

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10134

Held December 18, 19 89

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 18, 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 with Mayor Shirley Heintz presiding. 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
 Municipal Attorney Robert Farquhar

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

Council Meeting - November 20, 1989.
 Council Work Session Meetings - November 20, 1989.
 - December 4, 1989.
 - December 11, 1989.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Singer seconded the motion. The motion passed by unanimous vote; however Mr. Siler abstained from the Minutes of the Meetings held December 4 and December 11, 1989.

Mr. Samples read a Certificate of Congratulations presented by Mayor Heintz to each Member of the Centerville High School Coeds Drill Team for their participation in the Orange Bowl half-time activities in Miami, Florida on January 1, 1990. Captain Michelle Mendall outlined the itinerary for their trip to the Orange Bowl.

Mr. Kenning explained the City's interest in historic preservation in our Community and the desire to take a more active role. A Centerville Historical Commission has been created to work in partnership with the Centerville Historical Society in order to reach that goal. Mayor Heintz administered the Oath of Office to the following Members of the Centerville Historical Commission: Winifred Risner, John Moraites, Betty Ann Perkins and Celia Elliott.

Mayor Heintz administered the Oath of Office to Board of Architectural Review Member William Ropp.

Mayor Heintz administered the Oath of Office to Board of Tax Appeals Member David Hall.

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Mrs. McLaughlin read correspondence received from Mr. Randy McCoy thanking the City for presentations he made during his trip to the Soviet Union.

Mayor Heintz recognizing this as the last Council Meeting for both Bernard Samples and Jeffrey Siler, outlined the many activities in which they have been involved and expressed appreciation for their service and dedication to the City of Centerville. Mr. Compton read Certificates of Appreciation presented to Mr. Samples and Mr. Siler by Mayor Heintz.

Mayor Heintz reminded the listening audience of the red ribbon campaign now in process to discourage drinking and driving especially during this holiday season.

Mayor Heintz briefly reviewed the National League of Cities Conference held in Atlanta, Georgia, the last week in November. Important topics analyzed at this Conference will be considered by City Council in the future.

Mayor Heintz reminded residents in Centerville of the City Beautiful Contest coordinated by the City Beautiful Commission. She thanked the Commission Members for this activity during the busy holiday season.

Mr. Kenning, during his City Manager's Report, thanked retiring Councilmembers for their many years of dedicated service to the City of Centerville. He wished all a joyous holiday season.

Mrs. Beals left the Meeting at this time due to a potential conflict of interest in the next agenda item.

ZONING ORDINANCE AMENDMENT MILLER-VALENTINE REZONING

Mr. Kenning reported on the Planning Commission Meeting held December 11, 1989. The Planning Commission, by a 5-0 vote, recommended approval of an amended Rezoning Application submitted by the Miller-Valentine Group for property located west of Wilmington Pike, east of Bigger Road, north of Alexandersville-Bellbrook Road and south of I-675. Mr. Stone moved that An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 2.6 Acres More Or Less, From Centerville R-PD Classification To Centerville O-S Classification; 4.6 Acres More Or Less, From Centerville R-3 Classification To Centerville R-1c Classification; 1.7 Acres More Or Less, From Centerville B-1 Classification To Centerville O-S Classification; 2.7 Acres More Or Less, From Centerville R-PD Classification To Centerville R-1c Classification; 16.7 Acres More Or Less, From Centerville R-PD Classification To Centerville B-PD Classification; 30.3 Acres More Or Less, From Centerville I-PD Classification To Centerville B-PD Classification; 1.8 Acres More Or Less, From Centerville B-1 Classification To Centerville

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R-1c Classification, be set for Public Hearing on January 22, 1990. Mr. Compton seconded the motion. The motion passed by unanimous vote, with Mr. Siler abstaining.

PARK ESTATES RECORD PLAN

Mr. Schwab reviewed the Record Plan for Park Estates, a Residential Cluster Development proposed to be located along the north side of Centerville Station Road approximately across from Forest Field Park. Proposed for development is 11 lots on 6.852 acres of land zoned R-1c. The Plan includes improvements to Centerville Station Road and park land dedication. Mr. Schwab identified the proposed park lot as being that portion having the greatest slope, the amount of land exceeds that which is required to satisfy the parkland requirement. The Planning Commission, by a 4-0-2 vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Lot number 12 must be designated on the Record Plan as a park lot. The developer shall execute and deliver to the Centerville-Washington Park District a general warranty deed conveying lot number 12 to the Park District prior to the signing by the City of the Record Plan. The deed shall meet all the requirements of the City Park Land Dedication Ordinance.

