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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, February 20, 1984 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 led by Boy Scout Troop 316 from Normandy Church. Mayor Shirley Heintz presided with the following Councilmembers and City Staff present:

Deputy-Mayor Charles Taylor

Councilmembers Bernard Samples

Jeffrey Siler

Brooks Compton

James Singer

Clerk of Council Marilyn McLaughlin

City Planner Alan Schwab

Service Director Richard Bishop

City Engineer Karl Schab

Director of Finance William Bettcher

Chief of Police William Lickert

Municipal Attorney Robert Farquhar

Administrative Assistant Jon Bormet

Mayor Heintz advised that Councilman J. V. Stone would not be present for this Council Meeting. Mr. Siler moved that Mr. Stone be excused from this Meeting. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Council Meeting - January 16, 1984.

Council Work Session Meetings - January 16, 1984.

February 6, 1984.

February 13, 1984.

Council Retreat - January 30, 1984.

Mr. Samples moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Compton seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Singer read a Certificate of Appreciation to be presented to Mr. Ernest Vines for his tenure as a Member of the Sister City Committee for the City of Centerville. Similar Certificates have been prepared and will be presented to Sister City Committee Member Jack Langreck and City Beautiful Commission Member Ann Rausch.

Mayor Heintz read a Certificate of Recognition to be presented to Dr. Merrill Prugh, a resident of Bethany Lutheran Village, on his 100th birthday February 21.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control of an Application for the transfer of a C1, C2 and D6 Permit from Revco Discount Drug Centers Inc. to Revco Discount Drug Centers of Tipp City Inc., DBA Revco Discount Drug Center 477, 8890 Lebanon Pike, Centerville, Ohio. Council indicated no objection to the transfer of this Permit.

Mayor Heintz introduced Boy Scouts in attendance at this Meeting working on "Citizenship in the Community" Merit Badge.

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Mayor Heintz informed the listening audience that since the Council Meeting held January 16, 1984, four Council Work Sessions have been held dealing with many agenda items and policy making decisions for the current year. She emphasized the fact that these Meetings are open to the public.

EILERS TV AND APPLIANCE CENTER

Mr. Bormet reported on the Planning Commission Meeting held January 31, 1984. Mr. Schwab reviewed a Site Plan submitted for the construction of a new building at 179 North Main Street in the Architectural Preservation District, to house Eilers TV and Appliance Center. He located the subject property on a map, being situated west of North Main Street and immediately south of Warehouse Beer Systems, Inc. Following review of a development plan for the entire area, Mr. Schwab reviewed a revised Plan submitted for Council's consideration which locates the building 30 feet from the right-of-way line, narrows the building to 36 feet and lengthens the building to 72 feet. Mr. Schwab reviewed the following recommendations for approval to City Council made by the Board of Architectural Review and the Planning Commission relative to the original Site Plan submitted:

Board of Architectural Review:

1. Exhibit A will be sheets 1 and 2 with 120 foot by 120 foot area indicated on the drawing.
2. The building shall be set back no closer to the public right-of-way than 34 feet.
3. The building and roof materials and color shall be submitted to Staff for approval and shall match those on the Hartford House Apartments.
4. The building dimensions and roof slope to be submitted for Staff approval.
5. The light fixtures shall be identified and approved by Staff.
6. The mechanical equipment to be screened and approved by Staff.
7. The window identification shall be approved by Staff.
8. Landscaping and ground cover around the building foundation shall be submitted to Staff for approval.
9. Dumpster shall be screened by a wood fence with gates.
10. There shall be no freestanding signage permitted.
11. Color, materials, and dimensions of the proposed wall sign shall be submitted to Staff for approval.
12. Lighting for the sign shall be ground mounted.
13. The maximum sign dimensions to be one (1) foot high by 24 feet long with maximum 10 inch letters.

