

Held November 19, 19 84

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 19, 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 Larry Hoffsis, Pastor of the Epiphany Lutheran Church, 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 J. V. Stone

James Singer

Bernard Samples

Jeffrey Siler

Brooks Compton

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Administrative Assistant 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 Meetings - October 8, 1984.

- October 15, 1984.

- October 22, 1984.

Council Work Session Meetings - October 15, 1984.

- November 5, 1984.

- November 12, 1984.

Mr. Taylor moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Siler seconded the motion. The motion passed by unanimous vote; however, Mr. Singer abstained from the October 22 and November 5 Meeting Minutes.

Rev. Harvey Smith, Vice President of the Centerville-Washington Park District, presented to the City of Centerville a Certificate of Appreciation for Centerville's participation in the development of 15 park areas in the Centerville-Washington Township Community through the density zoning program established 25 years ago. Mayor Heintz recognized Mr. William Yeck in attendance, a Member of the Park District Board for 25 years.

Mr. Compton moved that Joan Hosfeld be appointed as a Member of the City Beautiful Commission for the City of Centerville. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

Mayor Heintz administered the Oath of Office to the following Members of City Board and Commissions:

Planning Commission - Robert J. Hosfeld

Board of Architectural Review - B. Scott Feldmaier

City Beautiful Commission - Laura Lynn Yarema

- Joan Hosfeld

Mr. Siler read a Certificate of Appreciation awarded to National Merit Scholarship Semifinalists, students at the Centerville High School:

Jill M. Adamonis

William E. Benysh

David L. Drury

Richard M. Franklin

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Elizabeth C. Harter
Heather D. Hussey
Mitchell J. Steinberger

Scott J. Hodges
Charles T. McConville
Shawna Yen

Mayor Heintz advised that a Certificate of Appreciation will be presented to former Sister City Committee Member Ruby Hurley.

Mrs. McLaughlin announced the receipt of a Notice of Intent to Appeal and an Appeal filed by Miami Valley Hospital against a decision rendered by the City Planning Commission on October 23, 1984 to deny a Variance Application for the location of a sign for the Miami Valley Hospital's Rehabilitation Institute of Ohio at 6236 Far Hills Avenue.

Mrs. McLaughlin advised that notices have been received from the Ohio Department of Liquor Control of the following two Applications:

For a new C1 and C2 permit for Gray Drug Fair, Inc., DBA Gray Drug 98, Cross Pointe Centre, 101 Alexandersville-Bellbrook Road.

For a new D1 permit for James I. Weprin, DBA Fours Company, 6002 Far Hills Avenue.

No objections were indicated to the issuance of these Applications.

Mayor Heintz announced the following during her Report:

The City Beautiful Commission will conduct a Christmas Beautification Contest for residences and businesses in the City of Centerville. Judging will take place during the period of December 17 - 20, 1984.

A Whipp Road Task Force recently appointed, consisting of Members of City Council, City Staff, a Washington Township Trustee and residents, have been Meeting regularly.

The National League of Cities Conference will be held in Indianapolis, Indiana beginning the week of November 25, 1984. Several Representatives from Centerville will attend this Conference.

Mayor Heintz thanked electors of the City of Centerville for their approval of the proposed Centerville Charter amendments on November 6, 1984.

An excellent favorable Audit has been completed of the City of Centerville by the Auditor's Office, State of Ohio.

City Manager Darryl Kenning has received a Certificate of Recognition from the International City Managers Association for ten years of significant contributions to local government.

Clerk of Council Marilyn McLaughlin has been accepted into the Academy for Advanced Education by the International Institute of Municipal Clerks.

Mr. Kenning, during his City Manager's Report, briefly reviewed the Audit Report received from the Auditor's Office, State of Ohio, for the period from July 1, 1982 to June 30, 1984. No findings of recovery and no non-compliance to the Ohio Revised Code were made.

