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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 15, 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, 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 Jeffrey Siler
 J. V. Stone
 Bernard Samples
 James Singer

Clerk of Council Marilyn McLaughlin
 City Manager Darryl Kenning
 Administrative Assistant Stephen King
 City Planner Alan Schwab
 Service Director Richard Bishop
 City Engineer Karl Schab
 Director of Finance William Bettcher
 Chief of Police William Lickert

Mayor Heintz advised that Councilman Charles Taylor would not be present for this Meeting. Mr. Siler moved that Mr. Taylor be excused from this Meeting. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

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

Council Meeting - November 17, 1986.
 Council Work Session Meetings - November 17, 1986.
 - November 24, 1986.
 - December 8, 1986.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Samples seconded the motion. The motion passed unanimously; however, Mr. Siler abstained from the Minutes of the December 8th Meeting.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control of an Application for a new D5 Permit for North China, Inc., DBA Dragon Palace, 6090 Far Hills Avenue. This is a Permit to sell spirituous liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until 2:30 A.M. Mr. Kenning advised that the customary investigation into this matter indicates no reason for objection to the issuance of this Permit.

Mayor Heintz briefly reviewed the final draft of a "Memorandum of Understanding" prepared by the Community-Schools-Police Advisory Committee, to establish procedures for communication on incidents of drug and alcohol use, possession and distribution. She reviewed statements composed by parents, community leaders, school, court and law representatives. She identified committee members consisting of school principals, law

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enforcement personnel, community leaders and parents. Mayor Heintz solicited Council's support for this final draft. It is the intent of the committee to distribute this Memorandum to all households in the Centerville-Washington Township area. Mr. Samples commended Mayor Heintz for her outstanding leadership in this program and moved that the Council of the City of Centerville support this "Memorandum of Understanding. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mr. Kenning, in place of his City Manager's Report, on behalf of the Centerville City Staff, wished City Council and the residents of Centerville a happy and safe holiday season.

THOMAS PAINE SETTLEMENT NUMBER THREE EASEMENT VACATION

Mr. Kenning reviewed the Meetings held by the Planning Commission on November 25, 1986 and December 9, 1986. Mr. Schwab reviewed a Record Plan submitted by John G. Black Enterprises, Inc., for the vacation of two easements on lot number 5 in Thomas Paine Settlement Number Three. These easements are no longer necessary due to a change in the layout for the development of this Section of Thomas Paine Settlement. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council, subject to all the utility companies potentially affected, recommending approval of the vacation of these easements. Mr. Schwab advised that all utility companies have indicated no utility facilities in these easements and indicated no problem with the requested vacation. Mr. Siler moved that the Record Plan submitted for Easement Vacation in Thomas Paine Settlement Number Three, be approved as recommended by the Planning Commission. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

THOMAS PAINE HOMEOWNER'S ASSOCIATION APPEAL MINI-WAREHOUSES

The Public Hearing was held concerning an Appeal filed by the Thomas Paine Homeowner's Association, Inc., against a decision rendered by the Planning Commission during their Meeting on Tuesday, November 11, 1986, to approve a request for Planning Commission Special Approval and a Variance Application, to permit the construction of mini-warehouses at the northeast corner of Bigger Road and Thomas Paine Parkway.

Mr. Schwab reviewed these two separate applications submitted to the Planning Commission by Thomas Smith (Storage Inns of America). He pointed out the fact that the use is permitted for this land having a zone classification of I-1. Five variances have been requested:

- Minimum front yard:
 - required 50 feet
 - requested 20 feet
- Minimum setback of parking or paving:
 - required 10 feet
 - requested 0 feet
- Minimum front yard fence height:

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permitted	4 feet
requested	6 feet
Front yard fence type:	
prohibited	chain link
requested	chain link

Uses:

not permitted	residential dwelling
requested	single family dwelling for on-site living quarters

Mr. Schwab located this property on a map, being a 4.3 acre tract immediately east of the right-of-way along Bigger Road, north of Thomas Paine Parkway and directly across from the Woods Apartments. Mr. Schwab reviewed the fact that in conjunction with the construction of I-675, the State of Ohio required a greater amount of right-of-way along Bigger Road due to the slope and drainage in this area. If the right-of-way dedication would have been normal, the buildings would maintain a setback of sixty to ninety feet from the right-of-way. Mr. Schwab reviewed the Staff's recommendation to the Planning Commission as follows:

1. Deny the requested variance for a reduction of parking or paving setback from all lot lines, except along Bigger Road.

