

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held November 2019 89

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 20, 1989 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Deputy-Mayor James Singer, and the Pledge of Allegiance to the Flag led by Webelo, Pack 116 from the Ida Weller School; Mayor Shirley Heintz presided. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
Councilmembers J. V. Stone
Sally Beals
Brooks Compton
Bernard Samples
Jeffrey Siler
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Planner Alan Schwab
Administrative Assistant Michael Haverland

Mayor Heintz introduced boys in Pack 116 and Troop Leaders present at this Meeting.

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

Council Meeting - October 16, 1989.
Council Work Session Meetings - October 16, 1989.
- October 23, 1989.
- October 30, 1989.
- November 13, 1989.

Council Policy Session - November 6, 1989.

Mr. Siler moved that the Minutes of the foregoing Meetings be approved as distributed. Mrs. Beals seconded the motion. The motion passed by unanimous vote; however Mr. Stone abstained from the Minutes of the Meeting held November 13, 1989.

Mayor Heintz presented Honorary Citizenships to the following American Field Service Students attending Centerville High School:

Olivier Glassey - Sion, Switzerland.
Ahmet Noyaner - Izmir, Turkey.
Alejandra Perez - Punta Arenas, Chile.

Mayor Heintz advised that the week of December 2, 1989 has been designated nationally as Cities Fight Back Against Drugs Week. A Proclamation issued locally by Mayor Heintz for this purpose was read by Mr. Compton.

Mr. Samples briefed the Community regarding a Town Meeting to be held Saturday, December 2, 1989, from 9:00 A.M. until 12:00 Noon at the Centerville High School Auditorium; topic being "The Drug Crisis: Public Strategies for Breaking the Habit". The purpose of this Town Meeting is to provide an opportunity for area residents to enhance their own drug awareness, and offer input regarding solutions which will be reported to legislators

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in Washington; and to encourage other Miami Valley communities to sponsor similar Town Meetings. A special invitation was extended to all residents.

Mayor Heintz announced the fact that a Drug Enforcement Office has been placed in the Centerville Budget for 1990.

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

Approximately 46% of Centerville's Waste Collection customers have entered the recycling program. Mr. Kenning encouraged others to sign-up and reminded residents that recyclables (clean glass, plastics, beverage aluminum cans and clean cloth rags) need not be separated.

The Merchants of Historic Centerville will present an "Old Fashion Christmas" on Sunday, December 3, 1989 between the hours of 12:00 and 5:00 P.M. in the center of town; many special events have been planned.

The Drug Enforcement Officer will be a full time specialist, and will be employed as quickly as possible.

Upon question of Mayor Heintz, Mr. Kenning advised that five lanes at the State Route 48/Spring Valley Road Improvement Project should be operable before winter stops construction. The final layer of asphalt will not be put in place until 1990.

Mayor Heintz thanked Mrs. Beals for Chairing the Recycling Task Force and for the development of a very successful Recycling Program in Centerville. Mrs. Beals thanked residents for their overwhelming cooperation.

ORDINANCE NUMBER 21-89 ZONING ORDINANCE AMENDMENT
CITY INITIATED REZONING

Mr. Kenning reported on the Planning Commission Meeting held October 31, 1989. Recommended by the Commission is an Ordinance to rezone approximately 1.0789 acres from R-1d to Architectural Preservation District, property located on the south side of West Franklin Street, just east of the Corporation Line. Mr. Stone 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 Classification, be set for Public Hearing on January 15, 1990. Mrs. Beals seconded the motion. The motion passed unanimously.

KAZEM GOLSHAN/PAUL STRIEBEL APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Paul Striebel as Agent for Kazem Golshan against a decision rendered by the Planning Commission during their Meeting on September 26, 1989 to deny the use of Stucco-Insulation (dryvit) on the exterior of the building located at 400 North Main Street. Mr. Schwab located the subject property on a map, being located at the northeast corner of Far Hills Avenue and Zengel Drive, zoned O-S and being the first building north of the Architectural

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Preservation District. Buildings in the surrounding area are of brick construction. The Planning Commission approved a Planning Commission Special Approval Application to remodel and construct an addition to the present structure but denied the use of dryvit on the exterior of the building, based upon the fact that it was not visually compatible with adjacent brick buildings in the neighborhood. Concern was also expressed relative to the durability of the dryvit material over a period of time. Mr. Schwab cited that section of the Zoning Ordinance which deems stucco material (a concrete siding material) inappropriate in commercial districts in the City and requires the Planning Commission to consider a siding material on a case-by-case basis.