INVESTMARK REALTY

Mr. Kenning reviewed the Planning Commission Meeting held October 23, 1984. Mr. Schwab reviewed for Council a Site Plan submitted for InvestMark Realty to convert a residence into an office at 6239 Wilmington Pike and to construct a new parking area in conjunction with the proposed use. The Planning Commission recommended approval of this Site Plan to City Council with the following conditions:

1. Approval of this Site Plan shall be contingent on the rezoning of the lot to Office-Service.
2. A stormwater drainage plan shall be submitted that is subject to approval by the City Engineer.
3. Sixty (60) feet of right-of-way from the centerline of Wilmington

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Pike across the front of the property be dedicated to the City. A letter has been received from the Applicant agreeing with condition number 3.

Mr. Samples moved that the Site Plan submitted for InvestMark Realty, 6239 Wilmington Pike, be approved in accordance with the recommendation of the Planning Commission and including listed conditions of approval. Mr. Siler seconded the motion. The motion passed by unanimous vote.

SIEBENTHALER GARDEN CENTER

Mr. Schwab reviewed a Site Plan amendment submitted by the Siebenthaler Company to enclose approximately 60 feet of the existing lap portion of the south side of the Garden Center located at 6000 Far Hills Avenue. The top of the enclosure would be an arched roof construction with plastic sheeting on the top of the roof. The front and rear walls would be constructed of rigid translucent plastic material, with a large doorway in the front of each section of the addition. This construction is needed to provide better climate control for the growing of certain plants. The Planning Commission recommended approval of this Site Plan amendment to City Council, as submitted. Mr. Michael Fanning, Vice President of the Siebenthaler Company, was present to answer any questions of Council. Mr. Siler moved that the Site Plan amendment submitted for the Siebenthaler Garden Center located at 6000 Far Hills Avenue be approved, as submitted. Mr. Singer seconded the motion. The motion passed by unanimous vote.

Mr. Brooks Compton, speaking on behalf of the Whipp Road Task Force, advised that this group will be referred to as the Whipp Road Study Group, looking at Whipp Road as it stands today and at the project as proposed. Meetings will be held twice a month, a report should be forthcoming after the first of January, 1985.

MIAMI VALLEY HOSPITAL REHABILITATION CENTER

The Public Hearing was held concerning an Appeal filed by Miami Valley Hospital against a decision rendered by the City Planning Commission on October 23, 1984 to deny a Variance Application for the location of a sign for the Miami Valley Hospital's Rehabilitation Institute of Ohio at 6236 Far Hills Avenue. Mr. Schwab reviewed this Variance Application to locate a ground sign five feet from the right-of-way of the frontage road along State Route 48 instead of the 25 foot set back required. The City Staff recommended approval of this Application to the Planning Commission in consideration of the fact that the building is set back considerably from State Route 48 thus limiting the opportunity to see the sign, and due to the amount of vegetation on the property. The Planning Commission voted to deny the Variance, anticipating that other businesses in the area would make similar requests if this Application was granted. Mr. Taylor, following on-site observation, believes that signage on the south side of the building would be more visible to northbound traffic than the sign in front of the building as proposed. Mr. Taylor moved that the Planning Commission decision relative to this Variance Application be upheld. Mr. Samples seconded the motion. The motion was passed by unanimous vote.

STATION HOUSE ACRES

The Public Hearing was held concerning an Application for Conditional Use for a Residential Development Plan for the property located along the south side of Centerville Station Road approximately 175 feet from the intersection of Southbury Drive with Centerville Station Road. The Applicant, Mr. Victor Greimann proposes to develop these approximate 20 acres of land into 33 lots, flexing lot sizes, yet maintaining the overall density required of 20,000 square feet per lot. Mr. Schwab reviewed this Application and located the subject property on a map. The proposal includes

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thoroughfare improvements to Centerville Station Road. The Planning Commission, by unanimous vote, recommended approval of this Request to City Council with the following conditions:

1. Approval of the Preliminary Subdivision Plan be contingent on approval of the Conditional Use for Residential Development Plan.
2. Access driveways to lots number 1 and number 27 be restricted to Station House Road.
3. Sidewalks shall be constructed along both sides of all streets.
4. A 10 foot public walkway easement labeled on the Record Plan drawing and a 2 foot concrete walk within the walkway easement for park access be constructed at a location approved by the Centerville-Washington Park District along the east side of this Plat.
5. The Washington Township Fire Department shall approve the layout of fire hydrants within the Plat.
6. The City Engineer shall approve a plan for stormwater detention and erosion control prior to construction of the project.

