

OPTIONAL FORM NO. 10134

Held May 20, 1985 19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, MAY 20, 1985 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Buiding. 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 Jeffrey Siler
- J. V. Stone
- Brooks Compton
- Bernard Samples
- James Singer

- Acting Clerk of Council Constance Cooper
- City Manager Darryl Kenning
- Assistant City Manager Jon Boromet
- 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

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

- Council Meetings: April 15, 1985.
- May 6, 1985.
- Council Work Session Meetings: April 8, 1985.
- April 15, 1985.
- April 29, 1985.
- May 6, 1985.
- May 13, 1985.

Mr. Samples moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Compton seconded the motion. The motion passed by unanimous vote of Council; however, Mr. Siler abstained from the Minutes of the Meetings held April 8, April 15 and April 29 and Mayor Heintz from the Meetings held May 6, 1985.

Mr. Siler read a Certificate of Appreciation signed by Mayor Heintz and all Members of City Council to the Centerville High School students who were recently selected as members of the Ohio All-State Orchestra; these Certificates were presented to:

- Eric Titus, Bok Mitchell, Tony Morris, Dawn Watkins, Jim Cherry and Jeff Scheu.

Mr. Samples read a Certificate of Appreciation prepared for the following Centerville High School students recognizing their extensive research of the history of the W. O. Cline Elementary School:

- Susan Tatalovich, Adam Heller, Christy Solomon, Adam Dunford, Elizabeth Stoehr, Clifford Murphy and Jared Sanford.

Said Certificates were presented by Mayor Heintz.

Mayor Heintz advised that Certificates of Appreciation have been sent to participants in the Centerville-Washington Township Clean-up,

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Spruce-up, Fix-up Week and Clyo Road Flower Bed Project for 1985. This is a project sponsored by the Centerville City Beautiful Commission and the Washington Township Fire Department.

Mayor Heintz announced the recent issuance of the following Proclamations in the City of Centerville:

- Small Business Week - May 5 to May 11, 1985.
- St. Leonard Center Day - May 14, 1985.
- Mental Health Month - May, 1985.
- National Safe Boating Week - June 2, 1985.

Mayor Heintz announced the Sister City visit to Centerville's Sister City, Waterloo, Ontario Canada, being planned for June 21 to June 24, 1985, to attend their Sounds of Music Festival. Interested persons should contact the Centerville Municipal Building for further information.

Mayor Heintz advised that Council is in the process of reviewing an Industrial Zoning Ordinance and a Drainage Ordinance for the City of Centerville. More information concerning these two items will be forthcoming.

Mr. Samples, Chairman of the Zoning Task Force, advised that the first of two reports from the Task Force, regarding residential zoning will be forwarded to Council and the Planning Commission for review. The Task Force recommends that a joint Meeting be scheduled between City Council, the Planning Commission and the Zoning Task Force to review this document, and that said Meeting be scheduled as soon as possible.

ORDINANCE NUMBER 6-85 ZONING ORDINANCE TEXT AMENDMENT

The Public Hearing was held concerning Ordinance Number 6-85. Mr. Kenning briefly reviewed this proposed Ordinance which is a total revision of that portion of the Zoning Ordinance which relates to signs. The purpose of the proposed Ordinance is to protect each person's constitutional right of freedom of speech and to protect the public health, safety, convenience, comfort, prosperity and general welfare. Objectives are to permit non-commercial signs on any property within the City, to permit signs without unconstitutionally regulating the information conveyed by each sign, to permit signs which do not create a potential hazard to the public safety, to permit commercial signs appropriate to the land use and/or zoning classification of each property within the City, to create a more aesthetically-pleasing City and to eliminate visual clutter within the City. Mr. Kenning reviewed two major changes proposed in the Ordinance: 1. no signs permitted in or above the public right-of-way, and 2. ground signs must be setback a minimum of 25 feet from the right-of-way or 1/2 the dimension of the front yard where the sign is located, whichever is less, landscaped areas must be maintained beneath a ground sign, and ground signs in business and industrial districts may not exceed a total height of 16 feet depending on setback provided. Mr. Schwab reviewed the Planning Commission's unanimous recommendation for approval with the following changes:

1. More freestanding signs be permitted on a corner property.

DAYTON LEGAL BLANK CO. 10144

2. Political signs be permitted within the right-of-way.

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2. Political signs be permitted within the right-of-way.

Mr. Schwab reviewed Council's previous review of this legislation at which time the first recommendation of the Planning Commission was added to the proposed Ordinance, the second was not.

Mr. Singer stated his objection to prohibiting political signs and garage sale signs in the right-of-way on a short-term basis.

Upon question of Mr. Taylor, Mr. Schwab explained the present prohibition of signs in the right-of-way and the lack of enforcement of current regulations. Mr. Kenning advised that this Ordinance is being considered in order to clarify controls which the majority of City Council support.

Mr. Siler brought attention to the fact that, under present conditions, a person could be elected to public office based upon the amount of money spent on promotional material and the number of signs erected, not necessarily on qualifications for that office. He believes it to be very unfortunate that political signs and garage signs must be placed in the same category.

Upon request of Mayor Heintz, Mr. Farquhar explained the reason for no distinction between the two signs when placed in the public right-of-way, they are both temporary signs, no distinction can be made between commercial speech and non-commercial speech.

Mr. Samples cited a double standard situation during a previous election year: political signs remained in position while other signs were removed because of violation, the proposed Ordinance would clarify this situation.

Mayor Heintz pointed out the fact that the Ordinance as proposed only prohibits garage sale and political signs from the public right-of-way, they will be permitted in one's own front yard and political signs in another person's front yard upon consent.

Mr. Stone outlined advantages in a Community which permit the erection of political signs and garage sale signs, they convey a very important message.

