

RECORD OF PROCEEDINGS
REGULAR COUNCIL

Minutes of

Meeting

Held January 18 19 88

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, January 18, 1988 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman James Singer, 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 Brooks Compton
Jeffrey Siler
J. V. Stone
Bernard Samples
Sally Beals
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
Director of Finance William Bettcher
City Planner Alan Schwab
Municipal Attorney Robert Farquhar
Administrative Assistant Stephen King

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

Council Meeting - December 21, 1987.
Council Work Session Meetings - December 21, 1987.
January 4, 1988.
January 11, 1988,

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

DEPUTY-MAYOR

Mr. Compton moved that Councilman James Singer be appointed as Deputy-Mayor for the City of Centerville. Mr. Samples seconded the motion. The motion passed unanimously.

COUNCIL COMMITTEES AND CITY REPRESENTATION

Mrs. McLaughlin read the following proposed Council Committee Members and City Representation for 1988:

COUNCIL COMMITTEES

COMMUNITY RELATIONS

Bernard Samples, Chairman
J. V. Stone
Brooks Compton

FINANCE AND LONG RANGE PLANNING

Jeffrey Siler, Chairman
James Singer
Brooks Compton

LEGAL

J. V. Stone, Chairman
Bernard Samples
Jeffrey Siler

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Brooks Compton (Alternate)
Wilmington Pike Task Force
Karl Schab (Delegate)
Alan Schwab (Alternate)
Shirley Heintz, Vice-Chairman
MONTGOMERY COUNTY MAYORS AND MANAGERS ASSOCIATION
Shirley Heintz
Darryl Kenning
SENIORS, INC.
Board of Trustees
Shirley Heintz
Brooks Compton (Alternate)
Long Range Planning
Brooks Compton
SOLID WASTE ADVISORY COMMITTEE
Shirley Heintz
SOUTH METRO DAYTON AREA CHAMBER OF COMMERCE
Board of Trustees
Brooks Compton
James Singer (Alternate)
SYCAMORE MEDICAL CENTER
Citizens Advisory Council
Shirley Heintz
Darryl Kenning
J. V. Stone
WASTEWATER ADVISORY COMMITTEE
Brooks Compton
WASHINGTON TOWNSHIP FIRE TASK FORCE
Darryl Kenning
STATE EMERGENCY RESPONSE COMMISSION
Executive Board
Shirley Heintz

Mr. Siler moved that these appointments be made. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control of an Application for the transfer of a C1 and C2 Permit from Stop N Go of Ohio Inc., DBA Stop-N-Go Goods, 34 West Franklin Street, to C N B First Corp, DBA Drac N B Carryout, 34 West Franklin Street. Council indicated no objection the issuance of this Permit.

Mayor Heintz recognized Boy Scout Troop 116 in attendance at this Meeting.

Mayor Heintz gave her State of the City Address for 1988, outlining 1987 projects completed and proposed projects for 1988.

Mayor Heintz announced the establishment of a "No Smoking" Policy for gatherings held in the Council Chambers and the Law Library in the Centerville Municipal Building.

Mayor Heintz advised that a Proclamation was issued designating January 8, 1988 as St. Leonard Center Day in

DAYTON LEGAL BLANK CO. 10144

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Centerville celebrating the dedication of Chaminade Hall, a new apartment complex for seniors.

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

CENTERVILLE STORAGE INNS

The Public Hearing was held concerning an Appeal filed by Harry Misel, agent for Thomas Smith, against a decision of the Planning Commission rendered during their Meeting on November 24, 1987 concerning the Centerville Storage Inns, 6400 Bigger Road. Mr. Schwab located the subject property on a map being situated on the north east corner of Bigger Road and Thomas Paine Parkway. He compared elevations originally approved by the Planning Commission and City Council and the buildings which now exist. He explained this appeal requesting that the color of the doors on the storage inns retain the pre-finished burgundy color rather than painting them brown. Mr. Schwab outlined events which took place concerning this property which led to the Appeal now being considered by Council. He reviewed the Application to amend a Planning Commission Special Approval to alter the building materials on the east, west and south sides of the front building to permit blue glass panel with a mirror look. The Applicant amended this Application during that Planning Commission Meeting changing the color of the doors to all storage units to brown rather than the existing red color. This amendment was approved by the Planning Commission. At a later Meeting of the Planning Commission, Mr. Schwab advised that the Applicant requested that the doors not be painted brown and in exchange for this, the Applicant was willing to provide additional landscaping on the south and east sides of the property. This matter was again considered by the Planning Commission at which time a motion to reverse the requirement of repainting the doors brown, to allow the doors on the Centerville Storage Inns to remain the original red color, was denied by a 3-4 vote. The Planning Commission believed that the original approval concerning these storage inns should be implemented. Mr. Schwab made reference to information received from a paint manufacturer that the doors can be successfully repainted if the proper procedure is followed.

Mr. Harry Misel, Architect and Agent for Centerville Storage Inns, expressed the desire of Mr. Thomas Smith to make this a quality project in Centerville. He did not believe that the difference in the color on the doors would be a major impact on the project. Painting the doors could create a maintenance problem in the future. He would rather put the money toward additional landscaping as proposed than paint the doors brown, this will improve the aesthetic value of the property.

Mr. Thomas Smith, owner of the property in question, outlined extras which he has done in order to make this facility most attractive. If the color of doors would have been an issue in the beginning, he would have provided the brown doors.

Mayor Heintz pointed out the fact that several variances were requested with the original application; City Council's

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decision was influenced by the slides shown defining the appearance of other like structures. She explained how the existing appearance differs from those slides shown in the beginning.

