

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL PLANE CO. 10111

Held March 16, 19 87

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, March 16, 1987 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting 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 Brooks Compton
- Councilmembers Bernard Samples
 - J. V. Stone
 - James Singer
 - Jeffrey Siler
 - Charles Taylor
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- Administrative Assistant Stephen King
- Municipal Attorney Robert Farquhar
- City Planner Alan Schwab
- Director of Finance William Bettcher

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

- Council Meeting - February 16, 1987.
- Council Work Session Meetings - February 16, 1987.
 - February 23, 1987.
 - March 9, 1987.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Taylor seconded the motion. The motion passed by unanimous vote of City Council; however, Mr. Samples abstained from the March 9th Work Session Minutes.

Mr. Stone read a "Certificate of Recognition" presented by Mayor Heintz to Debbie Devilbiss, fifth grade teacher of eleven years at Cline Elementary School and to Howard Fowler, physics teacher of twenty four years at the Centerville High School. Both teachers were selected in the top ten of educators in the Dayton-Metropolitan area, they have been awarded "Excellence in Teaching" trophies during the Dayton-Montgomery County Public Education Award Program sponsored by the Rotary Club, the Dayton Newspapers, Inc., and the Dayton Power and Light Company.

Mayor Heintz administered the Oath of Office to Board of Architectural Review Member James F. Presbaugh.

Mayor Heintz recognized Cathy Wright and Lisa Grabeman, present at this Meeting to review the "Doorways to Dayton" project developed by the Junior League of Dayton, Ohio, Inc., to assist the disabled in our Community. A handbook has been published and is available, free of charge, to serve as a guide to those persons with various disabilities in order to better enjoy the many facilities and services available in the Dayton area. Copies of this handbook have been made available at the Centerville Municipal Building.

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Mrs. McLaughlin announced the receipt of the following letters of resignation:

Sister City Committee Member Ruth Compton.

City Beautiful Commission Member Laura Lynn Yarema.

Board of Architectural Review Member L. Duncan Creed.

Mr. Singer moved that these resignations be accepted, with regret. Mr. Stone seconded the motion. The motion passed unanimously.

Mr. Samples read a Proclamation issued by Mayor Heintz designating March 12, 1987 as Girl Scout Day in the City of Centerville, in observance of the 75th anniversary of the founding of Girl Scouts of America, and in recognition of the celebration held by three Centerville Neighborhoods: Centerville East, Buckhorn and Woodbourne. A 950 balloon launch was held at the Centerville High School representing each girl scout in Centerville and Washington Township.

Mr. Compton read a Proclamation issued by Mayor Heintz designating the month of April, 1987 as Fair Housing Month in Centerville.

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

Anyone seeking information relative to the level of radon in the Centerville area may call the Ohio Department of Health: 1-800-523-4439 or the Regional Air Pollution Control Agency: 225-4898.

The City will again be soliciting bids for the cutting of grass in medians and boulevards in various areas of Centerville. Recipients must be at least eighteen years of age. Notices will appear in the newspapers within the next two weeks.

Mr. Compton reviewed a Meeting of the Chamber of Commerce I-675 Group which he recently attended; Lieutenant Governor Paul Leonard addressed the group detailing his plans for local governments during his term.

Mr. Singer, reporting as Chairman of the APD Task Force, advised that approximately 500 surveys have been mailed, suggestions and ideas are being received for improving and enhancing the Architectural Preservation District in Centerville.

Mr. Samples advised that contact will be made with the Centerville High School in preparation for Youth in Government Day, April 28, 1987.

Mayor Heintz advised that Centerville has met all requirements and has been designated as Tree City U.S.A. Arbor Day in Centerville will be held April 24, 1987.

ASHLAND OIL, INC. APPEAL TO COUNCIL

Held

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The Public Hearing was held concerning an Appeal filed by Ashland Oil, Inc., against a decision rendered by the Planning Commission during their Meeting on January 13, 1987. Mr. Schwab located the subject property on a map, being more particularly known as the Payless Gasoline Station at 113 North Main Street in the Architectural Preservation District. Submitted to the Planning Commission were two Applications: a Variance Application and a Special Approval Application. Mr. Schwab reviewed Planning Commission's approval of the Special Approval Application and a portion of the Variance Application. The Applicant requested six variances of which four were approved, the two denied by the Commission were the request for front and side yard parking and a total of sixty four square feet of signage. The Planning Commission's denial of the two variances is the subject of this Appeal. Mr. Schwab compared the regrading and reconstruction proposed for this site with that which currently exists.

Mr. Louis Schuette, representing Ashland Oil, Inc., explained their basis for the appeal for parking. If parking is required behind the building, a retaining wall on their western property line would be necessary in order to fill the area to provide adequate space, thus bringing the development closer to the residents to the rear of the property in question. Most customers will remain parked under the canopy after buying gasoline while they go inside to pay and/or purchase merchandise.

Mr. Robert Teyber, 110 Lyons Drive, expressed his preference for parking to the side of the building. He believes that signage should conform to the requirements of the Zoning Ordinance.

