

RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

Held November 21, 19 88

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 21, 1988 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Donald Ward from the South Dayton Presbyterian Church, and the Pledge of Allegiance to the Flag led by Cub Scout Pack 5, Den 6 from John Hole School, 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
City Manager Darryl Kenning
Municipal Attorney Robert Farquhar
City Planner Alan Schwab
Administrative Assistant Michael Haverland

Mayor Heintz introduced Cub Scout Leader Jan McAlpine. Each Cub Scout introduced himself.

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

Council Meetings - October 17, 1988.
- October 24, 1988.
Council Work Session Meetings - October 17, 1988.
- October 24, 1988.
- October 31, 1988.
- November 7, 1988.
- November 14, 1988.

Mr. Siler moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Compton seconded the motion. The motion passed unanimously, however, Mayor Heintz abstained from the Minutes of the Work Session Meeting held November 14, 1988.

Mr. Samples gave a special tribute to Mr. George Rose in recognition of all his many contributions to the residents of the City of Centerville. Mayor Heintz presented a plaque of appreciation to Mrs. Dorothy Lightcap, recipient on behalf of Mr. and Mrs. Rose. Mayor Heintz outlined the many contributions made by Mr. and Mrs. Rose to the City of Centerville which have ultimately benefitted all residents of Centerville.

Mr. Singer read a Certificate of Congratulations to Archbishop Alter High School Boys Varsity Soccer Team and Coaches for winning the Ohio High School Athletic Association State Championship. Mayor Heintz presented a Certificate to all players and coaches.

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Mayor Heintz announced the issuance of a Proclamation designating the week of October 23-29, 1988 as Financial Independence Week in the City of Centerville.

Mr. Kenning, during his City Manager's Report, reminded all residents normally having waste collection service on Thursday that this service will be delayed to Friday due to Thanksgiving Day.

Mr. Kenning introduced Mr. Michael Haverland, employed by the City of Centerville as Administrative Assistant to the City Manager.

On behalf of the City Staff and Council, Mr. Kenning wished all residents a Happy Thanksgiving.

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

CENTERVILLE BUSINESS PARK SECTION TWO

Mr. Kenning reported on the Planning Commission Meeting held October 25, 1988. Mr. Schwab reviewed the Record Plan for Centerville Business Park, Section Two, property located on the north side of Clio Road, south of I-675 and west of Bigger Road. Mr. Schwab located the subject property on a map and outlined zoning of adjacent properties. The zoning of this 31.269 acre parcel is I-PD, Industrial Planned Development. This Record Plan completes the platting of Centerville Business Park and dedicates Centerville Business Parkway looping onto Clio Road. Mr. Schwab reviewed Planning Commission's unanimous recommendation for approval of this Plan to City Council subject to the following conditions:

1. The loop street shall be named Centerville Business Parkway and so labeled on the Record Plan.
2. Sidewalks shall be constructed on both sides of Centerville Business Parkway along the edge of the right-of-way line.
3. The plans for water lines and fire hydrants shall be approved by the Washington Township Fire Department.
4. A stormwater drainage plan shall be approved by the City Engineer for the northeast corner of the plat that shows stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the Stormwater Drainage Control Ordinance.
5. An easement shall be required to the retention basin to allow emergency access by the City.
6. The final grading plans and stormwater drainage plans shall be approved by the City Engineering Department as complying with the Flood Damage Prevention Ordinance.
7. In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer

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with the City of Centerville.

Mr. Schwab reviewed a recommendation of the City Engineer that if the Plan is approved that it be subject to the receipt of the following:

1. Subdividers Agreement.
2. A Performance Bond in the amount of \$239,863.00 to cover the costs of grading, pavement, curb and gutter, storm sewers and sidewalk improvements within the public right-of-way and detention basin work.
3. Inspection Fee in the amount of \$715.00.

A one year Maintenance Bond should be posted when the roadway improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

Mr. Dick Witt, Vice President of Woodley Development Company, stated their intent to begin street construction within 30 days with completion during the summer of 1989. Mr. Witt indicated their concurrence with all conditions stipulated by the Planning Commission and City Staff.

Mr. Compton moved that the Record Plan for Centerville Business Park, Section Two, be approved as recommended by the Planning Commission and City Staff including all conditions set forth by same. Mr. Samples seconded the motion. The motion passed unanimously

Mrs. Beals returned to the Meeting at this time.

