

DAYTON LEGAL BLANK CO. 10144

Held January 20, 1986

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, January 20, 1986 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, Pastor of the Heritage Presbyterian Church and 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 Charles Taylor
- Councilmembers James Singer
  - Bernard Samples
  - Brooks Compton
  - J. V. Stone
  - Jeffrey Siler
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- Assistant City Manager Jon Bormet
- City Planner Alan Schwab
- Service Superintendent Ray Hannah
- City Engineer Karl Schab
- Director of Finance William Bettcher
- Chief of Police William Lickert
- Municipal Attorney Robert Farquhar

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

- Council Meeting - December 16, 1985.
- Council Work Session Meetings - December 16, 1985.
  - January 6, 1986.
  - January 13, 1986.

Mr. Siler 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.

Mr. Compton moved that Jana Todd and Mary M. Higgins be appointed as Members of the City Beautiful Commission for the City of Centerville. Mr. Stone seconded the motion. The motion passed unanimously.

Mayor Heintz administered the Oath of Office to City Beautiful Commission Members Jana Todd and Mary M. Higgins.

Mayor Heintz gave her "State of the City Address" outlining 1985 improvements and programs and 1986 objectives for the City of Centerville.

Mayor Heintz advised that a Proclamation has been issued designating March 5 and March 6, 1986 as Hire Hopes Career Fair Days in the City of Centerville.

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

Mayor Heintz has been elected as President of the Montgomery County Mayors and Managers Association.

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The City of Centerville has ended the year 1985 with a better cash balance than anticipated.

Waste Collection Service will be according to schedule this week.

Mr. Samples, reporting on behalf of the Zoning Task Force, advised that revisions to the Zoning Ordinance have been completed. Public Hearings will be forthcoming relative to this entire document, following joint Meetings between City Council, the City Planning Commission and the Zoning Task Force.

Mr. Compton, speaking on behalf of the South Metro Chamber of Commerce, advised that a Committee is being formed to analyse an alledged problem existing at the Centerville Branch of the United States Post Office.

#### CENTERVILLE UNITED METHODIST CHURCH APPEAL TO COUNCIL

Councilman J. V. Stone left the Meeting at this time due to a potential conflict of interest in this agenda item.

The Public Hearing was held concerning an Appeal to Council, filed by Centerville United Methodist Church against a decision rendered by the Board of Architectural Review to deny the request for demolition of structures located at 10 Maple Avenue, 47 East Franklin Street and 59 East Franklin Street in the Architectural Preservation District. Included in the Application was a five year waiver of the approval expiration, if the request for demolition is granted.

Mr. Schwab located the subject properties on a map and reviewed the criteria contained in the Centerville Zoning Ordinance by which a building may be demolished in the Architectural Preservation District: 1. Health and Safety Hazard, 2. Deterrent to a Major Community Improvement, 3. Rehabilitation not Economically Feasible and 4. Detriment to the Community. The City Staff, in reviewing the historic significance and financial data presented concerning these three buildings, recommended denial of this Application based upon none of the listed criteria being met. The Board of Architectural Review, following their deliberations, denied the Application by a unanimous vote of 4-0. Mr. Schwab reviewed the findings rendered by a Historic Preservation Consultant following his inspection of the three buildings. The Church presently owns the building at 59 East Franklin Street and has an option to purchase the other two buildings in question. The waiver to five years for demolition has been requested in order to provide residence to the current occupant at 10 Maple Avenue.

Mrs. McLaughlin read the Appeal which requested that Council override the denial of the Church's Application by the Board of Architectural Review and approve the demolition of the structures at 10 Maple Avenue, 47 and 59 East Franklin Street, and that Council approve the applicant's request for waiver of expiration of demolition to five years.

Mayor Heintz advised that the City Council toured these

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structures prior to this Meeting accompanied Mr. Loren Gannon, Landmarks Renaissance Corporation, to receive a professional evaluation on their preservation.

Mr. Robert Belt, 7900 Brainard Woods Drive, Chairman of the Site Development Committee for the Centerville United Methodist Church, explained how they believe this request satisfies two criteria in the Zoning Ordinance for demolition of a building: 1. this is a major improvement to the Centerville Community and 2. the economic feasibility of repairing or renovating these structures offers a negative return. Demolition has been requested in order to provide for expansion and improved visibility of the Church, to improve circulation and to provide additional needed parking and to provide green space for Community use. Mr. Belt identified two major issues to address as 1. the historic value of the properties to the Community and 2. the market value for renovation. The Site Development Committee believes that their proposal will provide protection for one of the major historical structures in the center of town- the Church, it will provide opportunities to the City of Centerville not currently provided in the center of town, the uses they propose for the properties will stabilize the area and will enhance the visual character of the area, and improved visibility will promote the use of other historic sites.