Planning Commission:

1. The driveway west of the proposed building shall be a minimum of 30 feet in width.
2. The proposed building shall be a maximum of 40 feet in width.
3. A 5 foot wide concrete walk shall be located between the building and adjacent parking lot.
4. Raised concrete curbing shall be required along the entrance driveway and the southernmost channelizing island; the north channelizing island shall be painted.
5. The loading ramp driveway and dock shall be a minimum of 13 feet wide.
6. Bumper blocks shall be required for the 7 parking spaces adjacent to the proposed building.
7. A stormwater drainage plan shall be submitted and approved by the City Engineer.
8. A fire hydrant will be required if so deemed by the Washington Township Fire Department.

Mr. Schwab recommended that Council approve the revised Site Plan including all recommendations of the Board of Architectural Review excluding

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recommendation number 2., and all recommendations of the Planning Commission with number 1 and 2 being changed to provide for a 29 foot driveway west of the building, and a building 36 feet wide and 72 feet in length.

Mr. Bill Simms, representing the Applicant, outlined the cost involved and a major construction problem to remove islands in the parking area as previously discussed in a Council Work Session Meeting. Mr. Taylor recognized the superior work being done with the development of this total project. Mr. Taylor moved that the revised Site Plan submitted for Eilers TV and Appliance Center be approved subject to all conditions of the Board of Architectural Review, all conditions of the Planning Commission and subject to the recommendation of Mr. Schwab as stated during this Meeting. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

WHISPERING OAKS

Mr. Schwab reviewed the proposed Site Plan for Whispering Oaks, an eighty unit condominium development in R-4 zoning classification at the southwest corner of Alexandersville-Bellbrook Road and Clio Road. The overall density permitted is 5.5 units per acre, proposed is 4.4 dwelling units per acre. The subject property does not include the immediate corner. Included on the Plan is an access onto Alexandersville-Bellbrook Road, an access onto Clio Road, a private street through the development, two storm water retention basins and all units are outside the flood plain area. The Planning Commission voted unanimously to recommend approval of this Site Plan to City Council with the following conditions:

1. The street name be changed to a name acceptable to City Staff and the street be identified with a standard City street sign.
2. Sixty (60) feet of right-of-way from centerline along Alexandersville-Bellbrook Road be dedicated to the City by the developer.
3. The access along Alexandersville-Bellbrook Road is to be restricted to a right-in, right-out movement only with the design of a barrier to be determined by Staff.
4. A detailed grading plan and stormwater drainage plan including stormwater runoff calculations, detention provisions, and erosion protection, approved by the City Engineer shall be submitted.
5. The Washington Township Fire Department must approve the fire hydrant layout.
6. The sharp curves in Whispering Woods Lane must be reduced in a manner acceptable to the City Planner.
7. "No Parking - Fire Lane" signs must be installed along the entire length of Whispering Oaks Lane.

Mr. Greg Taylor, representing the developer John Black Enterprises, Inc., outlined the following relative to this proposal:

1. Density is lower than that which is permitted in accordance with the Centerville Zoning Ordinance.
2. All units will be constructed outside the flood plain area.
3. The stream in the development will be maintained in its natural form
4. The layout and design of the units have been conceived to conform, as nearly as possible, to the topography of the land.
5. Impact on the wooded area will be minimized as much as feasible.
6. Water runoff conditions will not be in excess of pre-development conditions.

Upon question of Mr. Singer, Mr. Taylor advised that Alexandersville-Bellbrook Road will be improved as required to conform to the recommendation of the Planning Commission and City Staff in order to provide proper traffic movement at the access into the development. It will not be the addition of one full lane along the north side of the project, but will require a right turn deceleration lane and a barrier to direct the flow of traffic.

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Mr. Taylor stated that John Black Enterprises, Inc., has no problem conforming to any of the conditions of the Planning Commission.

Mr. Jim Hussey, 77 Peach Grove Avenue, in consideration of the terrain of Alexandersville-Bellbrook Road, suggested that the access on Alexandersville-Bellbrook Road into the development be limited to entrance only.

Mr. Donald Spohn, 1399 Ambridge Road, expressed concern with potential additional traffic congestion at the intersection of Alexandersville-Bellbrook Road and Clyo Road. Mr. Bormet explained the "No turn on red" restriction recently placed on northbound traffic on Clyo Road to alleviate some of the problem.