ORDINANCE NUMBER 6-88 ZONING ORDINANCE AMENDMENT
METROPOLITAN CONCEPTS, INC., DR. WALTER BUCHSIEB

The Public Hearing was held concerning Ordinance Number 6-88, an Ordinance to rezone .53 acres of land located at 7950 Normandy Lane, from R-1c (Residential) to A-P (Architectural Preservation). Mr. Schwab reviewed this Request filed by Metropolitan Concepts, Inc. for property owned by Dr. Walter Buchsieb. The purpose of this rezoning is to convert an existing residence to an office building. Mr. Schwab outlined uses of adjacent properties, bounded on the north and east by single-family residential, on the west by business and on the south by vacant land. He reviewed a concept plan submitted by the applicant for the total acreage owned by Dr. Buchsieb which includes two adjacent lots currently located in the A-P District. The Planning Commission, by unanimous vote, recommended approval of this Rezoning to City Council.

Dr. Walter Buchsieb and Ted Donnell, representing Metropolitan Concepts, Inc., explained for Council their intent to develop the existing residence on the subject .53 acres into an office, to convert the residence on West Franklin Street into an office, and to locate his dental office on the vacant corner lot. This Rezoning will afford Dr. Buchsieb the opportunity to develop a workable traffic solution, using joint amenities, for the total property he owns at the northeast corner of West Franklin Street and Normandy Lane. Dr. Buchsieb stated his awareness of all requirements set forth by the Zoning Ordinance

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for the Architectural Preservation District.

Mr. Siler sponsored Ordinance Number 6-88, An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning .53 Acres More Or less, From Centerville R-1c Classification To Centerville A-P Classification, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

ALEXANDER LUGUE APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Alexander Lugue, against a decision rendered by the Planning Commission during their Meeting on October 11, 1988 denying a Variance to permit the use of stucco material for siding and the reduction of parking spaces to 9 for the property located at 28 South Main Street in the Architectural Preservation District. Mr. Schwab located the subject property on a map being the northeast corner of South Main Street and Weller Avenue. He identified the stucco material (dryvit) intended to be used on the west and south sides of the building and how it compares with stone textures of surrounding buildings. As recommended by the Board of Architectural Review, the Planning Commission, by a 4-1 vote, denied the Variance Application for the use of stucco material; very little discussion took place concerning the reduction of parking but this was included in the total Variance Application denied by the Planning Commission. The Board of Architectural Review and the Planning Commission believed the stucco material not to be compatible with other structures in the district and not in conformance with the Design Review Criteria for the AP District.

Mr. Alexander Lugue, Applicant, pointed out the fact that he is attempting to improve an existing structure, a design already not compatible with neighboring structures. He explained the appearance of the building if it were striped of its present exterior finish to its original construction. The original material used is no longer available. Mr. Lugue identified the dryvit material he proposes to use as a very durable flexible covering material which has become very popular in the United States. He pointed out buildings in the Dayton area presently sided with this dryvit material. Mr. Lugue asked for recommended materials which could be used in the renovation of his building.

Mrs. Beals stated her belief that a stucco surfaced building is not appropriate in the Architectural Preservation District. It serves no purpose to replace an inappropriate building with another inappropriate building.

Upon question of Mr. Siler, Mr. Lugue advised that it would be difficult to face the building with brick, extra footing around the building would be necessary.

As questioned by Mr. Singer, Mr. Lugue explained the process by which dryvit is applied to a structure, the durability of dryvit has been tested and has been used for many years successfully.

Following additional discussion concerning facing materials for the building in question, Mr. Lugue agreed that bricking may

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be a possibility to consider.

Mr. Stone pointed out the fact that no part of the design of this building is compatible in the district in which it is located.

Mrs. Beals moved that this matter be tabled for an additional month with the idea that Mr. Lugue come back to the City with more appropriate designs for the AP District. Mr. Stone seconded the motion. In consideration of the fact that the parking issue is basically separate from the stucco material and design of the building, Mrs. Beals and Mr. Stone withdrew their motion and second to the motion. Mr. Siler moved that the variance for the reduction in parking spaces from 13 to 9 be granted, thus reversing the decision of the Planning Commission concerning the parking issue. Mr. Compton seconded the motion. The motion passed by unanimous vote. Mrs. Beals moved that the variance concerning the use of dryvit material as siding on the building be tabled for one month to provide Mr. Lugue time to come forth to the City with more appropriate drawings for the AP District. Mr. Stone seconded the motion. The motion passed unanimously.

Mr. Samples stressed the importance of proper design as well as proper coverings in the Architectural Preservation District.

Upon question of Mr. Singer, Mr. Lugue advised that the parapet in front of the building cannot be removed; removal of it would create a very impressive flat mis-proportionate building. The tile on top of the parapet will be removed.

Mr. Siler emphasized the fact that the City wants to work with Mr. Lugue to find an alternative which will be suitable in the Architectural Preservation District.

BOB ROSS BUICK APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Paul J. Striebel on behalf of Bob Ross Buick, Inc., against a requirement contained in Ordinance Number 11-86, the Zoning Ordinance for the City of Centerville, and a condition of approval by the Planning Commission for a request for a Planning Commission Special Approval Application, for the property located at 1 Loop Road. Being appealed is the installation of a five foot wide sidewalk along State Route 48.

