

## RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

Held December 19, 19 88

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 19, 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 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  
                   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  
 Director of Finance William Bettcher  
 Administrative Assistant Michael Haverland

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

Council Meeting - November 21, 1988.  
 Council Work Session Meetings - November 21, 1988.  
   - December 12, 1988.

Mr. Singer moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Beals seconded the motion. The motion passed unanimously.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission Member Constance Chamberlain, effective December 31, 1988. Mr. Compton moved that the resignation of City Beautiful Commission Member Constance Chamberlain be accepted, with regret. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mr. Kenning, during his City Manager's Report, on behalf of City Staff wished all residents of Centerville a safe Merry Christmas and Happy New Year.

#### HARTCREST LANE/ZENGEL DRIVE DEER RUN RECORD PLAN

Mr. Kenning reviewed the Planning Commission Meeting held December 13, 1988. Mr. Schwab reviewed a Record Plan for the dedication of Hartcrest Lane and Zengel Drive in the Deer Run condominium development. The Plan consisting of .385 acres of land zoned R-PD (Residential Planned Development) contains only the dedication of right-of-way. Sidewalk is proposed for both sides of this last portion of public street in Deer Run. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following condition:

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1. In lieu of the completion of the public improvements prior to the signing by the City of the Record Plan, the developer shall post a Performance Bond and shall pay an Inspection Fee in amounts approved by the City Engineer and shall enter into a Subdivider's Agreement with the City.

City Engineer Norbert Hoffman recommends that if this Record Plan is approved it be subject to the receipt of

1. a Subdivider's Agreement.
2. a Performance Bond in the amount of \$39,350.00.
3. an Inspection Fee of \$145.00.

A one year Maintenance Bond should be posted after completion and acceptance of the public improvements with the amount to be established when release of the Performance Bond is requested.

Mrs. Beals moved that the Record Plan/Street Dedication Plan for Hartcrest Lane and Zengel Drive be approved subject to conditions specified by the Planning Commission and the City Engineer. Mr. Siler seconded the motion. The motion passed with six members of Council voting yes, Mr. Stone abstained.

## PAUL J. STRIEBEL BOB ROSS BUICK APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Paul J. Striebel against a decision rendered by the Planning Commission, denying a Variance to waive the sidewalk requirement along State Route 48 as part of a building project to improve a showroom and service area for Mercedes-Benz, Bob Ross Buick, Inc., 1 Loop Road. Mr. Schwab located the proposed sidewalk along the west property line of Bob Ross Buick and the east side of State Route 48. The Planning Commission, by a 5-0 vote, denied the Variance Application to waive the sidewalk required by the Zoning Ordinance for the City of Centerville.

Mr. Dan Wycoff, representing Paul J. Striebel & Associates, outlined their position that sidewalk in this location is not in the best interest of the citizens of Centerville; without proper construction of pedestrian walkways and traffic signalization along State Route 48, it will create a hazard to pedestrian traffic. They believe that the property in question is under the control of the Ohio Department of Transportation and not Centerville's zoning regulations.

Mr. Singer reminded the applicant that sometime in the future pedestrian walkway may be installed along State Route 48. In the event this happens, the property owner would be required to install sidewalk on an assessment basis.

Mrs. Beals pointed out the fact that the installation of sidewalk is required with a major construction in order that all construction can be completed at the same time. This can result in a reduced cost to the property owner.

Mr. Siler moved that the decision rendered by the Planning Commission to deny waiver of the sidewalk requirement along State Route 48 in conjunction with construction by Bob Ross Buick, Inc., be reversed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

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## ORDINANCE NUMBER 12-88 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 12-88. Mr. Kenning reviewed this proposed Ordinance to vacate approximately five feet in width from the south side of East Whipp Road, that portion not needed in the relocation of East Whipp Road to intersect Wilmington Pike and Feedwire Road. Mr. Samples sponsored 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, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

## ALEXANDER LUQUE APPEAL TO COUNCIL

Mr. Siler moved that the Appeal filed by Alexander Luque against a decision rendered by the Planning Commission to deny the use of stucco material at 28 South Main Street in the Architectural Preservation District, be removed from the table of the Council Meeting held November 21, 1988. Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Schwab distributed to City Council revised plans for the renovation of the present structure at 28 South Main Street.