Mr. Dan Wyckoff, representing Paul Striebel, identified the following reasons for selecting dryvit for the exterior of this proposed office building: ease in application, it appears not as a stucco material, it is durable and it insulates.

Mr. Joseph Sunderman, representing B. H. Long (dryvit company), reviewed the construction and manufacture of dryvit.

Mr. James Oren, general contractor for the application of dryvit, emphasized the durability of the material, the ease of replacement, and identified buildings now finished with dryvit.

Mr. Gilbert Newbauer, 97 Poinciana Drive, questioned the application and permanency of dryvit. Mr. Oren explained the adhesive system.

Upon question of Mrs. Beals, Mr. Wyckoff advised that the entire building is proposed to be covered with dryvit, everything but glass windows.

Mr. Siler found no objection to the use of dryvit material on this structure.

Mrs. Beals expressed concern with potential damage caused by automobiles, dirt, etc.; she also does not believe that this type material belongs between brick buildings.

Dr. Kazem Golshan, owner of the property in question, believes that the appearance of this building must be changed in order for it to be rented as an office building.

Mr. Siler moved that the decision of the Planning Commission relative to the use of dryvit material on the building at 400 North Main Street be reversed and the Appeal be granted. Mr. Compton seconded the motion. A roll call vote resulted in four nays against the motion, Mr. Samples, Mr. Compton and Mr. Siler voted yes.

ORDINANCE NUMBER 20-89 OLD WHIPP COURT

The Public Hearing was held concerning Ordinance Number 20-89. Mr. Kenning reviewed this proposed Ordinance to change that portion of East Whipp Road from its point of realignment for approximately 680 feet east to its termination, to Old Whipp Court. This has become necessary due to the realignment of East Whipp Road to intersect Wilmington Pike at Feedwire Road. Mr. Samples sponsored Ordinance Number 20-89, An Ordinance Changing The Name Of A Portion Of East Whipp Road To Old Whipp Court In The City Of Centerville, Ohio, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous

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vote.

RESOLUTION NUMBER 56-89 SR48/SPRING VALLEY ROAD IMPROVEMENT

Mr. Kenning reviewed two Resolutions to acquire necessary real estate for right-of-way needed for the State Route 48/Spring Valley Road Improvement Project. Mr. Siler sponsored Resolution Number 56-89, A Resolution Authorizing The Purchase Of Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within The Corporate Limits Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 57-89 SR48/SPRING VALLEY ROAD IMPROVEMENT

Mr. Siler sponsored Resolution Number 57-89, A Resolution Authorizing The Purchase Of Certain Interests In Real Property For The Project Known As The South Main Street Spring Valley Improvement Project Within The Corporate Limits Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 58-89 PUBLIC DEFENDER

Mr. Kenning reviewed a proposed Resolution authorizing the City to enter into a Contract with the Montgomery County Public Defender Commission to provide legal counsel to indigent persons charged with violations of City Ordinances. State and Federal law requires Municipalities to provide this service; Contracting with Montgomery County is most economical for the City of Centerville. The cost for 1990 is estimated to be \$1,750.00, however the City only pays for those services rendered during the term of the Contract. Mr. Samples sponsored Resolution Number 58-89, 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 Persons; Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1990 And Terminating On December 31, 1990, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 59-89 ARCHITECTURAL PRESERVATION DISTRICT

Mr. Kenning reviewed a proposed Resolution authorizing a Contract with Pflum, Klausmeier, & Gehrum Consultants to prepare construction drawings for the revitalization of the center of town. Mrs. Beals sponsored Resolution Number 59-89, A Resolution Authorizing The City Manager To Enter Into A Contract Between The City Of Centerville, Ohio, And Pflum, Klausmeier, & Gehrum Consultants For Planning And Engineering Services For The

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Architectural Preservation District, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 60-89 LOCAL GOVERNMENT FUNDS

