

## RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10144

Held October 19,

19 87

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, October 19, 1987 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 Brooks Compton  
 Councilmembers Charles Taylor  
                           James Singer  
                           Jeffrey Siler  
                           J. V. Stone  
 Clerk of Council Marilyn McLaughlin  
 City Manager Darryl Kenning  
 City Planner Alan Schwab  
 Acting Municipal Attorney Robert Berner

Mayor Heintz advised that Councilman Bernard Samples would not be present for this Meeting. Mr. Siler moved that Councilman Samples be excused from this Meeting. Mr. Compton seconded the motion. The motion passed unanimously.

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

Council Meeting - September 21, 1987.  
 Council Work Session Meetings - September 21, 1987.  
   September 28, 1987.  
   October 12, 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; however Mr. Taylor and Mr. Siler abstained from the Minutes of the October 12 Meeting, Mr. Stone abstained from the Minutes of the Meeting held September 21.

Mrs. McLaughlin announced the receipt of a letter of resignation from Councilman Charles Taylor to be effective October 31, 1987. Mr. Siler read a Certificate of Appreciation presented by Mayor Heintz to Mr. Taylor. Councilmembers expressed good wishes to Councilman Taylor and outlined passed experiences.

Mayor Heintz presented Honorary Citizenships to the following American Field Service Students in the Centerville area and introduced their host families:

Alajandro Marinello from Argentina.  
 Daniel Ginting from Indonesia.  
 Vasco Teles from Portugal.

Mayor Heintz introduced City Beautiful Commission Member Jana Todd to explain the City Beautification Program in Centerville during the summer months. Mayor Heintz and Mrs. Todd presented Beautification Certificates to the following award

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## winners:

## May:

Mike & Mary Ann Schirmer, 915 Kentshire Road.  
 Mr. & Mrs. William E. Caulfield, 384 Blackstone Drive.  
 Bob & Irma Scott, 8275 Rhine Way.  
 James & Aline Stritch, 1445 Delynn Drive.  
 Edward & Mary Kirk, 44 Waterford Drive.  
 Mr. & Mrs. Kenneth C. Norton, 320 Village Square Road.  
 George & Mary Walter, 5731 King Arthur Road.  
 D'Amico's & Manzo Italian Ristorante, 79 South Main Street.

## June:

Tom & Judy Schaefer, 130 Terrace Villa Drive.  
 William & Marian Wilson, 5230 Marshall Road.  
 Bill & Trudy Gilbert, 125 Weller Avenue.  
 Mark & Peggy Statzger, 9715 Pawnee Pass.  
 Dr. Richard & Debbie Carroll, 6414 Hidden Hills.  
 Bruce & Mary Sue Pearson, 8045 Brainard Woods Drive.  
 Howard & Cynthia Harper, 1700 Ambridge Road.  
 Centerville Lanes, 911 South Main Street.

## July:

James & Barbara Spitler, 9908 Shawnee Trail.  
 Tom & Mary Duffy, 5280 Applecreek Road.  
 Paul & Frances Dabbelt, 140 Cloverwood Drive.  
 Dan & Dorsey Hodapp, 204 Zengel Drive.  
 Bob & Karen Collins, 8289 Rhine Way.  
 John & Sherry Glueckert, 5015 Park View Court.  
 Wayne & Judy Schuler, 850 Kentshire Drive.  
 Tony's Centerville Shell, 8995 Lebanon Pike.

## August:

David & Sandy Sapphire, 8231 Rhine Way.  
 Jean & Harold Mader, 1005 Thorndale Drive.  
 Ray & Charlene Schilling, 640 East Whipp Road.  
 Mr. & Mrs. William Loxley, 180 Devay Avenue.  
 Herman & Zelle Gaines, 20 Bristol Drive.  
 Mary Lou & Jack Schauer, 78 Bradstreet.  
 Paul & Patti Stoll, 2070 East Centerville Station Road.  
 Unique Design Flower Shoppe, 21 West Franklin Street

Mayor Heintz advised that a Certificate of Recognition had been presented to the Heritage Presbyterian Church during dedication ceremonies this past month.

Mr. Kenning announced the administration of Flu Shots by the Combined Health District of Montgomery County, scheduled in the Community Room, Centerville Municipal Building, on Tuesday, October 27, 1987 during the hours of 1:30 P.M. and 4:00 P.M.

Councilman Stone reviewed a Conference he recently attended accompanied by Mr. King concerning Cable TV.

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## ANTHONY F. STAUB OFFICE BUILDING

The Public Hearing was held concerning a Planning Commission Special Approval Application to develop a new 15,000 square foot office building at 121 and 133 North Main Street in the Architectural Preservation District. City Council has requested review of this Application. Mr. Schwab reviewed this Application for a new office building and the demolition of the two existing buildings and located the subject property on a map. Proposed parking meets City requirements. Mr. Schwab identified the elevations of the proposed building, the front being two stories and the rear being three stories. The height is nearly the same as the Centerville Municipal Building including the cupola. Mr. Schwab advised that all recommendations made by the Board of Architectural Review were included in Planning Commission's approval of the proposed building except one, that being "The overall height of the building not exceed thirty-eight feet". The Planning Commission had no problem with the elevations of the building as proposed. Mr. Schwab reviewed Planning Commission's, five to two vote, that the Planning Commission Special Approval Application submitted by Anthony F. Staub be approved subject to the following conditions:

1. The design and alignment of the proposed curb cut across from Irongate Park Drive shall be subject to approval by the Engineering Department.
2. A brick sidewalk shall be constructed along North Main Street.
3. A screening plan shall be submitted for approval by the Planning Department to screen the residences along the west and north property line and the dumpster.
4. The dumpster shall have a concrete pad and shall be of a dimension to permit the front wheels of a trash disposal truck to rest on the pad while emptying the dumpster.
5. All exterior lighting shall be subject to approval by the Planning Department.
6. All building colors shall be subject to approval by the Board of Architectural Review.
7. Stormwater detention and/or retention and erosion control during construction shall be subject to approval by the Engineering Department.
8. The front elevation should be amended to include one or more offsets to break up the mass subject to approval by the Board of Architectural Review.
9. The window in the center of the second story should be raised to a height equal to those others on the second story.
10. The concrete island on the southeast corner of the driveway should be changed to landscaping to meet the requirements of the zoning ordinance.
11. All windows shall be subject to approval by the Board of Architectural Review.

Mr. Schwab pointed out the fact that the height of the building as proposed is forty seven feet, thus constituting a variation from the requirements of the zoning ordinance; no formal Variance Application has been submitted for this height

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variation.

Mr. Paul Striebel, Architect for the Applicant, explained how he could flatten the roof to reduce the height by nine feet, he did not believe the pitch of the roof should be changed. He believes that what is proposed is the best architecture for the City.

Mr. Bob Ferguson, owner of the Irongate building across the street from this proposed structure, believes this is an ideal solution to the development of the subject land.

Mrs. Sally Beals, Member of the Board of Architectural Review, views the building as being too massive to be located in an area of small buildings.

Upon question of Mr. Taylor, Mr. Kenning recommended that if the height of the building exceeds that which is permitted according to the zoning ordinance, the Variance procedure be followed. A height of thirty eight feet is that which is permitted in this particular area of the City.

Discussion followed relative to the height of the building, the type and the pitch of the roof, what would and would not be acceptable in the neighborhood in consideration of other buildings, and what is permitted according to zoning regulations. Mr. Singer moved that Planning Commission's approval be modified concerning the Planning Commission Special Approval Application submitted by Anthony F. Staub to develop a new office building at 121 and 133 North Main Street, that approval be granted subject to all conditions of the Planning Commission with the exception that the building height shall not exceed thirty eight feet in front, and that revised plans be submitted to the City Staff and the Board of Architectural Review for the revised roof. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Compton and Mr. Siler voted no. Mr. Siler's no vote was in opposition to directing the Applicant back to the Planning Commission with a Variance Application.

## VOSS CHEVROLET APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Voss Chevrolet against a decision rendered by the Planning Commission during their Meeting on September 8, 1987. The Applicant is appealing a condition of a Planning Commission Special Approval Application requiring the installation of sidewalk in front of the property at 100 Loop Road. An Application for a new service addition and upgrade of existing structure was approved by the Planning Commission subject to three conditions:

1. A sidewalk shall be constructed in front of the premises along Loop Road to standards acceptable to the City Engineer.
2. A plan detailing vehicular circulation and parking on the west side yard shall be submitted and subject to approval by the Planning Department.
3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

Mr. Schwab pointed out the fact that the sidewalk condition

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is satisfying a requirement contained in the new zoning ordinance. To delete the installation of the sidewalk would constitute a variance.

Mr. Paul Striebel, Architect representing Voss Chevrolet, explained their reason for the Appeal, there currently exists no sidewalk on either side of the property in question; their sidewalk will go nowhere.

Mayor Heintz reviewed goals of the City of Centerville to eventually have sidewalk on both sides of Loop Road.

Mr. Stone stressed the importance of sticking with the City Policy and ordinance requirements relative to the installation of sidewalk.

Mr. Compton moved that Planning Commission's decision relative to the Planning Commission Special Approval Application submitted by Voss Chevrolet, 100 Loop Road, be sustained and the Appeal to Council be denied. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council. However, Mr. Singer and Mr. Stone stressed the importance of sidewalk being installed in front of adjacent properties in the very near future.

## TRADIN POST APPEAL TO COUNCIL

The Public Hearing was held concerning an Appeal filed by Tradin Post against a decision rendered by the Planning Commission during their Meeting on August 25, 1987. The Applicant has requested a Variance from the requirements of the zoning ordinance to eliminate the construction of a sidewalk in front of that property located at 7975 South Suburban Road. Mrs. McLaughlin announced the receipt of a letter from the Applicant requesting that this matter be postponed until the November Regular Council Meeting. Mr. Stone moved that the Appeal filed by Tradin Post be continued until the November 16 Council Meeting. Mr. Siler seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 30-87 EMPLOYEE BENEFITS

Mr. Kenning reviewed a proposed Resolution adopting a plan to offer Ohio Public Employees Deferred Compensation to employees of the City of Centerville. The City of Centerville is mandated by State Law to offer this plan to employees if requested. An employee of the City of Centerville has requested same. Mr. Siler sponsored Resolution Number 30-87, A Resolution Adopting a Plan Under The Ohio Public Employees Deferred Compensation Program Permitting All Eligible Employees Of The City Of Centerville To Defer A Portion Of Their Compensation, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

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Approved:

Mayor

*Shirley F. Neely*

ATTEST:

*Maile D. Laughlin*  
Clerk of Council