2. The front yard fence variance be granted with the condition that the chain link fence must be brown vinyl coated and that this variance only be applicable to the use of this property for mini-warehouses.

3. The variance to allow a single family residence be conditioned on the principle use of this property being mini-warehouses and the occupancy of the single-family residence shall be limited to the family of an on-site manager of this premises.

Mr. Schwab reviewed a revised plan submitted to the Planning Commission on November 11, 1986, showing a ten foot setback along the north, south and east property lines. The curb cut along Thomas Paine Parkway was widened to thirty-five feet and the front building was moved back to fifty feet from the right-of-way to accommodate emergency vehicles. A landscape plan includes a ten foot planting area along the front entrance area with the fence area to begin along the back of the front building line. All other variances as previously requested remained the same. The Planning Commission, by a 4-2 vote, approved the Variance as per the revised plan, with the following conditions:

1. The front yard fence variance be granted with the conditions that the chain link fence must be brown vinyl coated and that this variance only be applicable to the use of this property for mini-warehouses.

2. The variance to allow a single-family residence be conditioned on the principle use of this property being mini-warehouses and that occupancy of the single-family residence shall be limited to the family of an on-site manager of this premises.

Mr. Schwab outlined the 4-2 vote by the Planning Commission for the Special Approval conditioned upon the following:

1. The plans for water lines and fire hydrants shall be submitted to the approval of the Washington Township Fire Department.

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2. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

3. Detailed plans for the exterior lighting shall be subject to the approval of the City Planner.

Mr. Robert Risley, representing Thomas Paine Homeowner's Association, stated their objection to the proposed mini-warehouses due to the fact that these metal buildings will be located at the entrance into their area. He expressed concern with the drainage from a large asphalt area into the drainage ditch bordering the property in question. The residents are concerned with events which have taken place in similar warehouses in other parts of the country. Mr. Risley questioned the proposed setback of these buildings from Thomas Paine Parkway.

Mr. Charles Witty, a resident in Thomas Paine Settlement, made reference to a Petition signed by 84 residents stating the fact that they do not need nor want these warehouses. They are apprehensive about their property values.

Mr. Thomas Smith, Developer, pointed out the fact that the setback along Thomas Paine Parkway will be the same as other structures along the roadway. He explained the green space and sidewalk to be provided in front of the building along Thomas Paine Parkway. He identified the buildings as being very presentable in the neighborhood.

Ms. Lee Oldham, Manager of the Woods Apartments, stated that the owners of her complex are concerned with the aesthetics of the project. She suggested that trees be planted in addition to the construction of the fence along Bigger Road.

Upon question of Lucille Callaher, a resident in Thomas Paine Settlement, Mr. Smith advised that the hours of operation will be from 7:30 A.M. to 9:00 P.M.

Mr. Siler pointed out the fact that the use proposed is permitted in an industrial zone according to the Centerville Zoning Ordinance. The only issues under consideration at this time are the variances as requested by the Developer.

Upon question of Mr. Siler, Mr. Schab explained the drainage system being installed by the developer of this property, a system to retain water and release water at the present rate, after the project is completed.

As questioned by Mr. Singer, Mr. Smith advised that the setback requirements in the Zoning Ordinance could not be complied with in this case due to unique circumstances created by the construction of I-675, Bigger Road and the additional right-of-way owned by the State of Ohio along Bigger Road. The chain link fence will not be visible along a large portion of Bigger Road due to the topography of the land.

