

# RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

218  
Meeting

Held March 19, 19 90

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, March 19, 1990 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilmember James Singer, 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 J. V. Stone  
Sally Beals  
James Singer  
C. Mark Kingseed  
Mark Beasley  
Clerk of Council Marilyn McLaughlin  
Municipal Attorney Robert Farquhar  
City Planner Alan Schwab  
Administrative Assistant Michael Haverland

The Meeting began with a moment of silence in memory of Centerville Detective Michael Kavalunas.

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

Council Meeting - February 19, 1990.  
Council Work Session Meetings -  
February 19, 1990.  
February 26, 1990.  
March 12, 1990.

Mrs. Beals moved that the Minutes of the foregoing Meetings be approved as distributed. Mr. Beasley seconded the motion. The motion passed by unanimous vote.

Mary Bess Mulhollan, Miami Valley Arts Council, was present at this Meeting to outline for Council grant money available to art groups in the Montgomery County area. A total of \$30,000.00 is available, generally divided into \$2,000.00 increments. Applications are available for submittal prior to April 1, 1990.

Mayor Heintz administered the Oath of Office to Centerville Property Review Commission Member Gary Huff.

Mayor Heintz briefly reviewed the National League of Cities Conference recently attended by members of Council in Washington, D.C. Main topics discussed were solid waste and the drug problem.

Mayor Heintz applauded television stations in the Greater Dayton Area for their sponsorship of Miami Valley Crackdown on March 7, 1990. During this two hour special all segments of the drug problem were addressed.

Mayor Heintz advised that the City will reactivate the Centerville Arts Commission. Persons interested in serving as a

DAYTON LEGAL BLANK CO. 10134

Held March 19, 1990 continued

19

member of this Commission should let their intentions be known to the City of Centerville.

Mrs. Beals announced that Centerville is committed to recycling, the City is recycling and will continue to recycle. She encouraged all residents to continue to support this program.

Mayor Heintz announced the issuance of the following Proclamations during the past month:

Centerville, Ohio Right-To-Read Week - March 5-9, 1990.

Red Cross Month in Centerville - March, 1990.

Odyssey of the Mind Day in Centerville - March 11, 1990.

Mr. Haverland, on behalf of the City Manager, reported the sudden death of Detective Michael Kavalunas and the serious accident of Service Director Richard Bishop.

Mr. Singer, as Chairman of the Drainage Task Force Steering Committee, advised that the Committee has met with the Contractor charged with the development of a comprehensive drainage plan for the City of Centerville. The Contractor is making good progress, work will continue with wrap-up in October, 1990.

ORDINANCE NUMBER 2-90 ZONING ORDINANCE AMENDMENT HILLS REZONING

The Public Hearing was held concerning a Request for Rezoning submitted by Hills Developers, Inc. for property located along the east side of Bigger Road, north of Alexandersville-Bellbrook Road and south of I-675, property owned by David Meeker, Ripalo, Inc. and Ralph G. Woodley. Mr. Schwab reviewed this Rezoning Request and located the subject property on a map. Requested is a change of 10.5 acres more or less, from Centerville R-PD classification to Centerville I-PD classification; 7.6 acres more or less, from Centerville R-PD classification to Centerville R-1c; and 13.0 acres more or less, from Centerville R-1c classification to Centerville R-PD classification. Mr. Schwab identified existing zoning and adjacent land uses and reviewed a graph comparing single family with multi-family development from 1960 to 1990 leveling to a one to one unit ratio. He outlined the Master Plan for the City of Centerville projecting the extension of Clyo Road traversing a corner of the subject property. Mr. Schwab reviewed the original application submitted by Hills Developers and the revised application recommended for approval by the Planning Commission. He pointed out the fact that the proposed I-PD zone classification north of Clyo Road would require a 100 foot buffer from the Thomas Paine Settlement to the north. The Planning Commission's recommendation to City Council was by unanimous vote.

Mr. John Koverman, Attorney for the Applicant outlined their application pointing out the fact that this is the first rezoning requested by Hills in Centerville. Their success in other areas of the City has prompted their desire to develop in this location. He identified restraints experienced by his clients in

## RECORD OF PROCEEDINGS

220

Minutes of

Meeting

Held March 19, 1990 continued

19

the development of the property in question: Bigger Road establishes the western boundary, the continuation of Clyo Road has been established, limited curb cuts and their location along Bigger Road, and the location of the existing farm pond in the condominium development. Mr. Koverman outlined their acceptance of suggestions offered by the Planning Commission. He presented statistics detailing projected impact upon the Centerville City school system.

Mr. Byron Hall, Jr., 6425 Little John Circle, resident in Thomas Paine condominium complex, objected to being surrounded by industrial and business zoned land, making reference to the proposed I-PD property north of Clyo Road and south of Thomas Paine Parkway. He suggested that this area be developed into parkland.

Ms. Cindi Obringer, 6362 Jason Lane, expressed objection to the proposed I-PD zoned land; it was her understanding that residential zoned land would remain into the future.

Mr. Don Graham, 6465 Little John Circle, expressed concern with what could be constructed upon the small piece of industrial land which is proposed north of Clyo Road. He suggested that this area be developed into a small wild flower meadow with a gazebo.