2. A ten foot wide walkway easement shall be provided on the Record Plan to provide access from Jaime Rose Way to the Park. This easement shall be improved with a two foot wide concrete walk of a design approved by the City Engineer. The location of the walkway is to be determined by the City and the Park District.

3. A covenant approved by the City Attorney shall be added to the Record Plan which prohibits any lot from having direct vehicular access to Centerville Station Road.

4. The twenty-five foot minimum building setback line shall be extended to include all the lot frontages on Centerville Station Road.

5. A covenant approved by the City Attorney shall be added to the Record Plan which permits emergency maintenance access by the City to the stormwater detention area at the northeast corner of lots number 6 and 7.

6. In lieu of adding one lane of pavement including curb, gutter, sidewalk, and stormwater drainage improvements, across the entire frontage along Centerville Station Road, the developer shall pay an amount approved by the City Engineer to the City to be used for the future widening of Centerville Station Road.

7. A stormwater drainage plan shall be approved by the City Engineer 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.

8. The developer shall enter into a Subdivider's Agreement with the City including a Performance Bond in an amount approved by the City Engineer to assure construction of the public improvements.

9. The plans for water lines and fire hydrants shall be

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subject to the approval of the Washington Township Fire Department.

Mr. Kenning reviewed the City Engineer's recommendation of approval of this Record Plan subject to receipt of the following:

1. A Subdivider's Agreement.
2. A Performance Bond in the amount of \$74,000 to cover the costs of pavement, curb and gutter, storm sewer and sidewalk improvements on cul-de-sac's public right-of-way. If a separate bond is posted for sidewalks, the amount should be \$9,600.
3. The establishment of an escrow account of \$30,000, which is the estimated developer's cost for the widening of Centerville Station Road to subdivision standards in lieu of actual construction. (Profile improvements should be made in conjunction with any of the subdivision widening of Centerville Station Road).
4. Inspection Fee in the amount of \$324.00.

Upon question of Mayor Heintz, Mr. Schwab clarified the fact that the walkway to the park will be determined prior to the signing of the Plat by the City.

Mrs. Beals expressed concern with the drainage of this property during and after construction. Mr. Schwab advised that the drainage plans must conform to the City's current Drainage Ordinance.

Mr. Compton moved that the Record Plan for Park Estates be approved as recommended by the Planning Commission subject to all conditions recommended by the Planning Commission and the City Engineer. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Samples announced that Drug Busters will return to Centerville on January 17, 1990. This is a joint venture between Channel 2 TV, Dartmouth Hospital and Fade. Presented will be a one hour program designed for 3,4,5,6 grade students and parents and will be held at the Cline Elementary School.

Mrs. Annette Looper Fago, owner of "Miss Annette's the Place to Dance Studio" located at 264 North Main Street and representing the Washington Township Studio Owners Association, was present at this Meeting to ask for assistance from Council Members to discourage dance lessons being sponsored by Washington Township. They view this as a clear example of government competing with private business, it is being operated as a studio, not as a type of recreation. Mayor Heintz pointed out the fact that City Council tries not to mingle in Township business and Township not in Centerville business.

Mr. Robert Looper, 50 Zengel Drive, speaking as a taxpayer of Centerville, stated his objection to Recreation Levy monies being used to compete with private business.