Upon question of Mr. Compton, Mr. Schuette defined the columns supporting the sign as being two feet wide, the sign structure has been designed to blend with the overall architecture of the building. Mr. Schuette outlined the following reasons for a thirty two square feet sign, per side:

Ashland Oil has 200 feet of frontage.

Many existing Payless signs will be removed.

Both businesses being conducted on the site need recognition; this is the only identity for the SuperAmerica facility.

The price of gasoline should be seen easily by customers.

Mr. Compton moved that the action taken by the Planning Commission concerning front and side yard parking be reversed and that front and side yard parking be permitted as requested by the Applicant. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

Mr. Singer moved that the action taken by the Planning Commission denying sixty four square feet of signage be upheld and that the Applicant meet the requirements of the Zoning Ordinance, permitting a total of thirty two square feet of signage. Mr. Samples seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 9-87 FLOOD PROTECTION

The Public Hearing was held concerning Ordinance Number

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9-87. Mr. Kenning reviewed this proposed Ordinance which brings Centerville in compliance with the requirements of the National Flood Insurance Program. This legislation makes residents eligible for flood damage insurance. Changes in this proposed Ordinance are of limited significance as they apply to the Centerville community. Mr. Siler sponsored Ordinance Number 9-87, An Ordinance Amending Ordinance Number 13-81, And Providing A Flood Damage Prevention Ordinance For The City Of Centerville, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed unanimously.

BOARD OF TAX APPEALS

Mr. Compton moved that Casimer K. Salys be reappointed as a Member of the Board of Tax Appeals for the City of Centerville. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

PERSONNEL APPEALS BOARD

Mr. Singer moved that Charles P. Brown be appointed to another three term as a Member of the Personnel Appeals Board for the City of Centerville. Mr. Compton seconded the motion. The motion passed unanimously.

SISTER CITY COMMITTEE

Mr. Taylor moved that Raymond E. Johnson be appointed as a Member of the Sister City Committee to fill the vacancy created by the resignation of Ruth Compton. Mr. Stone seconded the motion. The motion passed by unanimous vote. Mayor Heintz administered the Oath of Office to Mr. Johnson.

RESOLUTION NUMBER 7-87 CCIC

Mr. Kenning reviewed a proposed Resolution which authorizes the Centerville Community Improvement Corporation to continue to act as the City's agent for industrial, commercial, distribution and research development in the City. The proposed legislation directs the payment of \$500.00 to the CCIC for its action as Centerville's agent. Mr. Samples sponsored Resolution Number 7-87, A Resolution Authorizing Payment To The Centerville Community Improvement Corporation In Consideration Of Its Acting As The City's Agency And Instrumentality For Industrial, Commercial, Distribution And Research Development Within The City Of Centerville, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 8-87 CLYO ROAD

Mr. Kenning reviewed a proposed Resolution requesting the Director of Finance to certify that the estimated life of the improvements to Clyo Road extension is not less than five years and that the maximum maturity of Bonds is twenty years. Mr.

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Compton sponsored Resolution Number 8-87, Resolution Requesting Fiscal Officer To Certify Maximum Maturity Of Bonds, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 10-87 CLYO ROAD

Mr. Kenning reviewed a proposed Ordinance which provides financing necessary to pay the cost of improving Clyo Road in anticipation of the collection of special assessments over the next twenty years. Mr. Taylor sponsored Ordinance Number 10-87, An Ordinance Providing For The Issuance Of \$207,350 Of Bonds By The City Of Centerville, Ohio, In Anticipation Of The Collection Of Special Assessments Heretofore Levied, For The Purpose Of Discharging At Maturity (Together With Cash Payments Of Special Assessments And Other Lawfully Available Funds) A Bond Anticipation Note Of The City Heretofore Issued For The purpose Of Paying Part Of The Cost Of Improving Clyo Road In The City Of Centerville, And Paying Other Lawful Costs Incident To The Issuance Of The Bonds, Or Notes Issued In Anticipation Thereof, And Declaring An Emergency, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 9-87 INSURANCE

Mr. Kenning reviewed the following Bids received for a package insurance policy for the City of Centerville:

Swartzel/Affiliated Insurance Service - conventional insurance:

Hartford Insurance Company
Depending on liability limits
\$120,139.00 - \$142,114.00.

General Starr Indemnity
Liability coverage only
\$117,647.00 - \$153,409.00.

Pottinger Insurance Company - the pooling concept of insurance:

Depending on liability limits
No automobile insurance coverage
\$55,092.00 - \$89,502.00.

Arthur J. Gallagher and Company - self-funding plan of insurance:

International Surplus Lines Insurance Company
depending on liability limits
\$81,466.00 - \$96,466.00.

Mr. Kenning recommended the acceptance of the Bid submitted by Arthur J. Gallagher and Company in the amount of \$96,466.00 for one year self-funded per occurrence insurance: \$25,000.00 per occurrence, \$75,000.00 aggregate limit. Mr. Stone sponsored

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Resolution Number 9-87, A Resolution Accepting The Bid Of Arthur J. Gallagher And Company To Supply Package Insurance To 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. Samples seconded the motion. The motion passed by unanimous vote of City Council

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Keimtz
Mayor

ATTEST:

Marion J. Samples
Clerk of Council