Upon question of Mr. Singer, Mr. Schab advised that stormwater detention and erosion control can be maintained satisfactorily by working with the developer after all necessary calculations are available. Mr. Eugene Brown, Miami Associates and engineer for the project, agreed to work with the City Engineer in order to provide proper stormwater detention and erosion control in the development of this property. Mr. Robert Feldmann, Superintendent for the Centerville-Washington Park District, advised that he will work with the developer in order to obtain proper drainage. Mr. Singer moved that the Conditional Use Request for a Residential Development Plan and the Preliminary Plan for Station House Acres be approved as recommended by the Planning Commission including all their conditions. Mr. Siler seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 38-84 VICIOUS DOGS

The Public Hearing was held concerning Ordinance Number 38-84. Mr. Kenning reviewed this proposed Ordinance to provide for proper control, confinement and restraint of vicious dogs in the City of Centerville.

Upon question of Mr. Eric Lausten, 7918 Southbury Drive, Mr. Kenning read the definition of vicious dog as contained in the proposed Ordinance.

Mr. Compton sponsored Ordinance Number 38-84, An Ordinance Amending Chapter 505 Of The Centerville Municipal Code By Requiring The Confinement And Restraint Of Vicious Dogs In The City, and moved that it be passed. Mr. Samples seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 39-84 DISH-TYPE ANTENNAS

The Public Hearing was held concerning Ordinance Number 39-84. Mr. Kenning reviewed this proposed Ordinance which regulates the location and size of dish-type antennas upon one's property in the City of Centerville. He outlined changes made to the Ordinance since its introduction:

1. no dish-type antenna may be located over any easement.
2. no roof mounted dish-type antenna shall exceed a height of more than four feet above the highest portion of the roof upon which the antenna is mounted.
3. a variance procedure is provided for those applicants who believe that strict enforcement of the Ordinance creates a special hardship to them.
4. a sunset legislative clause has been included to force re-evaluation of the regulations at a designated time in the future.

Mr. Richard Renkin, 9785 Sheehan Road, involved in the manufacture of dish-type antennas, expressed his appreciation to City Council for their consideration of this type legislation. He suggested that consideration be given to permitting a total of two dish-type antennas per property, one large and one small instead of limiting the amount to just one as proposed in

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the Ordinance. Mr. Kenning clarified the fact that this can be handled via the variance procedure.

Mr. Robert Schin, 731 Yellowcreek Drive, believes that the proposed Ordinance prohibits residents in Centerville from having a workable dish-type antenna due to lot sizes and vegetation. Mr. Renkin anticipates no problem reaching the satellites. Mr. Taylor pointed out the fact that the Ordinance can be amended if problems occur. Mr. Taylor sponsored Ordinance Number 39-84, An Ordinance Supplementing Part Thirteen, Building Code, Title Five-Local Regulations Of The Codified Ordinances Of Centerville, Ohio, By Enacting Chapter 1355 Entitled "Regulations Of Outdoor Dish-Type Antennas, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 40-84 PERSONNEL APPEALS BOARD

The Public Hearing was held concerning Ordinance Number 40-84. Mr. Singer sponsored Ordinance Number 40-84, An Ordinance To Appoint Richard F. Rice To The Personnel Appeals Board Of The City Of Centerville, Ohio, And To Establish A Term Of Office, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 33-84 EXISTING STRUCTURES CODE

Mr. Compton moved that Ordinance Number 33-84 be removed from the table. Mr. Taylor seconded the motion. The motion passed unanimously.