ORDINANCE NUMBER 18-89 ZONING ORDINANCE AMENDMENT BRITISH PETROLEUM OIL COMPANY

The Public Hearing was held concerning the Rezoning Request filed by British Petroleum Oil Company for property located along

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the west side of Wilmington Pike, south of I-675 and north of State Route 725. Mr. Schwab located this 2.994 acre tract of land on a map being a portion of that land conveyed to Joseph F. Rippe, Trustee, and Gary W. Yagley, Donna P. Yagley, and F. and G. Realty, Inc., currently zoned Office Service and which now is proposed to rezone as B2. Mr. Schwab explained zoning in the area according to the Master Plan and the existing zoning of adjacent properties. He outlined a proposed plan detailing how the remaining O-S zoned land to the west and south could be utilized. On September 26, 1989, the Planning Commission voted unanimously to recommend denial of this Rezoning Request to City Council. However, during a Special Meeting on December 11, 1989, following a review of a Rezoning Request submitted by the Miller-Valentine Group, the Planning Commission agreed that they would now support the BP Oil application since the proposed rezonings would fit together.

Mr. David Rickert, Attorney representing BP Oil Company, explained how the zoning proposed meshes with the Miller-Valentine proposal. He identified commercial zoning and uses along the east side of Wilmington Pike in Greene County. Mr. Rickert advised that an automobile service station is proposed for this property, however B2 zoning would permit nothing worse than a service station; any use permitted in B2 would be of benefit to the people in the area.

Mr. Robert Archdeacon, Woolpert Consultants, explained how when Clyo Road is constructed, Clyo Road and Wilmington Pike will become a major intersection. He does not consider this spot zoning in consideration of commercial zoning to the north and east. He stated the applicant's intention to preserve the historic house to the south. This rezoning fits into the overall plan for the area.

Upon question of Mrs. Beals, Mr. Farquhar advised that preservation of the house to the south could not be a condition of this rezoning.

As questioned by Mr. Singer, Mr. Schwab offered his concurrence with the support of the Planning Commission concerning this Rezoning Request.

Mr. Singer asked for reinforcement of the preservation of the historic home which is not a part of this rezoning. Mr. Larry Snyder, representing BP Oil, explained how they purchased additional property to the north in order to provide for the preservation of the old historic house. Mr. Victor Green, one of the owners of the property occupied by the home, suggested that a Deed Restriction be prepared to assure the home's preservation. Mr. Singer and Mrs. Beals encouraged the preparation of a Deed Restriction for this purpose.

Mr. Compton sponsored Ordinance Number 18-89, An Ordinance Amending Ordinance Number 11-86, Dated July 21, 1986, The Zoning Ordinance By Rezoning 2.994 Acres More Or Less, From Office Service Classification To Centerville B2 Classification, and moved that it be passed. Mr. Samples seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stone abstained due to a potential conflict of interest.

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ORDINANCE NUMBER 17-89 ZONING ORDINANCE AMENDMENT
BACKUS REZONING

The Public Hearing was held concerning the Rezoning Request filed by Paul J. Striebel & Associates for property located along the south side of West Franklin Street and east of Normandy Lane, being two tracts of land conveyed to Charles L. and Faye I. Backus, W. Austin and Josephine Davis and William B. Horner. Mr. Schwab located these properties on a map and outlined the zoning of adjacent properties. The applicant has requested a change from R-1d classification to O-S, Office Service classification. The Planning Commission, by a 4-1 vote, recommended denial of this rezoning to City Council and suggested that the City initiate a rezoning of this same property to APD, Architectural Preservation District. The Planning Commission based their suggestion upon uses permitted and architectural controls in APD, they recommend approval of rezoning to Architectural Preservation. Mr. Schwab pointed out the fact that the rezoning of these two lots to APD is set for Public Hearing before Council on January 15, 1990.

Mr. David Hufnagle, 11 Lynn Rae Circle, expressed concern with increased traffic on Gershwin Drive, he favors APD zone classification.

Mr. Paul Booher, 51 Gershwin Drive, emphasized traffic intensity on West Franklin Street, he encouraged O-S zoning.

Reverend Robert Nida, 61 Gershwin Drive, wants zoning to remain as it is today so that traffic will not be increased at the intersection of Gershwin Drive and West Franklin Street.

In consideration of the fact that these same properties are subject to a rezoning in January, Mr. Singer moved that action on this Rezoning Request be tabled until January 15, 1990. Mr. Samples seconded the motion. The motion passed 5 ayes in favor of the motion; Mr. Compton and Mrs. Beals voted no.