Mrs. McLaughlin read correspondence received from David L. Hall, representing Bob Ross Buick, Inc., requesting that the subject Appeal be cancelled in view of the fact that a Variance Application has been filed with the Planning Commission. Mr. Compton moved that the request for revocation of the Appeal filed for Bob Ross Buick, Inc. be accepted. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 27-88 DRINKING WATER

Mr. Kenning reviewed a proposed Resolution requested by the League of Women Voters of the Greater Dayton Area requesting the City of Dayton to establish a Water Advisory Committee to provide oversight of the City's drinking water utility. The League has

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approached suburban municipalities which are tied into the Dayton Water System to pass this Resolution so that user Municipalities may have representation on matters concerning Dayton's Water Supply. Mr. Samples sponsored Resolution Number 27-88, A Resolution Supporting The Request For The City Of Dayton To Establish A Water Advisory Committee To Provide Oversight Of The City's Drinking Water Utility, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 12-88 WHIPP ROAD EXTENSION

Mr. Compton moved that Ordinance Number 12-88, An Ordinance Vacating Approximately Five (5) Feet In Width Of Right-Of-way From The South Side Of Existing Whipp Road, be set for Public Hearing on December 19, 1988. Mr. Siler seconded the motion. The motion passed by unanimous vote.

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

RESOLUTION NUMBER 28-88 EAST WHIPP ROAD IMPROVEMENT

Mr. Kenning reviewed a proposed Resolution to authorize a Contract with Lockwood, Jones and Beals, Inc. for engineering services to rebuild, widen, eliminate the curve and provide other safety factors on East Whipp Road. Through the joint cooperation between Washington Township and the City of Centerville engineering services can be acquired approximately two years ahead. The total cost for these services is \$117,000.00 with the Township paying approximately \$30,000.00. This is a classic State and Federal project. Mr. Singer sponsored Resolution Number 28-88, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement Between The City Of Centerville, Ohio And Lockwood, Jones, and Beals, Inc., For Engineering Services To Widen And Improve East Whipp Road From State Route 48 To The Centerville/Kettering Corporation Line, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Mrs. Beals returned to the Meeting at this time.

RESOLUTION NUMBER 29-88 ALCOHOLISM

Mr. Kenning reviewed a proposed Resolution to authorize an Agreement with the Combined Health District of Montgomery County providing that the City of Centerville contribute 10% of the funds the City receives from the State of Ohio for liquor permit fees in order to fund an alcohol abuse program. The City's share this year amounts to approximately \$1,900.00. Mrs. Beals sponsored Resolution Number 29-88, 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

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And Providing For The Payment Of Fees, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

PLEASANT WOODS DEVELOPMENT BOND RELEASE

Mr. Kenning reviewed a recommendation from the City Engineer that the Performance Bond posted on Pleasant Woods Development in the amount of \$9,500.00 be released. Roadway, curb, storm sewer and detention basin work has been completed. A separate Bond is retained by the City of Centerville for the installation of sidewalk not yet completed. It is recommended that the Bond covering street improvements be released subject to the receipt of a Maintenance Bond of \$3,000.00 for the duration of one year. Mr. Siler moved that the Performance Bond posted for street, curb, sewer and detention basin work be released subject to the receipt of a Maintenance Bond in the amount of \$3,000.00 for a duration of one year. Mrs. Beals seconded the motion. The motion passed by unanimous vote.

WHISPERING OAKS SECTION ONE BOND RELEASE

Mr. Kenning reviewed a recommendation from the City Engineer that the Performance Bond posted on Whispering Oaks, Section One, in the amount of \$10,872.60 be released subject to the receipt of a Maintenance Bond of \$2,000.00 for the duration of one year. Roadway improvements and related items have been completed. The Maintenance Bond has been increased sufficiently to cover the cost of some minor work not yet completed. Mr. Samples moved that the Performance Bond in the amount of \$10,872.60 posted on Whispering Oaks, Section One be released, subject to the receipt of a Maintenance Bond in the amount of \$2,000.00 for the duration of one year. Mr. Siler seconded the motion. The motion passed by unanimous vote of City Council.

BOARD OF ARCHITECTURAL REVIEW

Mayor Heintz advised that the term of Mark Beasley as a Member of the Board of Architectural Review will soon expire. Mr. Beasley has indicated his pleasure to serve another term in said capacity. Mrs. Beals moved that Mark Beasley be reappointed as a Member of the Board of Architectural Review. Mr. Compton seconded the motion. The motion passed unanimously.

Mayor Heintz announced the deadline for decorating for competition in the City Beautiful Christmas Decorating Contest is December 12, 1988.

There being no further business, the Meeting was adjourned.

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Approved: Shirley F. Hunt
Mayor

ATTEST:

Maureen J. Laughlin
Clerk of Council