

Held March 19 19 84

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, March 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 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
 James Singer
 Jeffrey Siler
 Bernard Samples
 Clerk of Council Marilyn McLaughlin
 City Manager Darryl Kenning
 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

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

Council Meetings - February 20, 1984.
 February 27, 1984.
 Council Work Session Meetings - February 20, 1984.
 March 12, 1984.

Mr. Samples moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion; however, Mr. Stone abstained from the Minutes of the Meetings held February 20, 1984 and February 27, 1984.

Mayor Heintz read and presented to Councilman J. V. Stone a Certificate of Appreciation recognizing his service as Mayor of the City of Centerville for the period between January 1, 1979 through December 31, 1983.

Mr. Siler read a Certificate of Appreciation to be presented to each Member of the Community Fiscal Analysis Committee recognizing their service to the Centerville Community.

Certificates of Appreciation were also read by Mr. Taylor for the following Centerville Athletes:

Laura Kirkham - Centerville High School Track Team.
 Tara Torkelson - Centerville High School Girls Soccer Team.
 Dave Carlson - Centerville High School Soccer Team.
 John Schaefer - Centerville High School Football Team.
 Matt Bradley - Centerville High School Football Team.

Mr. Samples excused himself from the Meeting at this time due to a conflict of interest in the next agenda item.

Mr. Singer read Certificates of Appreciation presented to the following Members of the Centerville High School Speech and Debate Team:

Scott Hodges	Dave Smith
Mike Webster	Rhett Jaehn
Rick Remski	Shawnan Yen
Missy Kemper	Stephen Voudris

RECORD OF PROCEEDINGS

Minutes of

Meeting

BAYTON LEGAL BLANK CO. 10111

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Lee Wiegand
Deano Montreuil
Karen Samples
Mark Webster
Janice Kinghorn

Peter Adams
Bill Konomas
Evan Ellis
Mitch Kick

Mayor Heintz introduced Mr. Ralph Bender, Coach of the Speech and Debate Team of which these students are members.

Mr. Samples returned to the Meeting at this time.

A Proclamation issued by Mayor Heintz was read by Mr. Compton designating March 18-24, 1984 as Poison Prevention Week in the City of Centerville.

Mr. Stone read a Proclamation issued by Mayor Heintz designating March 21, 1984 as Single Parent Day in the City of Centerville.

Mr. Kenning, during his City Manager's Report, advised that through Centerville's constant determination with the State of Ohio, motor vehicle registrations have been brought up to date, thus increasing Centerville's shared revenue from the State of Ohio, categorized as Motor Vehicle Fund.

K-MART CORPORATION

Mr. Kenning reviewed the Planning Commission Meeting held March 6, 1984. Mr. Schwab reviewed for Council a request submitted by the K-Mart Corporation to locate a temporary garden center adjacent to the present K-Mart Store located at the northeast corner of State Route 48 and Spring Valley Road. The time period requested extends from April 1 to July 15, 1984. The Planning Commission, by unanimous vote, recommended approval of this request to City Council. Mr. William Baney, Manager of the store in question, was present to answer any questions concerning his proposal. Mr. Taylor moved that the request submitted by the K-Mart Corporation for a temporary garden center to be located adjacent to their present building on South Main Street, be approved in accordance with the recommendation of the Planning Commission. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

HARTZELL FLOWERS

Mr. Schwab reviewed a request submitted by Hartzell Flowers to erect a temporary garden center in the Centerville Place Shopping Center. The proposed location being the southwest corner of State Route 48 and the main access into the Shopping Center. This proposal includes a greenhouse and a tent, the time period being from April 15 to July 1, 1984. The Planning Commission unanimously recommended approval of this request to City Council with the following conditions:

1. The proper permits be obtained from the Building Inspection Department and Fire Department.
2. The flower beds as shown on the proposed layout maintain a 10 foot setback from the main entrance driveway.

Mr. Tom Hartzell, representing the Applicant, explained their proposal: plants are locally grown, the greenhouse will be new and measures 20 feet by 48 feet, while the tent measures 20 feet by 20 feet. The greenhouse is of steel structure with a plastic covering.

Mr. Rick Hungerford, Legal Counsel for Beerman Realty, defined the use of the greenhouse to protect the flowers and provide shelter for customers, he supported approval of this request.

Mr. Stone moved that the request submitted by Hartzell Flowers to erect a temporary garden center in the Centerville Place Shopping Center be approved in accordance with the recommendation of the Planning Commission including the

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two stated conditions. Mr. Samples seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mayor Heintz voted no.