Mr. Luque advised that he has located brick which is compatible in form and texture, supposedly the same, as the existing materials on the exterior of the building. This revised plan incorporates the use of this brick to close openings. The front of the building has been changed now having quoin corners, and two imitation windows with a canvas acrylic canopy over the front entrance. The clay tile on the top of the parapet will be replaced with a decorative molding to accent the architecture of the building. The entire building will be painted a color compatible with the Architectural Preservation District.

Mr. Singer expressed concern with approving this revised plan while it is not certain that the filler material will be the same as the existing material. Discussion followed relative to the compatibility of the two materials.

Mrs. Beals moved that Council reaffirm the decision rendered by the Planning Commission to deny the Variance Application for the use of stucco material for siding (dryvit) on an existing building at 28 South Main Street, and to approve the revised plan submitted to the City of Centerville dated December 19, 1988 under the assumption that the fill material is compatible as to dimension and texture with the existing material. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

Upon question of Mr. Samples, Mr. Schwab advised that the proposed amendment to the Zoning Ordinance for the City of Centerville is before the Planning Commission, the Public Hearing has been held, a Work Session has been scheduled for Tuesday, January 24, 1989 at 7:30 P.M. to afford the public the opportunity to express their concerns to the Planning Commission.

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## ORDINANCE NUMBER 13-88 1988 APPROPRIATIONS

Mr. Kenning reviewed a proposed Ordinance required by State law to adjust monies in the various funds to cover those expenditures anticipated through the remainder of 1988. Mrs. Beals sponsored Ordinance Number 13-88, An Emergency Ordinance To Repeal Ordinance 19-87 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, 1988, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 14-88 1988 APPROPRIATIONS

Mr. Siler moved that Ordinance Number 14-88, An Ordinance To Repeal Ordinance 19-87 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, 1988, be set for Public Hearing on January 16, 1989. Mr. Stone seconded the motion. The motion passed by unanimous vote.

## CAPITAL IMPROVEMENT PROGRAM 1989-1993

Mr. Kenning reviewed the proposed 1989-1993 Capital Improvement Program for the City of Centerville. This is the financial plan for capital investments over a five year period. Mr. Siler, speaking as Chairman of the Council Finance Committee, identified this Capital Program as a wish list for capital expenditures which are considered and modified each year. Mr. Siler moved that this Capital Improvement Program for 1989-1993 be approved as submitted. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

## RESOLUTION NUMBER 30-88 INCOME TAX ALLOCATION

Mr. Kenning reviewed a proposed Resolution allocating income tax receipts for the year 1989 in various funds as follows:

General Fund	45.3%.
Capital Improvement Fund	34.7%.
Street Construction and Maintenance Fund	14.7%.
Capital Investments Trust Fund	5.3%.

Mr. Siler sponsored Resolution Number 30-88, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Received On And After January 1, 1989 Between The General Fund, Capital Improvement Fund, Street Construction and Maintenance Fund, And Capital Investments Trust Fund Of The City Of Centerville, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 15-88 1989 APPROPRIATIONS

Mr. Kenning reviewed a proposed Ordinance to appropriate monies in the various funds for 1989 with a grand total of

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\$8,688,070.00. The Ordinance includes no new taxes or major fee increases for 1989. Mr. Siler, speaking as the Council Finance Committee Chairman, identified the City of Centerville as being financially sound and virtually debt free. Mr. Siler sponsored Ordinance Number 15-88, 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, 1989, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

## ORDINANCE NUMBER 16-88 1989 APPROPRIATIONS

Mr. Stone moved that Ordinance Number 16-88, 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, 1989, be set for Public Hearing on January 16, 1989. Mr. Compton seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 17-88 PERSONNEL

Mr. Kenning reviewed a proposed Ordinance to establish class titles, pay grades, rates of pay, and regulations for all employees of the City of Centerville for the year 1989. Mrs. Beals sponsored Ordinance Number 17-88, An Emergency Ordinance To Repeal Ordinance Number 21-87 In Its 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. Siler seconded the motion. The motion passed with six ayes in favor of the motion, Mr. Stone voted no.

