

Held September 16 1985

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 16, 1985 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman 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 Charles Taylor  
 Councilmembers Brooks Compton  
                   J. V. Stone  
                   Bernard Samples  
                   Jeffrey Siler  
                   James Singer  
 Clerk of Council Marilyn McLaughlin  
 City Manager Darryl Kenning  
 Assistant City Manager Jon Bormet  
 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 Meeting - August 19, 1985.  
 Council Work Session Meetings - August 19, 1985.  
   - August 26, 1985.

Mr. Singer moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Taylor seconded the motion. The motion passed by unanimous vote of Council.

Mr. Forest Swift, Executive Director of the Miami Valley Regional Transit Authority, was present to outline a progress report on RTA. He reviewed plans for the advancement of bus service in future years, upgrading service and reducing costs. He outlined changes in the fare structure to become effective January 1, 1986.

Mayor Heintz advised that the Centerville Police Department has received a Certificate of Appreciation from the Defense Investigative Service for the Department's continued cooperation and assistance in the Records Section.

Mayor Heintz advised that the Mayors and Managers Association of Montgomery County has suggested that Beggars Night be held on Thursday, October 31, 1985 in the Montgomery County area. Mr. Compton moved that the City of Centerville uphold the suggestion of the Mayors and Managers and that Beggars Night in Centerville be held October 31, between the hours of 6:00 and 8:00 P.M. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 13-85 ZONING ORDINANCE AMENDMENT

Held

September 16, 1985 continued

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## ST. ELIZABETH REZONING

Mr. Kenning announced two items which come to Council from the Planning Commission Meeting held August 27, 1985. They are a Rezoning Request and a Conditional Use Request submitted by St. Elizabeth Retirement Center, Inc. for property located north of Alexandersville-Bellbrook Road and west of Bigger Road.

Mr. Samples moved that Ordinance Number 13-85, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning 57.297 Acres More Or Less, From Washington Township R3 Classification To Centerville Entrance Corridor Classification, be set for Public Hearing on October 21, 1985. Mr. Compton seconded the motion. The motion passed by unanimous vote of Council.

## ST. ELIZABETH RETIREMENT CENTER, INC. CONDITIONAL USE

Mr. Siler moved that the Conditional Use Request submitted by St. Elizabeth Retirement Center, Inc. to develop and construct a continuing care retirement center, north of Alexandersville-Bellbrook Road and west of Bigger Road, be set for Public Hearing on October 21, 1985. Mr. Singer seconded the motion. The motion passed unanimously.

Mayor Heintz and Deputy-Mayor Taylor were excused from the Meeting at this time due to a potential conflict of interest with the next agenda item; Mr. Siler presided.

## ROCKY ROCOCO PAN STYLE PIZZA RESTAURANT CONDITIONAL USE

The Public Hearing was opened concerning the Conditional Use Request filed by Franchise Development Corporation to locate a Rocky Rococo Pan Style Pizza Restaurant at the Cross Pointe Shopping Center, to be situated approximately 1700 feet east from the intersection of Alexandersville-Bellbrook Road with Far Hills Avenue. Mrs. McLaughlin read a letter received from the Linclay Corporation, owners of the property, requesting that this Conditional Use Request be withdrawn from City Council's agenda. Mr. Siler declared the Conditional Use withdrawn and closed the Public Hearing.

Mr. Jeffrey Tulloch, Vice President of Linclay Corporation, expressed their desire to develop the frontage areas of Cross Pointe Centre, to satisfy the needs of the Community and to satisfy the neighboring residents. He invited residents in attendance to meet with him in the Law Library to discuss future development at the Center.

Mayor Heintz and Deputy-Mayor Taylor returned to the Meeting at this time.

## ORDINANCE NUMBER 11-85 PERSONNEL

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Centerville's personnel regulations in line with State Law, to provide that regular full time employees who were formerly employed by the State of Ohio or a political subdivision thereof, be entitled to additional vacation credit based upon such prior public service. Mr. Farquhar advised that a Court of Appeals in Akron, Ohio, has ruled that this law can be varied by municipalities having local self government. Discussion followed relative to receiving more information concerning this matter before passage of this Ordinance. Mr. Taylor moved that Ordinance Number 11-85, An Ordinance To Amend Section Eight, Paragraph B Of Ordinance Number 43-84 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be tabled until the next Council Meeting. Mr. Singer seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 8-85 ZONING ORDINANCE AMENDMENT TEXT

Mayor Heintz advised that Ordinance Number 8-85 an Ordinance to provide for Development Plan Review by the Planning Commission and approval by City Council in the O-S, R-O-I and I-1 zoning districts, was tabled during the last Council Meeting. Mr. Compton moved that Ordinance Number 8-85 be removed from the table. Mr. Taylor seconded the motion. The motion passed by unanimous vote of Council. Mr. Compton and Mr. Singer pointed out that through re-evaluation of the Zoning Ordinance, it was determined that the requirements contained in this proposed Ordinance are no more restrictive than those provided in other zoned districts throughout the City. Mr. Compton sponsored Ordinance Number 8-85, An Ordinance Amending Ordinance Number 15-61, The Zoning Ordinance, As Amended By Ordinance Number 79-73, Clarifying The Requirement For Development Plan Review By The Planning Commission And Approval By City Council Prior To The Issuance Of Zoning Certificates In The O-S, R-O-I, And I-1 Zoning Districts, and moved that it be passed. Mr. Stone seconded the motion. The motion passed unanimously.

RESOLUTION NUMBER 25-85 BOARD OF BUILDING APPEALS

Mr. Kenning reviewed a proposed Resolution to establish a local Board of Building Appeals. According to the present procedure, a builder or contractor wishing to appeal the Building Code must file his Appeal in Columbus. Proposed is an Agreement with the Dayton Board of Building Appeals to provide said service. This will provide a convenience for builders and contractors in our area. Mr. Siler sponsored Resolution Number 25-85, A Resolution Authorizing The City Manager to Execute Agreements With Other Political Subdivisions To Provide The Services of The Dayton Board Of Building Appeals, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

CITY BEAUTIFUL COMMISSION

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARTON LEGAL BLANK CO. 10111

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Mr. Compton moved that Timothy M. Shroyer 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 of Council.

SISTER CITY COMMITTEE

Mr. Siler moved that Marion Massaro and Shirley Oglesbee be appointed as Members of the Sister City Committee for the City of Centerville. Mr. Singer seconded the motion. The motion passed unanimously.

BOARD OF ARCHITECTURAL REVIEW

Mr. Singer moved that Sally Beals be appointed as a Member of the Board of Architectural Review for the City of Centerville. Mr. Siler seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned.

Approved:

*Shirley F. Dentz*  
Mayor

ATTEST:

*Marie McLaughlin*  
Clerk of Council