Mr. Kenning reviewed this proposed Ordinance commonly called a maintenance Ordinance dealing with residential and business property in Centerville. This Ordinance has been drafted by the Zoning Task Force and reviewed by the City Planning Commission and the Board of Architectural Review. Since its Public Hearing, changes have been made to incorporate input from interested people in the Centerville Community.

Mr. Samples, speaking as Chairman of the Zoning Task Force, reviewed the purpose of this Ordinance to maintain the unique character of the existing City of Centerville.

Mr. Robert Perkins, 32 West Ridgeway Road, submitted his endorsement for passage of Ordinance Number 33-84. He believes that guidelines and controls are necessary on the local level. He suggested that if this Ordinance becomes law, that it be publicized.

Mr. Jacques Sheley, 181 Pleasant Hill Drive, expressed his concern with the City employing an officer to control maintenance traveling the streets of Centerville, the Ordinance provides the enforcement officer with broad powers; he believes that a complaint procedure would be more desirable. Mr. Samples explained the intended charge for the enforcement officer, most enforcement time will be spent as a response to a complaint, he will not pursue violations. Mr. Samples recommended that if this Ordinance is passed, that it be indexed.

Mr. Compton explained the fact that Centerville is a unique Community, standards for this Community are not necessarily the same as other Communities in Montgomery County, thus controls should be local rather than by Montgomery County.

Mr. Siler expressed his opposition to the proposed Ordinance, he fears the possibility of this becoming a neighborhood weapon in the future.

Mayor Heintz reviewed the procedure for enforcement as provided in the legislation proposed.

Mr. Compton sponsored Ordinance Number 33-84, An Ordinance Establishing Minimum Standards Governing The Condition, Maintenance And Rehabilitation Of All Existing Structures; Establishing Minimum Standards Governing Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Insure That Structures Are Safe, Sanitary And Fit For Occupation And Use; Establishing Minimum Standards Governing The Condition Of Dwellings Offered

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For Rent; Fixing Certain Responsibilities And Duties Of Owners And Occupants Of Structures, And The Condemnation Of Structures Unfit For Human Habitation And The Demolition Of Such Structures; And Fixing Penalties For Violation, and moved that it be passed. Mr. Samples seconded the motion. Upon request of Mr. Siler, a roll call vote was taken and resulted in five ayes in favor of the motion; Mr. Siler and Mr. Taylor voted no.

THOMAS PAINE SETTLEMENT NUMBER THREE

Mr. Kenning reviewed a request received from Attorney Barry W. Mancz, for an extension of the Subdivider's Agreement previously executed for Thomas Paine Settlement Number Three. The Centerville Municipal Code requires that if improvements are not completed within the specified time such an extension must be requested by the developer. Mr. Taylor moved that the Subdivider's Agreement on Thomas Paine Settlement Number Three be extended for a period of six months as requested by Mr. Mancz, from December 10, 1984 to June 10, 1985. Mr. Siler seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 36-84 CLYO ROAD

Mr. Kenning reviewed the following three Bids received for the extension of a portion of Clyo Road in the City of Centerville, west of Bigger Road:

R. E. Holland Excavating Company	141,223.61
B. G. Danis Company	150,798.25
T.d.M. Construction Company	143,391.44

The Bid of R. E. Holland Excavating Company contained some exceptions to the deadline for construction. Due to the urgency of this construction to accommodate the Dayton Power and Light Service Center, Mr. Kenning executed a Contract with T.d.M. Construction Company and recommended that this action be ratified. Mr. Taylor sponsored Resolution Number 36-84, A Resolution Ratifying The Action Taken By The City Manager To Execute A Contract Accepting The Bid Of T.d.M. Construction Company, Inc. To Supply The Construction Of Clyo Road Extension In The City Of Centerville, Ohio, and moved that it be passed. Mr. Siler seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 37-84 ICMA RETIREMENT TRUST