Mr. Misel defined maintenance and warranty problems which might be encountered if the doors are painted brown. This information has been received from the door manufacturer. He believes that the difference between red and brown colors is very insignificant, the doors should remain in their present color.

Mr. Siler stated that he does not believe that anyone will win if the doors are repainted. He believes there will be a maintenance problem. He supports the Planning Commission in their decision but sees no need for the color of the doors to be changed from their burgundy color.

Mr. Samples expressed his dissatisfaction with the overall appearance of this project, projected unnoticeables are very noticeable. He pointed out the fact that color was never mentioned during original presentations. He is very uncomfortable using the Zoning Ordinance to regulate colors.

Mayor Heintz explained how the slides shown with the original application were misleading as to color, texture, etc. of the storage inns.

Mr. Stone pointed out the fact that beauty is in the eyes of the beholder. Mr. Smith is sincere in what he has done on this project. The City stands to loose if the doors are painted brown.

Upon question of Mr. Singer, Mr. Misel explained their proposal to put in place \$4,000.00 additional landscaping in lieu of painting the doors brown. It was clarified by Mr. Misel, that the landscape plan as presented to the Planning Commission remains a part of this Appeal to City Council. Mr. Misel reviewed the proposed landscape plan.

Mr. Siler moved to overturn the decision of the Planning Commission rendered on November 24, 1987 concerning the Centerville Storage Inns, thus permitting the doors to remain burgundy in color and requiring that the additional landscaping as presented be put in place, hoping that the Planning Commission does not read this as a message of Council's non-support, he believes that this is in the best interest of the City. Mr. Samples seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mayor Heintz voted no.

ORDINANCE NUMBER 17-87 1987 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 17-87. Mr. Kenning reviewed this proposed Ordinance wrapping up final expenditures for 1987, not exceeding \$7,333,125.00. Mr. Singer sponsored Ordinance Number 17-87, An Ordinance To Repeal Ordinance 19-86 In Its Entirety And To Make Appropriations For The Current Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1987, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

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Councilmember Sally Beals returned to the Meeting at this time.

ORDINANCE NUMBER 19-87 1988 APPROPRIATIONS

The Public Hearing was held concerning Ordinance Number 19-87. Mr. Kenning reviewed the proposed Budget or financial plan for 1988, outlining resources, expenditures and projects proposed; the grand total expenditures projected to be \$7,335,330.00. He compared appropriations in various funds by percentages. Mr. Siler, speaking as Chairman of the Council Finance Committee, outlined the procedure by which the Budget for the City of Centerville is prepared. He defined it as a very strong financial plan. Mr. Siler sponsored Ordinance Number 19-87, 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, 1988, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 21-87 PERSONNEL

The Public Hearing was held concerning Ordinance Number 21-87. Mr. Kenning briefly reviewed this proposed Ordinance to establish class titles, pay grades and general regulations for employees of the City of Centerville. Mr. Stone sponsored Ordinance Number 21-87, An Ordinance To Repeal Ordinance Number 21-86 And Ordinance 13-87 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. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 22-87 I-675

The Public Hearing was held concerning Ordinance Number 22-87. Mr. Kenning reviewed this proposed Ordinance which defines maintenance and repair responsibilities between the City of Centerville and the State of Ohio for I-675 and appurtenances. The various responsibilities have been agreed to by Centerville and the Ohio Department of Transportation. Mrs. Beals sponsored Ordinance Number 22-87, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Maintenance, Repair And Operation Of Interstate Highway 675, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 1-88 911 SYSTEM

Mr. Kenning reviewed a proposed Resolution approving the Dayton and Montgomery County E-911 Implementation Plan for the E-911 emergency number system for the area. This system has already been established across the Country and serves residents very effectively. In order for this Plan to be implemented in

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accordance with the Ohio Revised Code, various political subdivisions must adopt the Plan by Resolution. Mayor Heintz outlined how the system works. Mr. Singer sponsored Resolution Number 1-88, A Resolution Whereby The City Of Centerville, Ohio Approves The Dayton And Montgomery County E-911 Implementation Plan, Marked Third Draft, Dated December 22, 1987, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

CENTERVILLE BUSINESS PARK SECTION ONE

Mr. Kenning reviewed a recommendation by the City Engineer that the Performance Bond posted on Centerville Business Park Section One, be reduced from \$115,000.00 to \$14,000.00. The majority of the work has been completed. At the time of completion of the public roadway (final lift of blacktop) when the Performance Bond is released entirely, a one year Maintenance Bond shall be posted. Mr. Siler moved that the Performance Bond posted on Centerville Business Park, Section One, be reduced from \$115,000.00 to \$14,000.00 as recommended by the City Engineer. Mr. Compton seconded the motion. The motion passed unanimously.

CENTERVILLE PROPERTY REVIEW COMMISSION

Mrs. McLaughlin advised that the terms of Mr. John Lohbeck, Mr. Dan Carfagno and Mr. Glenn Aidt will soon expire as Members of the Centerville Property Review Commission. Mr. Lohbeck and Mr. Carfagno have expressed an interest in being reappointment. Mrs. Beals moved that Mr. Lohbeck and Mr. Carfagno be appointed to another three year term on the Centerville Property Review Commission. Mr. Stone seconded the motion. The motion passed by unanimous vote.

CENTERVILLE PROPERTY REVIEW COMMISSION CHAIRMAN

Mr. Compton moved that Mr. John Lohbeck be reappointed as Chairman of the Centerville Property Review Commission for an additional year. Mr. Samples seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Wendy D. Laughlin
Clerk of Council