ORDINANCE NUMBER 19-89 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 19-89, An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of Centerville, Ohio, Enacting Revised Minimum Residential Rear Yard Requirements For Certain Lots In The City Of Centerville, Ohio In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code. Mr. Schwab reviewed this proposed Ordinance to relax rear yard requirements in R-1c zoning classification. This is an attempt to make rear yard setback requirements work with those areas already developed. The purpose of the Ordinance is to alleviate the need for variances to be reviewed based on new standards in the Zoning Ordinance that do not address situations created by past requirements. The Planning Commission, by unanimous vote, recommended approval of this Zoning Ordinance Amendment. Mr. Schwab made reference to a letter received from Keith and Joann Johnson, citing a condition for which this Ordinance would address. Mr. Samples sponsored Ordinance Number 19-89, An Ordinance Amending Ordinance No. 11-

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86, The Zoning Ordinance Of Centerville, Ohio, Enacting Revised Minimum Residential Rear Yard Requirements For Certain Lots In The City Of Centerville, Ohio In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 22-89 APPROPRIATIONS 1989

Mr. Kenning reviewed proposed Ordinance Number 22-89 to make readjustments to cover expenditures in the various funds for the year 1989. Mrs. Beals sponsored Ordinance Number 22-89, An Emergency Ordinance To Repeal Ordinance 14-88 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. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 23-89 APPROPRIATIONS 1989

Mr. Singer moved that Ordinance Number 23-89, An Ordinance To Repeal Ordinance 14-88 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, be set for Public Hearing on January 15, 1990. Mr. Compton seconded the motion. The motion passed unanimously.

CAPITAL IMPROVEMENT PROGRAM 1990-1994

Mr. Kenning reviewed the City's five year capital program which contemplates a sixteen and one half million dollar group of expenditures over the next five years. He outlined some of the improvements included in this program for 1990. Mr. Siler, Chairman of the Council Finance Committee, identified this as a wish list for the City, some projects will be completed, some deleted. Mr. Siler moved that the Capital Improvement Program for the City of Centerville: 1990-1994, be approved as presented. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 61-89 INCOME TAX ALLOCATIONS

Mr. Kenning reviewed a proposed Resolution to allocate income tax receipts in various funds as follows:

General Fund	40.5 percent.
Capital Improvements Fund	36.4 percent.
Street Construction and Maintenance Fund	11.7 percent.
Unvoted Debt Retirement Fund	11.4 percent.

Mr. Compton sponsored Resolution Number 61-89, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Received On And After January 1, 1990 Between The General Fund, Capital Improvements Fund, Street Construction And Maintenance

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Fund And Unvoted Debt Retirement Fund Of The City Centerville, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 24-89 APPROPRIATIONS 1990

Mr. Kenning reviewed a proposed Ordinance which implements the financial plan for the City of Centerville for year 1990. Contemplated are expenditures totaling \$10,430,565.00. Mrs. Beals sponsored Ordinance Number 24-89, An Emergency 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. Siler seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 25-89 APPROPRIATIONS 1990

Mr. Singer moved that 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, be set for Public Hearing on January 15, 1990. Mr. Stone seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 26-89 PERSONNEL

Mr. Kenning reviewed a proposed Ordinance to establish class titles, pay grades, rate of pay, and regulations for employees of the City of Centerville for fiscal year 1990. Mr. Compton sponsored Ordinance Number 26-89, An Emergency 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. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 27-89 PERSONNEL

Mrs. Beals moved that 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, be set for Public Hearing on January 15, 1990. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 28-89 ELECTRIC CODE

Mr. Kenning reviewed a proposed Ordinance which sets forth the version of the Electric Code Centerville enforces for single family residential units. Mr. Compton moved that Ordinance Number 28-89, An Ordinance Adopting The 1990 Electric Code-NFPA 70-1990 With Certain Exceptions And Repealing Ordinance Number 6-87, be set for Public Hearing on January 15, 1990. Mr. Siler

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seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 29-89 DISH-TYPE ANTENNAS

Mr. Kenning reviewed a proposed Ordinance to re-enact regulations for the erection of dish-type antennas in the City of Centerville. Mrs. Beals moved that 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", be set for Public Hearing on January 15, 1990. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 62-89 PRISONER CARE