Mr. Kenning reviewed a proposed Resolution to adopt a new mechanism for the administration of the ICMA Retirement Trust to which Centerville participates and to designate a coordinator for this program. The proposed Resolution designates the City Manager as Centerville's coordinator. Mr. Samples sponsored Resolution Number 37-84, A Resolution Of The City Of Centerville, Ohio, Adopting The Declaration Of Trust For The ICMA Retirement Trust, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

CAPITAL IMPROVEMENT PROGRAM 1985 - 1989

Mr. Kenning briefly reviewed the Capital Improvement Program prepared for 1985 - 1989. The largest amount of revenue is designated for street improvement projects. Mr. Siler moved that the Capital Improvement Program for 1985 - 1989 be approved as presented. Mr. Taylor seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 42-84 APPROPRIATIONS 1985

Mr. Taylor moved that Ordinance Number 42-84, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1985, be set for Public Hearing on December 17, 1984. Mr. Siler seconded the motion. The motion was passed by unanimous vote.

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ORDINANCE NUMBER 43-84 PERSONNEL

Mr. Singer moved that Ordinance Number 43-84, An Ordinance To Repeal Ordinance 37-83 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on December 17, 1984. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 44-84 PERS PPF

Mr. Kenning reviewed a proposed emergency and regular Ordinance to provide that the City of Centerville pick up 6 percent of the 8 1/2 percent mandatory retirement contributions to the Public Employees' Retirement System and the Police and Fireman's Disability and Pension Fund, made by full-time and regular part-time employees of the City of Centerville. This will provide each employee with a full six percent increase over their current income. Mr. Samples sponsored Ordinance Number 44-84, An Emergency Ordinance Providing For The City Of Centerville To Pay A Portion Of All Employee Contributions To The Public Employees' Retirement System or the Police And Fireman's Disability And Pension Fund Both Of Which Are Administered By The State Of Ohio For All Full-Time And Regular Part-Time Employees Of The City Of Centerville And Making Such Plan Mandatory, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

ORDINANCE NUMBER 45-84 PERS PPF

Mr. Siler moved that Ordinance Number 45-84, An Ordinance Providing For The City Of Centerville To Pay A Portion Of All Employee Contributions To The Public Employees' Retirement System Or The Police And Fireman's Disability And Pension Fund Both Of Which Are Administered By The State Of Ohio For All Full-Time Employees And Regular Part-Time Employees Of The City Of Centerville And Making Such Plan Mandatory, be set for Public Hearing on December 17, 1984. Mr. Compton seconded the motion. The motion passed by unanimous vote.

RESOLUTION NUMBER 38-84 REFUSE PACKER

Mr. Kenning reviewed the following Bids received for the purchase of a refuse packer for the City of Centerville:

Wagoner Machinery Company, Columbus, Ohio	\$90,746.00	
Wagoner Machinery Company, Columbus, Ohio	91,640.00	Alternate
Buckeye Refuse Equipment, Columbus, Ohio	91,661.40	

Mr. Kenning recommended accepting the Bid submitted by Buckeye Refuse Equipment in the amount of \$91,661.40; the Bid meets specifications and the Bidder has agreed to post a Performance Bond on delivery by the date specified. This Bid is less than those previously received with no performance guarantee. Mr. Stone sponsored Resolution Number 38-84, A Resolution Accepting The Bid Of Buckeye Refuse Equipment To Supply One Rear Load Refuse Packer Body, Mounted On A Tandem Axle Chassis 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 subject to the receipt of a Performance Bond on delivery. Mr. Taylor seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 39-84 WORKERS' COMPENSATION

Mr. Kenning reviewed a proposed Resolution to establish Workers' Compensation coverage for volunteer workers providing services to the City of Centerville. Mr. Compton sponsored Resolution Number 39-84, A Resolution Authorizing The City Manager To Enter Into A Contract With The Ohio Bureau

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Of Workers' Compensation To Establish Workers' Compensation Coverage For Volunteer Workers, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

There being no further business, the Meeting was adjourned.

Approved Shirley F. Heintz
Mayor

ATTEST:

Marie M. Saugher
Clerk of Council