Mr. Samples stated his objection to the erection of a chain link fence in the front yard of this development along Bigger Road. Mr. Smith pointed out the fact that chain link fences have been erected near other major highways in the City of Centerville, namely I-675 and Alexandersville-Bellbrook Road.

Mr. Schwab brought attention to the proposed construction of a roadway immediately east of this property to access the

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property to the north. Mr. Richard Witt, Vice President of Woodley Development, Inc. explained their intent for this roadway; this roadway is necessary in order to develop their industrial land immediately north of the property in question.

Mr. Stone believes that when all aspects are considered, this is a good use of this land at the northeast corner of Bigger Road and Thomas Paine Parkway. He believes that good reasons have been indicated for the variances requested.

Mr. Singer moved that the Appeal filed against the decision rendered by the Planning Commission approving the Planning Commission Special Approval and Variance Application to construct mini-warehouses at the northeast corner of Bigger Road and Alexandersville-Bellbrook Road, be approved, thus reversing the decision of the Planning Commission. Mr. Compton seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mr. Siler, Mr. Stone and Mr. Samples voted no. The chair declared the motion not passed by a majority of Council, the Planning Commission decision was upheld.

CROCKETT/LEEN LOT SPLIT APPEAL

Mr. Stone moved that the Appeal filed by Russell and Dorothy Crockett and Thomas and Maxine Leen against a decision rendered by the Planning Commission during their Meeting on October 14, 1986, denying their request for a lot split, be removed from the table. Mr. Samples seconded the motion. The motion passed by unanimous vote.

Mr. Schwab reviewed the request by Mr. and Mrs. Crockett, 1235 Black Oak Drive, and Mr. and Mrs. Leen, 1237 Black Oak Drive, for a split of lot number 2032, Black Oak Estates Four, Section Two. Requested is the division of this R-2 zoned lot and two-family dwelling in half. Mr. Schwab explained the opinion of the Municipal Attorney rendered to the Planning Commission, that the request not be granted based on the idea that undersized lots would be created, as well as the ramifications of such actions should the owners have disputes concerning the maintenance of the property. The Planning Commission, by unanimous vote, denied this request for a lot split.

Mr. Thomas Leen pointed out the fact that a similar lot split was granted by the City Planning Commission in 1983. The Leen's deed reads that they own 1/2 of a house, but does not say which half. They have maintained their property for eight years with no problems, limitations can be written into deed restrictions if this lot split is approved.

Mrs. Maxine Leen explained their concern with a potential problem when one couple desires to move due to the fact that each owns 1/2 of the dwelling. This double is the only in the area privately owned, all others are rental units.

Mr. Compton suggested that their wishes be accomplished without involving the City of Centerville in a lot split. He moved that the decision of the Planning Commission be upheld denying this lot split requested by Mr. and Mrs. Crockett and Mr. and Mrs. Leen. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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As recommended by Mayor Heintz, Mr. Stone moved that all Council appointments and City representation remain the same for 1987 as designated in 1986. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 16-86 1986 APPROPRIATIONS

Mr. Kenning reviewed a proposed Ordinance to set maximum amounts which can be expended in the various funds during the current year, this amendment is 1.3 percent below the original Budget. Mr. Compton sponsored Ordinance Number 16-86, An Emergency Ordinance To Repeal Ordinance 28-85 In Its Entirety To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1986, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 17-86 1986 APPROPRIATIONS

Mr. Samples moved that Ordinance Number 17-86, An Ordinance To Repeal Ordinance 28-85 In Its Entirety To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1986, be set for Public Hearing on January 19, 1987. Mr. Singer seconded the motion. The motion passed unanimously.