Mr. Don Hinkel, 1741 Thomas Paine Parkway, President of Dryden Builders, Inc., stated his concurrence with the proposed I-PD zoning north of Clyo Road.

Mr. Koverman emphasized the 100 foot buffer which would be required between I-PD and residential zoned property. This buffer would exist between the Thomas Paine condominium complex and the industrial zoned land.

Mr. Beasley stated his objection to this Rezoning; he does not believe that the I-PD zoning is in the best interest of the Thomas Paine residents. He would like to see that area north of Clyo Road developed into parkland or meadowland. He believes that the available R-PD zoned land is sufficient to be developed in a logical and economical manner.

Mr. Kingseed stated his objection to the I-PD proposed zoning for property north of Clyo Road and the loss of 5 acres of single family zoning south of Clyo Road.

Upon question of Mr. Compton, Mr. Schwab identified the 100 foot buffer which would be required if the land north of Clyo Road is zoned I-PD, and the set back of 30 feet required if the property remained residential.

As requested by Mr. Stone, Mr. Koverman reviewed their original Application which proposed single family residential north of Clyo Road, south of Thomas Paine Settlement.

Upon question of Mr. Singer, Mr. Koverman advised that the Developer did not consider constructing single family residences at the permitted density of 6 per acre on the R-PD zoned land. They plan to construct multi-family upon the R-PD zoned property.

Mayor Heintz expressed concern with the reduction of R-1c zoning by 5 acres south of Clyo Road and I-PD being adjacent to a condominium development established several years ago.

Mr. Stone moved that the Rezoning Request submitted by Hills Developers, Inc. be tabled until all alternatives can be

Held March 19, 1990 continued 19

reviewed. Mr. Compton seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mayor Heintz advised that this matter will be discussed during a Council Work Session scheduled for Monday, March 26, 1990 at 7:30 P.M.

## ORDINANCE NUMBER 3-90 PICKETING

The Public Hearing was held concerning Ordinance Number 3-90. Mr. Haverland reviewed this proposed Ordinance deeming it unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the City of Centerville.

Mr. Beals pointed out the fact that this Ordinance, if passed, only prohibits picketing in residential areas, not business areas. She believes that residential neighborhoods should not be subjected to picketing. This Ordinance protects the health, safety and welfare of residents and children in Centerville.

Upon question of Mr. Singer, Mr. Farquhar advised that when a residence is used as a business, the residential use would prevail.

Mr. Beasley stated his objection to picketing in residential areas.

Mr. Kingseed supported the proposed Ordinance recognizing that there is a time and place for free speech.

Mayor Heintz questioned whether there should be an Ordinance prohibiting picketing in residential areas, picketing is peaceful freedom of speech and freedom of protest, if it is not peaceful it can be controlled through police powers.

Mr. Stone advised that picketing can become violent rather than peaceful. This Ordinance as proposed does not prevent freedom of speech, it permits picketing in areas where it belongs.

Mrs. Beals sponsored Ordinance Number 3-90, An Ordinance Enacting Section 509.09 Of The Codified Ordinances Of The City Of Centerville Regulating Residential Picketing, and moved that it be passed. Mr. Kingseed seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mayor Heintz and Mr. Compton voted no.

## RESOLUTION NUMBER 4-90 WHIPP ROAD RELOCATION

Mr. Haverland reviewed a proposed Resolution requesting the Fiscal Officer to certify maximum maturity of bonds and notes to pay part of the cost of relocating and improving Whipp Road in the City of Centerville, that portion immediately west of Wilmington Pike. Mr. Singer sponsored Resolution Number 4-90, Resolution Requesting Fiscal Officer To Certify Maximum Maturity Of Bonds And Notes, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

## ORDINANCE NUMBER 4-90 WHIPP ROAD RELOCATION

Mr. Haverland reviewed proposed Ordinance Number 4-90, an

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held March 19, 1990 continued \_\_\_\_\_ 19\_\_\_\_

Ordinance to authorize the issuance of bond anticipation notes to pay part of the cost of relocating and improving Whipp Road and paying other incidental costs thereto. Mr. Compton sponsored Ordinance Number 4-90, An Ordinance Authorizing The Issuance Of \$307,270 Of Bond Anticipation Notes Of The City Of Centerville, Ohio, For The Purpose Of Paying At Maturity Bond Anticipation Notes Of Like Amount Issued For The Purpose Of Paying Part Of The Cost Of Relocating And Improving Whipp Road In The City Of Centerville, Ohio, And Paying Lawful Financing Costs Incidental Thereto And To The Issuance Of Bonds, Or Notes Issued In Anticipation Thereof, And Declaring An Emergency, and moved that it be passed. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 5-90 BUILDING REGULATIONS

Mr. Singer moved that Ordinance Number 5-90, An Ordinance Adopting Building Regulations For The City Of Centerville And Repealing Previously Adopted Regulations, be set for Public Hearing on April 16, 1990. Mr. Beasley seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved: Shirley F. Heintz  
Mayor

ATTEST:

Marilyn J. McLaughlin  
Clerk of Council