning Ordinance for the City of Centerville. Mr. Schwab reviewed these proposed amendments being in various categories: building setbacks, building heights, sidewalk installation, home occupation standards, architectural design and materials, parking, sight distances at intersections, placement of signs, parking and storage of recreational vehicles and antenna heights. These proposed amendments involve all zone districts within the City of Centerville. Mr. Schwab reviewed in detail those provisions proposed for the storage and parking of recreational vehicles and maximum height permitted for antennas. This proposed amendment, by a 7-0 vote, has been recommended for passage by the Planning Commission.

Mayor Heintz advised that this amendment reflects recommendations made by the Zoning Task Force, Planning Commission, and letters and comments received from citizens of

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Centerville. During the past several years, requests have been received from residents that consideration be given to restricting the parking and storage of recreational vehicles.

Miss Leslie Tom, 7715 Glenbrier Place, questioned the need for parking restrictions for recreational vehicles. Mayor Heintz explained the fact that Centerville is one of the few Cities in Montgomery County that does not currently have said restrictions. This is an attempt for compromise between residents wanting restrictions and those vehicle owners not wanting restrictions. Residents who currently own recreational vehicles and have them parked at their residence will be permitted to continue with this use under the grandfather clause.

Upon question of Mr. Mike Bragg, Mr. Farquhar explained the grandfather clause (current use would be permitted to continue).

Mr. Siler believes that the recommended changes are satisfactory to RV owners.

Mr. Compton advised that these restrictions are answers to questions received from residents. The issue has received full and fair study by the Zoning Task Force, the Planning Commission and City Council. This is a start and a way to proceed into the future.

Mrs. Beals sees this proposal as a fair start to the solution to a problem, it is an issue which will be assessed again.

Mr. Stone believes the proposed amendment is a compromise between those residents that believe RV's are beautiful and others that believe them to be unsightly. This is an Ordinance with which we can live.

Mr. Singer supports the RV provision as being minimal.

Mr. Samples, speaking as Chairman of the Zoning Task Force, outlined the work of the Task Force to arrive at this conclusion. The RV issue was reviewed very intensely, considering all suggestions and comments. He made reference to various letters received, both pro and con for the RV restrictions. Mr. Samples sponsored Ordinance Number 2-89, An Ordinance Amending Ordinance Number 11-86, The Zoning Ordinance Of Centerville, Ohio, Enacting Revised Zoning Regulations For The City Of Centerville, Ohio In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 1-89 ZONING ORDINANCE AMENDMENT
ROWLAND REZONING

The Public Hearing was held concerning Ordinance Number 1-89, a Rezoning Request filed by Annette Rowland for 0.50 acres of land located on Far Hills Avenue, north of Zengel Drive and south of Elmwood Drive, requested change from R-1d Residential to O-S Office Service zone classification. Mr. Schwab located the subject property on a map and reviewed the zoning of adjacent land and land uses. The Planning Commission, by a 5-2 vote, reluctantly recommended approval of this Rezoning Request to City Council with the recommendation that the City Staff evaluate and review the possibility of rezoning the properties from this

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property north to Elmwood Drive to O-S.

Mr. Stephen Mikula, 965 Fernshire Drive, owner of the property immediately south of the subject property and the Realtor for the property views this as an orphan lot in consideration of the various business type uses in the surrounding area. He believes that with adequate screening, this rezoning will create no problems to adjacent residents. Mr. Mikula encouraged the passage of the requested change in zoning.

Mr. Brad Judge, John Judge Engineering, described a survey he recently conducted which evidenced business type uses in the surrounding area of this property.

Mr. Samples pointed out the fact that various factors involved in this case favor this zone change request.

Mrs. Beals stressed the importance of screening maintenance. Screening must be attractive and well maintained.