CAPITAL IMPROVEMENT PROGRAM 1987-1991

Mr. Kenning reviewed the five year Capital Improvement Program for 1987-1991, this is a plan of action with no financial authority. Mr. Kenning recommended that this document as approved by the Council Finance Committee be approved by Council. Mr. Siler, speaking as Chairman of the Finance Committee, pointed out the fact that included in this Program are projects which the City would like to do if funds are available. Mr. Siler moved that the Capital Improvement Program for 1987-1991 be approved. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 21-86 ALLOCATION OF INCOME TAX RECEIPTS

Mr. Kenning reviewed a proposed Resolution to allocate income tax receipts among various funds for the year 1987. This legislation is requested by the Auditor, State of Ohio. Mr. Singer sponsored Resolution Number 21-86, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Received On And After January 1, 1987 Between The General Fund, Capital Improvements Fund, Street Construction And Maintenance Fund, General Insurance Deductible Trust Fund, And Equipment Reserve Fund Of The City Of Centerville, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

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ORDINANCE NUMBER 18-86 1987 APPROPRIATIONS

Mr. Kenning reviewed a proposed Ordinance to make appropriations for 1987. This Ordinance represents the Budget as approved by the Council Finance Committee. Mr. Compton sponsored Ordinance Number 18-86, 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, 1987, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 19-86 1987 APPROPRIATIONS

Mr. Siler moved that Ordinance Number 19-86, 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, 1987, be set for Public Hearing on January 19, 1987. Mr. Singer seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 20-86 PERSONNEL

Mr. Kenning reviewed a proposed Ordinance to establish class titles, pay grades and rates of pay for employees of the City of Centerville. The Ordinance includes some minor language changes and adjustment to the paychart as recommended by the Council Finance Committee. City Council has concurred to review the structure of class titles in detail during the first quarter of 1987. Mr. Compton sponsored Ordinance Number 20-86, An Emergency Ordinance To Repeal Ordinance Number 26-85 In Its Entirety, To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, and moved that it be passed. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 21-86 PERSONNEL

Mr. Singer moved that Ordinance Number 21-86, An Ordinance To Repeal Ordinance Number 26-85 In Its Entirety, To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, be set for Public Hearing on January 19, 1987. Mr. Siler seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 22-86 CABLE TV FRANCHISE

Mr. Kenning reviewed a proposed Ordinance to amend the Centerville Municipal Code to provide changes to the current Cable Television Franchise. These changes have been recommended by the Miami Valley Cable Television Council. Mr. Stone explained the fact that this is an extension of the present franchise, it provides for a non-exclusive franchise to year 2006. Mr. Stone moved that Ordinance Number 22-86, An Ordinance Repealing Chapter 17 Of The Centerville Municipal Code And

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Enacting A New Chapter 17 Granting A Non-Exclusive Cable Television Franchise, be set for Public Hearing on January 19, 1987. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

RESOLUTION NUMBER 22-86 AQUIFER DESIGNATION

Mayor Heintz made reference to a Memorandum received from the Policy Issues Committee of the Miami Valley Regional Planning Commission requesting that Centerville become a co-petitioner/endorser of the Petition to designate the buried valley aquifer system of the Great Miami/Little Miami Basins within the Miami Valley Region as a sole source aquifer. Mr. Stone, speaking as a member of this committee, pointed out three reasons for this designation:

1. It makes everyone aware that there is a sole source aquifer where we get our water and that this must be protected.
2. It provides a method by which our aquifer can be protected.
3. There are avenues to obtain Federal funding by the sole source aquifer.

Mr. Stone sponsored Resolution Number 22-86, A Resolution Supporting Sole Source Aquifer Designation For Portions of The Buried Valley Aquifer System Of the Great Miami/Little Miami Basins, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

Mayor Heintz reviewed a recommendation received from the Miami Valley Regional Planning Commission that jurisdictions in Montgomery and Greene Counties assess themselves an additional 2 cents per capita in order to fund a full-time coordinator for the Regional Hazardous Materials Emergency Response Team. Centerville's previous funding was 3 cents per capita. Mr. Siler moved that the City of Centerville contribute an additional 2 cents per capita making it a total of 5 cents per capita to fund a full-time Haz/Mat Coordinator. Mr. Compton seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz
Mayor

ATTEST:

Maureen J. McLaughlin
Clerk of Council