Mr. Lowell Baker, 1398 Ambridge Road, cited an existing problem with water flowing onto Alexandersville-Bellbrook Road in the area of the proposed deceleration lane, this water freezing during the winter months creates a dangerous traffic situation. He suggested that this problem be corrected in the development of this property. He also questioned possible land use of the immediate corner of Alexandersville-Bellbrook Road and Clyo Road. Mr. Schwab reviewed the current R-4 zoning classification. Mr. G. Taylor explained how the roadway swale along Alexandersville-Bellbrook Road will be restored to its proper condition in order to direct the flow of water in a satisfactory manner into the storm sewers for the Whispering Oaks property. Mr. Schab supported the restoration of the roadway swale, he foresees no additional drainage problems with the development of this property.

Upon question of Mr. Douglas Kramer, 7560 Forest Brook Boulevard, Mr. Schab reviewed the development of Black Oak Forest, Section Two and the environmental swale.

Mr. Mitchell Click, 1151 Ambridge Road, expressed concern with the proposed traffic movement at the access onto Alexandersville-Bellbrook Road and the access onto Clyo Road. He questioned the creation of retention ponds with no protection. Mr. G. Taylor described the ponds as functioning for retention only during a high intensity storm, otherwise their purpose is aesthetics.

Mr. Bob Scott, 7275 Forest Brook Boulevard, questioned plans in the Whispering Oak development to assure that no additional water will be directed into the system. Mr. Schab advised that calculations will be submitted to the City prior to the issuance of any permits, these calculations must be in accordance with Montgomery County regulations.

Mayor Heintz proposed the scheduling of a Council Work Session Meeting to further discuss this matter with residents in attendance. Mr. Singer moved that the Site Plan for Whispering Oaks be tabled for a Work Session between City Council and residents of the area. Mr. Samples seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Siler and Mr. Taylor voted no. Said Meeting was set for Monday, February 27, 1984 to begin at 7:30 P.M. in the Council Chambers.

ORDINANCE NUMBER 5-84 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 5-84. Mr. Bormet reviewed this proposed Ordinance to limit the number of sidewalk sales to three by one business during one calendar year and to restrict the merchandise to be sold to that which is normally offered for sale by the business conducting the sale.

Mr. Vern Dowlar, 31 East Ridgeway Road and representing the Architectural Preservation District Business Association, suggested that limitations be increased to five or six, moderations are needed in rules which affect the small businessman in the center of town. Businessmen need assistance to promote their merchandise.

Mrs. Lois Dowler, 31 East Ridgeway Road, pointed out the fact that sidewalk sales provide a method for the small businessman to display his merchandise, the City needs to relate to these people.

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Mr. Singer asked for statistics revealing the number of businesses requesting permits for sidewalk sales in one calendar year. Mr. Taylor pointed out the fact that this Ordinance relates to the entire Centerville area, not just the Architectural Preservation District; he encouraged input from businessmen.

Upon question of Mr. James Hussey, 77 Peach Grove Avenue, Mrs. Heintz clarified the fact that the subject Ordinance pertains to sidewalk sales rather than outdoor sales.

Mr. Singer moved that Ordinance Number 5-84, An Ordinance Amending Ordinances 15-61 And 41-77 Relating To Sidewalk Sales In Business Districts, be tabled indefinitely. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 2-84 CHARTER REVIEW COMMISSION

The Public Hearing was held concerning Ordinance Number 2-84. Mr. Bormet reviewed this proposed Ordinance appointing J. V. Stone, Nora E. Lake, John A. Davis, James L. Hussey, G. Dean Brandt, Kent E. Bromagen, George W. Chamberlain, Gale F. Baker and David L. Hall to the Charter Review Commission. The Centerville City Charter requires that the Charter be reviewed every eight years. Mr. Taylor sponsored Ordinance Number 2-84, An Ordinance Appointing Members Of A Commission To Review The Centerville Charter And To Make Recommendations For Revision, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 3-84 CITY PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 3-84. Mr. Siler sponsored Ordinance Number 3-84, An Ordinance To Appoint Robert K. Chappell To The City Planning Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 4-84 1984 NATIONAL ELECTRIC CODE