Upon question of Mayor Heintz, Mr. Schwab advised that regulations for real estate signs according to the proposed Ordinance are the same as the existing Ordinance except that "sold" signs will not be permitted.

Mr. Samples pointed out the fact that Ordinances concerning signage in some other Communities are more restrictive than what is proposed here, they seem to cause no problems.

Following additional discussion relative to garage sale signs, political signs and real estate signs, Mr. Siler sponsored Ordinance Number 6-85, An Ordinance Amending Ordinance Number 15-61, The Zoning Ordinance, Repealing Ordinances Number 28-73, 55-75, 42-77, And All Subsections Under Section 32, Signs, And Repealing Section 26, Penalty; In Order To Provide New Standards For Signs And Penalties For Violations In All Zoned Districts Within The City, and moved that it be passed, noting that it does not include the recommendation of the Planning Commission relating to political signs. Mr. Samples seconded the motion. A roll call vote requested by Mr. Siler resulted in four ayes in favor of the motion; Mr. Stone, Mr. Compton and Mr. Singer voted no.

Mrs. Carolyn Malloy, 353 Silvertree Lane, appeared before Council representing the Positive Action Committee, a Committee formed several years ago through the cooperative effort of the Centerville-Washington

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township Committee Agencies and representatives of the Communities and the Schools, to address concerns around alcohol and drug use and abuse among our young people. She asked the City of Centerville to consider initiating an Ordinance "Key Ordinance" in order to control the use of alcohol by underage residents.

Mr. Tom Poulton, 7570 Yankee Street, a member of the Positive Action Committee, identified a "Keg Ordinance" as the establishment of a position in the Community, and a tool by which police and parents could control the usage of alcohol by underage persons. It would help to put a lid on the undesirable parties held by teenagers in the City. Mayor Heintz referred this matter to the Council Legislative Committee for review with the Positive Action Committee, and a recommendation to City Council.

TAX BUDGET 1986

Mr. Taylor moved that the proposed Tax Budget for the City of Centerville for the year 1986 to be submitted to the County Auditor, be set for Public Hearing on June 17, 1985. Mr. Siler seconded the motion. The motion passed by unanimous vote of Council.

RESOLUTION NUMBER 10-85 INCOME TAX ALLOCATION

Mr. Kenning reviewed a proposed Resolution to reallocate income tax receipts to various funds in the City. This requirement of Council is done each year at appropriate times to direct income tax dollars into the appropriate funds to meet the City's budget plan. Mr. Taylor sponsored Resolution Number 10-85, A Resolution To Amend Resolution 40-84 In Its Entirety And To Authorize And Direct The Allocation Of Income Tax Receipts Received On And After May 1, 1985 Between The General Fund, Street Construction And Maintenance Fund, Debt Retirement Fund, Capital Improvements Fund, Equipment Reserve Fund and The Central Vehicle Purchase Fund Of The City Of Centerville, and moved that it be passed. Mr. Siler seconded the motion. The motion passed unanimously.

FORESTBROOK BOULEVARD CHANNEL IMPROVEMENT PROJECT

Mr. Kenning recommended that A Resolution Accepting The Bid Of Schauer Landscaping, Inc., For The Forestbrook Boulevard Channel Improvement Project For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, be tabled for further consideration. Mr. Siler pointed out the fact that the problem is not with Schauer Landscaping nor the City of Centerville, but that the residents involved have not fully determined their desires concerning this project. Mr. Compton moved that the Resolution accepting the Bid of Schauer Landscaping, Inc., for the Forestbrook Boulevard Channel Improvement Project be tabled until June 17, 1985, at which time a decision will be made. Mr. Stone seconded the motion. The motion passed by unanimous vote of Council.

ORDINANCE NUMBER 7-85 CONFINEMENT COSTS REIMBURSEMENT

Mr. Kenning reviewed a proposed Ordinance which would provide that the City attempt to recover expenses that might be incurred during the

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confinement of persons convicted of a criminal offence committed in the City of Centerville. Mr Siler moved that Ordinance Number 7-85, An Ordinance Amending The Centerville Municipal Code By The Addition Of Chapter 171 Thereto, The Same Providing For The Reimbursement And Payment Of Costs And Confinement, be set for Public Hearing on June 17, 1985. Mr. Singer seconded the motion. The motion passed unanimously.

THOMAS PAINE SETTLEMENT NUMBER THREE

Mr. Kenning advised that a request for the extension of the Subdividers Agreement posted on Thomas Paine Settlement Number Three, has again been requested by John. G. Black Enterprises, Inc., said extension being requested from June 10, 1985 to December 10, 1985. This Agreement provides for the extension of Clyo Road in the area of Thomas Paine Settlement. In accordance with the City's subdivision regulations this request is necessary every six months. Mr. Samples moved that the request from John G. Black Enterprises, Inc., for the extension of the Subdividers Agreement posted on Thomas Paine Settlement Number Three, from June 10, 1985 to December 10, 1985, be granted. Mr. Singer seconded the motion. The motion passed by unanimous vote of Council.

RESOLUTION NUMBER 11-85 MUTUAL AID

Mr. Kenning advised that for a period of time the City of Centerville has been discussing with the City of Bellbrook and Sugar creek Township the possibility of Mutual Aid. These Agreements would be similar in nature to those Centerville has with other Municipalities. These Agreements would provide that the Police Officer in charge make the judgment as to whether sufficient resources are available to aid the other department in emergency situations. Mr. Compton sponsored Resolution Number 11-85, A Resolution Authorizing And Directing The City Manager To Enter Into Mutual Aid Police Agreements With The City Of Bellbrook And Sugar creek Township, Ohio, and moved that it be passed. Mr. Taylor seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved:


 Mayor

ATTEST:


 Clerk of Council