Mr. Compton sponsored Ordinance Number 1-89, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 0.50 Acres More Or Less, From R-1d Classification To Centerville Office Service Classification, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 6-89 PERSONNEL

The Public Hearing was held concerning Ordinance Number 6-89. Mr. Haverland reviewed this proposed Ordinance which changes the rate of pay for part time seasonal employees from \$4.00 to \$5.00 per hour. Mrs. Beals sponsored Ordinance Number 6-89, An Ordinance To Amend Ordinance Number 18-88 Which Establishes 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 8-89 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 8-89. Mr. Haverland reviewed this proposed Ordinance which is the preliminary legislation for the reconstruction and widening of East Whipp Road from State Route 48 to Centerville's Corporation Line. This is a joint project between the City of Centerville, the City of Kettering and Montgomery County. Mr. Singer sponsored Ordinance Number 8-89, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

Mrs. Faye Dietz, 7084 Far Hills Avenue, appeared before Council to question why her property must remain residential. It is located across from the car wash and Bob Evans Restaurant; increased traffic makes it nearly impossible for her to enter or exit her driveway. Mayor Heintz explained the fact that some Members of Council have considered Elmwood Drive as the logical

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barrier between business and residential. Mr. Siler reminded Mrs. Dietz that nothing prevents her from submitting a Rezoning Request for her property, the matter would then be considered by the Planning Commission and ultimately by City Council.

RESOLUTION NUMBER 16-89 BUSINESS EXPANSION SUPPORT

Mr. Haverland reviewed a proposed Resolution supporting the formation of a Task Force to put in place a business retention and expansion program for the industries and businesses located in Centerville, Miamisburg, Miami Township, Washington Township and West Carrollton. Mr. Compton indicated his support for this issue. Mrs. Beals sponsored Resolution Number 16-89, A Resolution In Support Of A Retention And Expansion Business Visitation Program In Centerville, Miamisburg, Miami Township, Washington Township and West Carrollton, Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Haverland reviewed twelve proposed Resolutions, all dealing with the Spring Valley Road/South Main Street Improvement project. Mr. Hoffman advised that Bids are being let for this project for Bid opening and acceptance on May 15, 1989.

RESOLUTION NUMBER 17-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 17-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Crown Petroleum Company For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 18-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 18-89, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With Norma Burtcher For The Purchase Of Real Property For Road Right Of Way Purposes And Authorizing The Payment Therefore, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 19-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 19-89, A Resolution Accepting The Dedication Of Real Property By Lloyd M. And Abby E. Whitesell And George E. And Nancy J. Reinke For Road Right Of Way Purposes, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 20-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 20-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The

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City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (Jam Company, Circle K Corporation), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 21-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 21-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (Beta Group), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 22-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 22-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (Thomas F. O'Rourke and Robert F. O'Rourke), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 23-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 23-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (Standard Oil Company), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 24-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 24-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The

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South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (David Lee and Elizabeth McDowell), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 25-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 25-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (Dayton-Pittsburgh Associates, a Pennsylvania partnership), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 26-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 26-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (Jack C. Hutton and Richard I. Wilson), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 27-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 27-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio, And Declaring An Emergency (Jacquelyn C. Hutton, Trustee), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 28-89 SPRING VALLEY ROAD/SOUTH MAIN STREET

Mr. Stone sponsored Resolution Number 28-89, A Resolution Declaring A Necessity to Make Certain Improvements To The Public Roadway System Which Is Open To The Public Without Charge By The City Of Centerville, And Declaring The Intent To Appropriate Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within And Without The Corporate Limits Of The City Of Centerville, Ohio,

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And Declaring An Emergency (George C. and Helen Schubert), and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

Mr. Stone, as Chairman and on behalf of the Miami Valley Cable Council, presented to volunteer Bob Maltby a cup and letter opener for outstanding service to the Cable Council and to the Centerville City Council for the telecast of the Centerville City Council Meetings.

There being no further business the Meeting was adjourned.

Approved:

Shirley F. Heintz
Mayor

ATTEST:

Paul J. Laughlin
Clerk of Council

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The Special Council Meeting scheduled for Monday, April 24, 1989 was cancelled due to the unavailability of legislation for which the Meeting was called.

Marie J. Saulh
Clerk of Council