The Public Hearing was held concerning Ordinance Number 4-84. Mr. Bormet reviewed this proposed Ordinance which adopts the 1984 National Electric Code with certain exceptions. He recommended that sub-paragraph (b) under paragraph (D) be eliminated, thus placing the City requirements in accordance with the Electric Code relative to insulation around recessed fixture enclosures. Ordinance Number 4-84 was amended to reflect this omission as recommended by Mr. Bormet. Mr. Singer sponsored Ordinance Number 4-84, An Ordinance Adopting The 1984 National Electric Code-NFPA With Certain Exceptions And Repealing Ordinance 63-80, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

COUNCIL RULES

Mr. Bormet reviewed the following proposed changes to the Rules of Council:

Article II. B. be changed to read: A regular meeting of the City Council will normally be held on the third Monday of each month.

Article VII. D. be changed to read: The presiding officer may, from time to time, create special committees for limited purposes.

Article VII. G. be changed to read: Subject to budgetary limitations any travel and related expenses on City business by the Mayor and Council members, involving expenses over \$300 not contemplated in the annual budget, shall be approved in advance, by the Finance Committee of the City Council.

Mr. Compton moved that these three changes be made to the Rules of Council. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

DAYTON LEGAL PRINTING CO. 0844

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ORDINANCE NUMBER 6-84 CODE OF ETHICS

Mr. Taylor moved that Ordinance Number 6-84, An Ordinance Amending Ordinance Number 51-79, An Ordinance Which Enacted Sections Of Chapter 121 Of The Centerville Municipal Code To Approve, Adopt And Enact A Code Of Ethics For Elected And Appointed Public Officials Of The City Of Centerville, Ohio, be set for Public Hearing on March 19, 1984. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

WALNUT HILLS ESTATES II SECTION ONE

Mr. Bormet advised that the developer for Walnut Hills Estates II, has requested a 90% reduction in the original Performance Bond of \$106,000.00 posted on Section One. All storm sewers, manholes and catch basins are in place and other drainage structures are nearly finished. Street construction, except for the final layer of blacktop and sidewalk, has also been completed. The City Staff recommended that the Performance Bond be reduced to \$30,000.00, being approximately 28% of the original Bond. Mr. Samples moved that the Performance Bond posted on Walnut Hills Estates II, Section One, be reduced as recommended by the City Staff. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ZONING TASK FORCE COMMITTEE

Mr. Samples, Chairman of the Zoning Task Force Committee, recommended that Mr. Harry Williams be appointed as a Member of said Committee. Mr. Samples moved that Harry Williams be appointed as a Member of the Zoning Task Force Committee. Mr. Compton seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 3-84 POLICE VEHICLES

Mr. Bormet reviewed the following Bids received for the purchase of three marked police vehicles for the City of Centerville. The price quoted includes the trade-in of three vehicles.

Peffley Ford, Inc.	\$27,727.00
Interstate Ford, Inc.	29,658.00
Eastgate Ford	28,825.11
Finke Jeske Chevrolet	30,178.29
Voss Chevrolet	29,327.36
Rubicon Chrysler/Plymouth	31,023.51
White Allen Chevrolet	30,867.60

Mr. Bormet reviewed the recommendation of the City Manager that the low and best Bid of Peffley Ford, Inc. be accepted in the amount of \$27,727.00. Mr. Siler sponsored Resolution Number 3-84, A Resolution Accepting The Bid Of Peffley Ford, Inc. To Supply Three Marked Police Vehicles 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. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 7-84 PERSONNEL APPEALS BOARD

Mr. Singer moved that Ordinance Number 7-84, An Ordinance To Appoint Charles P. Brown To The Personnel Appeals Board For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on March 19, 1984. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Deints
Mayor

ATTEST:
Marilyn J. Medowal
Clerk of Council