Mr. Kenning reviewed a proposed Resolution to approve an alternative method of apportioning the Undivided Local Government Revenue Assistance Funds of Montgomery County. This formula has been agreed to by recipient entities in Montgomery County. Mr. Stone sponsored Resolution Number 60-89, A Resolution Approving An Alternative Method Of Apportioning The Undivided Local Government Revenue Assistance Funds Of Montgomery County, And Requesting The Montgomery County Budget Commission To Provide For The Approved Alternative Method Of Apportioning Said Funds Beginning With The Funds To Be Distributed In 1990, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

WASTE COLLECTION INCREASE

Mr. Kenning outlined the need to increase the Waste Collection Monthly Fee charged by the City of Centerville. This increase is necessary in order to offset increases levied upon Municipalities for the disposal of waste by Montgomery County. Additional disposal costs in Montgomery County are \$5.50 per ton beginning January 1990 and an additional \$5.00 again in January 1991. Mr. Kenning recommended an increase of \$1.50 per month beginning February 1, 1990. With things not dramatically changing, this increase should be sufficient for a couple of years. This increase will not effect pre-paid customers until their pre-paid period expires.

Mayor Heintz explained the fact that Montgomery County has been mandated by the State of Ohio, and the State of Ohio by the Federal Government, to set up a complete comprehensive study in order to assure that landfill space will be available for the next ten years. This has caused increases in disposal fees.

Mrs. Beals moved that an increase of \$1.50 per month for waste collection by the City of Centerville, beginning February 1, 1990, be approved. Mr. Stone seconded the motion. The motion passed unanimously.

Mr. Samples emphasized the fact that the recycling program has nothing to do with this increase.

PARK PLACE EAST PARK PLACE ESCROW AND LETTER OF CREDIT RELEASE

Mr. Kenning, making reference to a memo received from the City Engineer, recommended that the escrow amount of \$12,800 for Park Place be returned, and the Letter of Credit of \$24,800 for East Park Place be released. These funds were posted by the Developer to cover estimated costs for subdivision widening on the Centerville Station Road frontage. Work has been completed, the total cost of the profile improvement has exceeded the total amount escrowed for Centerville Station Road improvements. Mr. Compton moved that the escrow amount of \$12,800 for Park Place be

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returned to the Developer, and the Letter of Credit of \$24,800 for East Park Place be released. Mr. Siler seconded the motion. The motion passed by unanimous vote.

CENTERVILLE HISTORICAL COMMISSION APPOINTMENTS

Mr. Kenning outlined the charge of the newly created Centerville Historical Commission. This Commission will work closely with the Centerville Historical Society to assure the continuity of the historical heritage of the Centerville Community. All members being appointed have been involved in the History of Centerville for many years. Three Members are to be appointed by Council based upon nominations received from the Centerville Historical Society, three Members appointed by Council whether or not nominated by the Historical Society, and one Member appointed by Council based upon recommendation from the Historical Commission. Mr. Singer moved that the following appointments be made to the Centerville Historical Commission:

Janet Thobaben - one year term.
Winifred Risner - one year term.
John Moraites - two year term.
Betty Ann Perkins - two year term.
Joanne Treffinger - three year term.
Celia Elliott - three year term.

Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council. Mrs. Thobaben, Mr. Moraites and Mrs. Treffinger were recommended by the Centerville Historical Society.

BOARD OF ARCHITECTURAL REVIEW APPOINTMENT WILLIAM ROPP

Mr. Samples moved that Mr. William Ropp be appointed as a Member of the Board of Architectural Review for a term of three years. Mr. Siler seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW APPOINTMENT JAMES TREFFINGER

Mayor Heintz advised that the term of Mr. Mark Beasley as a Member of the Board of Architectural Review will be vacated January 1, 1990 as he enters his four years as a Centerville Councilmember. Mr. Singer moved that Mr. James Treffinger be appointed to fill the vacancy of Mr. Beasley, appointment to be effective January 1, 1990. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

BOARD OF TAX APPEALS APPOINTMENT DAVID HALL

Mr. Siler moved that Mr. David Hall be appointed as a Member of the Board of Tax Appeals to fill the unexpired term vacated by Casimer K. Salys and for an additional three year term. Mr. Stone seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

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Approved: Shirley F. Hantz
Mayor

ATTEST:

Marilyn J. Saugli
Clerk of Council