## ORDINANCE NUMBER 18-88 PERSONNEL

Mr. Samples moved that Ordinance Number 18-88, An Ordinance To Repeal Ordinance Number 21-87 In Its 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 16, 1989. Mr. Siler seconded the motion. The motion passed by unanimous vote.

## THOMAS PAINE SETTLEMENT NUMBER THREE CLYO ROAD

Mr. Kenning reviewed a request received from Attorney Barry Mancz on behalf of John G. Black Enterprises, Inc. for the extension of the Subdivider's Agreement executed for Thomas Paine Settlement Number Three. This Agreement includes the construction of a portion of Clyo Road which now would serve no purpose but will be a necessary link when Clyo Road is extended to Wilmington Pike. The developer has requested an extension of six months, from December 10, 1988 until June 10, 1989. Mr. Samples moved that the Subdivider's Agreement for Thomas Paine Settlement Number Three - Clyo Road, be extended from December 10, 1988 until June 10, 1989. Mr. Siler seconded the motion.

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The motion passed unanimously.

### RESOLUTION NUMBER 31-88

Mr. Kenning reviewed a proposed Resolution between the City of Centerville and the Montgomery County Public Defender Commission to provide for legal counsel for indigent persons charged with violations of the City's Municipal Code. Through this Contract the City is able to provide that service required by State law at a nominal cost. The estimated cost for the City of Centerville is \$1,500.00, however, this will be adjusted depending on usage. Mr. Compton sponsored Resolution Number 31-88, 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, 1989 And Terminating On December 31, 1989, and moved that it be passed. Mrs. Beals seconded the motion. The motion passed by unanimous vote of City Council.

### ORDINANCE NUMBER 19-88 PURCHASE/STATE OF OHIO

Mr. Kenning reviewed a proposed Ordinance to provide the City of Centerville the opportunity to piggy-back purchase with the State of Ohio. Due to the State's massive purchasing power, costs are reduced; this Ordinance will permit the City of Centerville to enjoy these reduced costs when making certain purchases. Mr. Stone moved that Ordinance Number 19-88, An Ordinance Authorizing The City Manager To Enter Into An Agreement With The Department Of Administrative Services, Office of State Purchasing For The Purchase Of Supplies, Services, Equipment And Certain Materials In Accordance With Section 125.04 Of The Revised Code Of Ohio, be set for Public Hearing on January 16, 1989. Mr. Singer seconded the motion. The motion passed unanimously.

### WALNUT HILLS ESTATES II SECTION TWO

Mr. Kenning reviewed a recommendation from City Engineer Norbert Hoffman that the remaining Performance Bond in the amount of \$2,800.00 to cover sidewalks in Walnut Hills Estates II, Section Two, be released. All sidewalks in this subdivision have been constructed according to City specifications and inspection requirements. Mr. Samples moved that the Performance Bond posted for sidewalks in Walnut Hills Estates II, Section Two, be released, as recommended by Mr. Hoffman. Mr. Siler seconded the motion. The motion passed by unanimous vote.

### MIAMI VALLEY REGIONAL PLANNING COMMISSION REPRESENTATION 1989

Mayor Heintz advised that the Miami Valley Regional Planning

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Commission has requested the names of Centerville's Delegates and Alternates for 1989 on the MVRPC and on the Transportation Committee. Mayor Heintz recommended that the City's representation for 1988 remain the same for 1989. Mr. Stone moved that the City of Centerville's representation on the MVRPC for 1989 be as follows:

- Miami Valley Regional Planning Commission
  - Delegate - Mayor Shirley Heintz
  - Alternate - City Manager Darryl Kenning
- MVRPC Transportation Committee
  - Delegate - Mayor Shirley Heintz
  - Alternate - Councilmember Brooks Compton

Mr. Siler seconded the motion. The motion passed unanimously.

Mayor Heintz wished all residents of the City of Centerville a Merry Christmas and a Happy New Year.

There being no further business, the Meeting was adjourned.

Approved Shirley F. Heintz  
Mayor

ATTEST:

Maile Sue Saubelle  
Clerk of Council