Mrs. Janet Thobaben, 201 Gershwin Drive, Member of the Board of Architectural Review, defined the decision of the BAR as upholding the conditions of Centerville's Zoning Ordinance. She encouraged preservation not demolition.

Mr. Dale Springer, 625 Nutt Road, a taxpayer of the City of Centerville, believes that the priorities of the City should be 1. Church and 2. Schools, he believes that Centerville will be hampered with the inability to expand the Centerville United Methodist Church, he suggested that a compromise solution be sought.

Mr. Duncan Creed, 258 Zengel Drive, feels that the character of downtown Centerville is gradually changing into small retail shops which need traffic during the week, expanding the Church would only increase traffic on Sunday. He does not view the application for demolition to be the highest civic good for the Centerville community.

Mr. Lyle Matson, 215 Elmwood Drive, Chairman of Administrative Board for the Centerville United Methodist Church, defined their need for visibility to attract new members, they cannot move forward with their Master Plan under present conditions.

Mrs. Martha Boice, 7712 Eagle Creek Drive, Chairman of the Landmark Committee for the Centerville Historical Society, brought attention to the initiative the City has taken to preserve the history of Centerville. She emphasized the historic buildings which have been lost in future years and encouraged the preservation of structures now and in the future. She reminded Council that a petition has been submitted to the City of Centerville signed by all Board Members of the Historical Society opposing the demolition of these three structures. Mrs. Boice asked Council to uphold the decision rendered by the BAR.

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Mrs. Darlene Green, 5631 Brampton Road, Member of the Site Development Committee and the Board of Trustees for the Centerville United Church, define their proposal as an attempt to provide progress to the Community and to the Church.

Mr. Loren Gannon, Historian with the Landmarks Renaissance Corporation, reviewed his evaluation of the history, structure and use of these three buildings in which he found all three buildings to be historically significant. He believes that if this request for demolition was granted, it would very possibly make further regulation of the Architectural Preservation District unenforceable. Demolition would have a severe deleterious effect on the scale and ambience of the two highly significant stone houses on Maple Street. They have already been placed in a far too bare environment.

Mr. Rob Hewitt, 106 Lamplighter Square, believes that improved visibility of the Church would enhance the Centerville Community.

Mr. Michael Pekarek, 41 East Drive, Member of the Board of Architectural Review, emphasized the fact that no such buildings will ever be built again in Centerville. To demolish these structures would satisfy the mission of the Church but not the mission of the total community.

Mr. Robert Belt, expressed concern that preservation of these three structures is not economically feasible by the Church, perhaps other alternatives can be explored. He stated their willingness to compromise and to work with the community to find alternatives.

Mr. Taylor expressed his desire for a workable compromise.

Mr. Compton believes if these buildings are demolished part of Centerville's heritage will be destroyed.

Mr. Siler views these buildings as being salvageable, the structure at 10 Maple Avenue is unique.

Mr. Samples quoted the goal of the City of Centerville for architectural preservation as expressed in the Policy Plan for the City of Centerville, to vote for demolition would be against principles established.

Mr. Singer pointed out the fact that by granting this appeal, the City's authority would be weakened in similar cases in the future.

Mr. Compton moved that the decision of the Board of Architectural Review be upheld and the request for demolition by the Centerville United Methodist Church be denied. Mr. Taylor seconded the motion. The motion passed by unanimous vote of City Council.

Councilman J. V. Stone returned to the Meeting at this time.

#### ORDINANCE NUMBER 21-85 APPROPRIATIONS 1985

The Public Hearing was held concerning Ordinance Number 21-85. Mr. Kenning reviewed this proposed Ordinance to make end of the year adjustments to the annual appropriation Ordinance for 1985. Mr. Taylor sponsored Ordinance Number 21-85, An Ordinance To Repeal Ordinance 42-84 In Its Entirety To Make Appropriations

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For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1985, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 22-85 DAYTON POWER AND LIGHT COMPANY

The Public Hearing was held concerning Ordinance Number 22-85. Mr. Kenning reviewed this proposed Ordinance to grant to the Dayton Power and Light Company a non-exclusive franchise to supply natural gas to the City of Centerville and all its residents until the year 1999. Some very minor changes have been made to the original text of this Ordinance. Mr. Samples sponsored Ordinance Number 22-85, An Ordinance Granting To The Dayton Power And Light Company, Its Successors And Assigns, A Gas Franchise In The City Of Centerville, State Of Ohio, Until December 31, 1999, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote of Council.