WALNUT HILLS ESTATES II SECTION TWO

Mr. Schwab reviewed the Record Plan for Walnut Hills Estates II, Section Two, located at the extension of Rhine Way in the Walnut Hills Subdivision. This plan includes 13 lots which would provide a total of 30 lots in the overall development. The Preliminary Plan for Walnut Hills Estates II was approved as a Planned Unit Development with a total of 29 lots. The Planning Commission unanimously recommended approval of this Record Plan subject to the following conditions:

1. Lot 30 be eliminated by combining it with Lot 29.
2. A 10 foot wide public access walkway easement must be dedicated between Lots 18 and 19. A 2 foot wide concrete walkway must be constructed by the developer in this easement. This public access easement must be labeled on the Record Plan drawing and described in the plat dedication.
3. The City will permit the developer to record a deed acquiring the entire 7,351 acre tract with the condition that the developer must immediately thereafter record this Record Plan with Montgomery County.
4. The protective covenants be changed as noted on the attached copy of the covenants.
5. The easement between Lots 18 and 19 on the Record Plan be changed to match the easement shown on the Construction Drawings attached to this Record Plan.
6. The street name Sycamore View be changed to Sycamore View Court.
7. In lieu of completion of the public improvements prior to recording of the plat, the applicant must enter into a Subdivider's Agreement with the City and post a Performance Bond in a dollar amount approved by the City Engineer.

Mr. Kenning reviewed the Staff recommendation which set the amount of the Performance Bond at \$72,000.00 and the Inspection Fee at \$337.70. Mr. Compton moved that the Record Plan for Walnut Hills Estates II, Section Two, be approved in accordance with the recommendation of the Planning Commission including all recommended conditions and the recommendation of the City Staff. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

HSIEN-MING MENG

Mr. Kenning reviewed the Conditional Use Application submitted by Hsien-ming Meng to provide for a private club at 2240 East Alexandersville-Bellbrook Road in the City of Centerville. Mr. Taylor moved that the Conditional Use Application submitted by Hsien-ming Meng for a private club at 2240 East Alexandersville-Bellbrook Road be set for Public Hearing on April 16, 1984. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Kenning reviewed the establishment of a Group Home Ordinance Review Committee in 1983. This Committee has met several times and has submitted their recommendation to the Planning Commission. The Planning Commission has, in turn, recommended certain procedural changes to City Council. Mayor Heintz advised that this Report will be reviewed in detail by Council during a future Council Meeting.

Mr. Singer reported that the Drainage Task Force Committee has submitted a report to City Council and the Committee looks forward to it being considered by Council during a Council Work Session Meeting. Mayor Heintz thanked Councilman Singer and the Members of the Task Force for a very comprehensive report. This item will be discussed during the next Council Work Session Meeting.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

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ORDINANCE NUMBER 6-84 CODE OF ETHICS

The Public Hearing was held concerning Ordinance Number 6-84. Mr. Kenning reviewed this proposed Ordinance which deletes the requirement that a public official disclose on record the nature and extent of the private interest when a conflict exists or may be perceived to exist in dealing with public matters. Mr. Singer pointed out the fact that this requirement was originally adopted merely to encourage a public official to state the nature if he/she was comfortable in so doing, it was felt that perhaps Members of City Council should from time to time know the nature of a conflict. Mr. Samples also pointed out that this amendment in no way eliminates the requirement for a public official to excuse himself from that portion of a meeting where a conflict exists. Mr. Siler sponsored 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, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 7-84 PERSONNEL APPEALS BOARD

The Public Hearing was held concerning Ordinance Number 7-84. Mr. Samples sponsored 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, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 8-84 BOARD OF ARCHITECTURAL REVIEW

Mr. Taylor moved that Ordinance Number 8-84, An Ordinance To Appoint Phyllis B. Brooks To The Board Of Architectural Review For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on April 16, 1984. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 9-84 SISTER CITY COMMITTEE

Mr. Compton moved that Ordinance Number 9-84, An Ordinance To Appoint Karlene Sowder To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on April 16, 1984. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 10-84 CITY BEAUTIFUL COMMISSION

Mr. Taylor moved that Ordinance Number 10-84, An Ordinance To Appoint Angie Krubl, Carol Kramer And Karen Sherwood To The City Beautiful Commission For The City Of Centerville, Ohio, And Establish Terms Of Office, be set for Public Hearing on April 16, 1984. Mr. Samples seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 4-84 ADVANCE OF TAXES

Mr. Kenning reviewed a proposed Resolution to request an advance in real estate taxes collected for the City of Centerville by Montgomery County. This advance will ease cash flow at this time during the year. Mr. Siler sponsored Resolution Number 4-84, A Resolution Requesting An Advance Of Eighty Thousand (\$80,000.00) Dollars Out Of The Current Collection Of Real Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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ORDINANCE NUMBER 11-84 CITY BEAUTIFUL COMMISSION

Mr. Samples moved that Ordinance Number 11-84, An Ordinance To Appoint Linda Evans To The City Beautiful Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on April 16, 1984. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 12-84 CITY PLANNING COMMISSION

Mr. Stone moved that Ordinance Number 12-84, An Ordinance To Appoint Marian S. Simmons To The City Planning Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on April 16, 1984. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 13-84 CITY PLANNING COMMISSION

Mr. Singer moved that Ordinance Number 13-84, An Ordinance To Appoint Elmer C. Tate, Jr. To The City Planning Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on April 16, 1984. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved

Mayor



ATTEST:


Clerk of Council