Mr. Kenning outlined a proposed Resolution to authorize payment of \$29,282.00 to the City of Kettering for prisoner care during the years 1987, 1988, and 1989. These charges have been properly identified by the City of Kettering and confirmed by the City of Centerville. Mr. Stone sponsored Resolution Number 62-89, A Resolution Authorizing The Payment Of \$29,282.00 To The City Of Kettering For Prisoner Care For Fiscal Years 1987, 1988 And 1989, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 63-89 LIQUOR PERMIT FEES

Mr. Kenning explained a proposed Resolution authorizing the City of Centerville to Contract for a rehabilitation program for the prevention of alcoholism in the City of Centerville. The City agrees to contribute 10 percent of the funds received from the State of Ohio for liquor permit fees toward the payment for such a program. The City of Centerville pays only for those services rendered during the calendar year; approximate cost being \$1,500.00. Mr. Compton sponsored Resolution Number 63-89, A Resolution Authorizing And Directing The City Of Centerville To Enter Into An Agreement With The Combined Health District Of Montgomery County Concerning Establishment Of A Rehabilitation Program For The Prevention Of Alcoholism And For The Treatment And Rehabilitation Of Alcoholics And Providing For The Payment Of Fees, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

THOMAS PAINE SETTLEMENT NUMBER THREE

Mr. Kenning reviewed a request received from Attorney Barry W. Mancz on behalf of John G. Black Enterprises, Inc., requesting an extension of the Subdivider's Agreement for Thomas Paine Settlement Number Three, Clyo Road, for a term of six months from December 10, 1989 until June 10, 1990. Mrs. Beals moved that the Subdivider's Agreement posted for Thomas Paine Settlement, Number Three, Clyo Road, be extended from December 10, 1989 until June 10, 1990. Mr. Singer seconded the motion. The motion passed

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unanimously.

PARK PLACE LETTER OF CREDIT REDUCTION

Mr. Kenning reviewed a recommendation from the City Engineer that the Letter of Credit on Park Place be reduced from \$6,700.00 to \$1,600.00. Most public improvements have been completed in this subdivision, the remaining amount will cover the estimated cost to install remaining sidewalk. Mr. Stone moved that the Letter of Credit received on Park Place be reduced to \$1,600.00, subject to the receipt of a Maintenance Bond of \$4,000.00 for the duration of one year to cover the completed pavement, curbs and storm sewers. Mr. Siler seconded the motion. The motion passed by unanimous vote.

PLANNING COMMISSION APPOINTMENT BERNARD SAMPLES

Mayor Heintz advised that one vacancy exists on the City Planning Commission created by the resignation of Marian Simmons. Mr. Compton moved that Mr. Bernard M. Samples be appointed to this vacancy, appointment being effective January 1, 1990. Mr. Siler seconded the motion. The motion passed unanimously, with Mr. Samples abstaining.

RESOLUTION NUMBER 64-89 ALL WHEEL DRIVE TRUCK

Mr. Kenning reviewed the one Bid received for the purchase of an all wheel drive truck, cab and chassis for the City of Centerville; Bid received from Hilltop Truck Sales in the amount of \$86,120.00. This is a very specialized piece of equipment, anticipated low maintenance, and will be very useful to the City for a long period of time.

Mayor Heintz stated her objection to the purchase of this vehicle based upon the following considerations:

It goes against her philosophy to design specifications for only one product.

The need for this type of equipment is questionable for the City of Centerville.

Two trucks could be purchased for the price of this vehicle.

Mr. Compton pointed out the fact that this vehicle will be available when it is needed and will be utilized in the meantime for other purposes.

Mrs. Beals emphasized the advantage of purchasing oversize equipment rather than undersize.

Mr. Stone identified this purchase as buying quality and quality is what Centerville needs.

Mr. Singer did not believe the purchase of this oversize vehicle was justified.

Mrs. Beals sponsored Resolution Number 64-89, A Resolution Accepting The Bid Of Hilltop Truck Sales For One All Wheel Drive Truck And Chassis, For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the

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motion; Mayor Heintz and Mr. Singer voted no.

There being no further business, the Meeting was adjourned.

Approved:

Shirley F. Heintz
Mayor

ATTEST:

Maureen D. Saughlin
Clerk of Council