## ORDINANCE NUMBER 24-85 WASTE COLLECTION

The Public Hearing was held concerning Ordinance Number 24-85. Mr. Kenning reviewed this proposed Ordinance which increases the rate for refuse collection in the City of Centerville effective March 1, 1985: residential pick-up from \$6.75 to \$7.80, special pick-up and chipper service from \$7.50 to \$10.00 per one-half hour and commercial to \$4.00 per cubic yard per pick-up. This increase has become necessary due to increased disposal rates at Montgomery County's disposal systems and increased insurance rates. Mr. Compton sponsored Ordinance Number 24-85, An Ordinance Repealing Existing Chapter 957 Of The Centerville Code And Enacting A New Chapter 957, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 26-85 PERSONNEL

The Public Hearing was held concerning Ordinance Number 26-85. Mr. Kenning reviewed this proposed Ordinance which provides a 3% increase in the salary and wage plan for employees of the City of Centerville for the year 1986. This coupled with the 2 1/2% retirement pick-up by the City provides employees with a 5% increase for the current year. Mr. Siler sponsored Ordinance Number 26-85, An Ordinance To Repeal Ordinance Number 43-84 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. Taylor seconded the motion. The motion passed by unanimous vote.

## ORDINANCE NUMBER 28-85 APPROPRIATIONS 1986

The Public Hearing was held concerning Ordinance Number 28-85. Mr. Kenning reviewed this proposed Ordinance which

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translates into the operating budget for the City of Centerville for 1986. He reviewed the process by which the budget becomes a reality. Projections for 1986 are revenues-net income \$5,122,375.00 and a beginning balance in excess of \$1,800,000.00. The budget includes no increase in property tax for the current year but does include a waste collection increase as noted previously. Expenditures are estimated at \$6,120,290.00 which include the extension of Clyo Road and other street improvement projects, drainage ditch rehabilitation, sidewalk installation, bus stops and other engineering projects, and general improvement programs throughout the City. Mr. Siler, Chairman of the Council Finance Committee, recognizes this as a very conservative budget with some exciting projects, it is realistic and one of which the City can be proud. Mr. Samples sponsored Ordinance Number 28-85, An Ordinance to Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending Decmeber 31, 1986, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed unanimously.

Mr. Gary Stiens, 7585 Pelbrook Farm Drive, presented to Council a letter signed by some of the residents in Pelbrook Farm Estates, supporting the preservation of the Pelbrook Farm. This property has significant historical roots and the house is listed on the Ohio Historic Inventory. He expressed concern with the possible development of a mini-mall on this property and the over saturation of small retail businesses in the area. Mr. Stiens urged the assignment of a small task force made up of appropriate people to explore various alternatives for the preservation of this one remaining historical farm. Upon question of Mayor Heintz, Mr. Kenning advised that the City Staff is currently developing information relative to the subject property.

Mr. Loren Gannon, 5285 Wilmington Pike, expressed his concern that Wilmington Pike will deteriorate under heavy truck traffic following the opening of I-675. He cited two major problems: Wilmington Pike needs widening and the alignment of Wilmington Pike must be resolved.

#### DEPUTY-MAYOR

Mr. Siler moved that Councilman Brooks Compton be elected Deputy-Mayor to serve until the next Council Election. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

#### CENTERVILLE REPRESENTATION

Mrs. McLaughlin read the following proposed appointments to their respective positions:

##### COUNCIL COMMITTEES

Community Relations and Development  
Bernard Samples, Chairman  
J. V. Stone

## RECORD OF PROCEEDINGS

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Brooks Compton  
 Legislative  
 Charles Taylor, Chairman  
 Bernard Samples  
 J. V. Stone  
 Safety  
 J. V. Stone, Chairman  
 Bernard Samples  
 James Singer  
 Finance  
 Jeffrey Siler, Chairman  
 James Singer  
 Charles Taylor  
 Streets and Highways  
 James Singer, Chairman  
 Brooks Compton  
 Jeffrey Siler  
 COUNCIL LIAISON  
 Board of Architectural Review  
 James Singer  
 City Beautiful Commission  
 Brooks Compton  
 Centerville City Schools  
 Bernard Samples  
 Washington Township Trustees  
 Shirley Heintz  
 Historical Society  
 Charles Taylor  
 Centerville-Washington Park District  
 Charles Taylor  
 City Planning Commission  
 Jeffrey Siler  
 Sister City Committee  
 J. V. Stone  
 Centerville Property Review Commission  
 Bernard Samples  
 Bicycle Committee  
 Jeffrey Siler  
 CENTERVILLE REPRESENTATION  
 South Metro Dayton Area Chamber of Commerce  
 Board of Trustees  
 Brooks Compton  
 Bernard Samples, Alternate  
 Community Housing Resources Board  
 Brooks Compton  
 Dayton Area City Management Association  
 Darryl Kenning  
 Jon Bormet  
 Miami Valley Cable Television Council  
 J. V. Stone, Delegate  
 Darryl Kenning, Alternate  
 Cable Operations Board  
 Jon Bormet  
 Government Technology Committee

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Darryl Kenning  
 Miami Valley Disaster Services Authority  
 Board of Trustees  
 Darryl Kenning  
 Miami Valley Regional Planning Commission  
 Shirley Heintz, Delegate  
 Darryl Kenning, Alternate  
 Board of Directors  
 Shirley Heintz  
 Transportation Committee  
 Shirley Heintz, Delegate  
 Brooks Compton, Alternate  
 Technical Advisory Committee  
 Alan Schwab, Delegate  
 Karl Schab, Alternate  
 Wilmington Pike Task Force  
 Karl Schab, Delegate  
 Alan Schwab, Alternate  
 Montgomery County Corporation for Community Development  
 Board of Trustees  
 Shirley Heintz  
 Seniors, Inc.  
 Board of Trustees  
 Shirley Heintz  
 Jeffrey Siler, Alternate  
 Long Range Planning Committee  
 Shirley Heintz  
 Solid Waste Advisory Committee  
 Shirley Heintz  
 Sycamore Medical Center  
 Citizens Advisory Council  
 Shirley Heintz  
 Darryl Kenning  
 J. V. Stone  
 Wastewater Advisory Committee  
 Brooks Compton

Mr. Singer moved that the above listed appointments be made.  
 Mr. Taylor seconded the motion. The motion passed unanimously.

#### BOARD OF ARCHITECTURAL REVIEW CHAIRMAN

Mr. Singer moved that Mr. Michael Pekarek be appointed  
 Chairman of the Board of Architectural Review for the remainder  
 of his membership term. Mr. Siler seconded the motion. The  
 motion passed by unanimous vote.

#### CENTERVILLE PROPERTY REVIEW COMMISSION

Mr. Compton moved that Mr. Robert Perkins be reappointed as  
 a Member of the Centerville Property Review Commission for a term  
 of three years. Mr. Taylor seconded the motion. The motion  
 passed unanimously.

#### BOARD OF TAX APPEALS



## RECORD OF PROCEEDINGS

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MAYOR LEGAL BLANK CO. 10114

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Mr. Siler moved that Mr. Robert P. Hensley and Mr. Stephen Mikula be reappointed as Members of the Board of Tax Appeals for the City of Centerville. Mr. Taylor seconded the motion. The motion passed by unanimous vote of Council.

## RESOLUTION NUMBER 1-86 CLYO ROAD

Mr. Kenning reviewed a proposed Resolution to declare it necessary to acquire certain properties for the right-of-way for the Cylo Road extension. Mr. Samples sponsored Resolution Number 1-86, A Resolution To Declare The Necessity And Intention Of Acquiring Certain Parcels Of Real Estate For The Clyo Road Improvement Project In The City Of Centerville, Ohio, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 2-86 TAX RATES

Mr. Kenning reviewed a proposed Resolution to certify tax rates to the Montgomery County Auditor for the City of Centerville during fiscal year 1986. The total tax rate inside and outside the ten mill limitation being 3.18 mills. Mr. Compton sponsored Resolution Number 2-86, A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them to The County Auditor, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

Mayor Heintz announced a Special Meeting of City Council scheduled for Monday, January 27, 1986 to be held in the Law Library beginning at 7:30 P.M.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:

  
Clerk of Council