

DASTON LEGAL BLANK CO. 10124

Held April 16 1984

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 16, 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 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
Bernard Samples
Brooks Compton
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- City Planner Alan Schwab
- Service Director Richard Bishop
- City Engineer Karl Schab
- Chief of Police William Lickert
- Municipal Attorney Robert Farquhar
- Administrative Assistant Jon Bormet

Mayor Heintz advised that Councilman J. V. Stone and Councilman James Singer would not be present for this Meeting. Mr. Taylor moved that Mr. Stone and Mr. Singer be excused from this Meeting. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of this motion.

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

- Council Meeting - March 19, 1984.
- Council Work Session Meetings - March 19, 1984
March 26, 1984
April 9, 1984

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion; however, Mr. Siler abstained from the Minutes of the March 26, 1984 Work Session Meeting.

Mayor Heintz read and presented to Mr. Robert Perkins a Certificate of Appreciation for his services to the City of Centerville as a Member of the Board of Architectural Review.

Mr. Siler read a Certificate of Appreciation to be presented to Planning Commission Member Elmer Tate for his many years of service as a member and Chairman of the City Planning Commission.

Mayor Heintz introduced and welcomed to the City of Centerville Senator William B. Talbot, Jr., in attendance for this Meeting. Senator Talbot welcomes correspondence from Centerville Citizens.

Mayor Heintz recognized students from the Centerville High School in the audience, students who will be participating in Youth in Government Day on Tuesday, April 24, 1984. These students will participate in various roles and hold a Mock Council Meeting.

Mr. Samples read a Proclamation issued by Mayor Heintz designating April, 1984 as "Stop Family Violence Month" in Centerville.

Mr. Taylor read a Proclamation issued by Mayor Heintz designating the month of April, 1984 as "Fair Housing Month" in the City of Centerville.

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Mr. Kenning reported the following during his City Manager's Report:

Plans are being finalized by the Dayton Power and Light Company to construct a Regional Service Center at the corner of Alexandersville-Bellbrook Road and Bigger in the City of Centerville.

A request has been received from the Dayton Power and Light Company and Acro Realty Company to begin the construction of the extension of Clyo Road. Necessary Legislation will be drafted for Council consideration soon.

Work continues with the Bigger Road Improvement Project. The State of Ohio has indicated that Bids should be let in July, with construction beginning yet this year.

The State of Ohio, Department of Transportation, proposes to resurface a section of South Main Street in the City of Centerville during the year 1985. Preliminary work should begin later this year.

THROCKMORTON BROTHERS, INC.

Mr. Kenning reported on the Planning Commission Meeting held March 27, 1984. Mr. Schwab reviewed the request submitted by Throckmorton Brothers, Inc. to operate two Temporary Garden Centers in the City of Centerville:

1. located on the Steak & Ale Property situated along the east side of Far Hills Avenue, north of Fireside Drive, 2. located in the Centerville Square Shopping Center at the northwest corner of State Route 48 and Spring Valley Road. Time period requested for each site would extend from April 19, 1984 through June 19, 1984. The Planning Commission unanimously recommended approval of these requests subject to

1. The displayed items in the parking areas be placed in such a way that they do not prohibit traffic circulation around the entire building and

2. The time period shall be between April 19, 1984 and June 19, 1984.

Mr. Schwab advised that since the Planning Commission Meeting, a request has been received from Throckmorton Brothers, Inc. withdrawing the application for the Temporary Garden Center proposed for the Steak & Ale Parking Area. A request has also been received to revise the location of the sales area in the Centerville Square Shopping Center. Mr. Throckmorton now proposes to use the empty storeroom at 893 South Main Street for cash registers, safe, restrooms, etc, and that the flowers be shifted south $\frac{1}{2}$ row, the bagged merchandise to remain the same, and that the time period be altered to April 17, 1984 through June 26, 1984. Mr. Jerry Throckmorton outlined the reasons for these changes in his original application; reasons being availability of property and weather conditions. Mr. Samples moved that the request submitted by Throckmorton Brothers, Inc. to operate a Temporary Garden Center in the Centerville Square Shopping Center be approved in accordance with the recommendation of the Planning Commission, including all conditions and as revised by Mr. Jerry Throckmorton in his letter dated April 16, 1984. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Samples reviewed a proposed "Latch Key Project" for the Centerville City School District. This is a program to provide a safe haven for children in or under grade 5 who have working parents. This self supporting program would retain children in a room in schools until 6:00 P.M. when their working parent would return them home. Seed money has been requested from the City of Centerville in the amount of \$3,000.00 in order to get the program started. The City has concurred with this expenditure.

Deputy-Mayor Charles Taylor left the Meeting at this time due to a potential conflict of interest in the next agenda item.

DAYTON LEGAL BLANK CO. 10331

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HSIEN-MING MENG PRIVATE CLUB

The Public Hearing was opened concerning the Conditional Use Application submitted by Hsien-ming Meng, to convert the present residence at 2240 East Alexandersville-Bellbrook Road into a Private Club for the Dayton Association of Chinese Americans, Inc., the use being primarily as an educational facility.

Prior to any discussion relative to this matter, applicant Dr. Hsien-ming Meng, requested that this application be tabled for further deliberation between himself and adjoining property owners.

Mr. Dennis Bailey, Attorney representing residents, agreed that this matter be continued until a future Council Meeting.

Dr. Ming further stated that if adjoining property owners oppose his application, he would consider withdrawing this Conditional Use Application.

Mr. Dennis Bailey then pointed out the fact that Petitions containing 125 signatures have been circulated and signed by neighbors in opposition to this request.

Mr. Thomas Tillander, 2222 East Alexandersville-Bellbrook Road, advised that he opposes this request because it changes the integrity of the neighborhood.

Considering the foregoing comments, Dr. Ming withdrew his Conditional Use Application to operate a Private Club at 2240 East Alexandersville-Bellbrook Road.

Mr. Gary Wagner, 7280 Candlewyck Court, suggested that perhaps a Public Hearing should also be held before Planning Commission relative to these type issues. This suggestion will be considered by the Zoning Task Force Committee for implementation in the future.

Mr. Taylor returned to the Meeting at this time.

ORDINANCE NUMBER 8-84 BOARD OF ARCHITECTURAL REVIEW

The Public Hearing was held concerning Ordinance Number 8-84. Mr. Taylor sponsored 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, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 9-84 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 9-84. Mr. Compton sponsored 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, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 10-84 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 10-84. Mr. Samples sponsored Ordinance 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, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 11-84 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 11-84. Mr. Siler sponsored 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, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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ORDINANCE NUMBER 12-84 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 12-84. Mr. Compton sponsored 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, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 13-84 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 13-84. Mr. Siler sponsored 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, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

GROUP HOME ORDINANCE

Mayor Heintz reviewed the following recommendation made to the City Planning Commission by the Group Home Ordinance Review Committee:

1. The present ordinance with its broad language and treatment of group homes as a Conditional Use should remain unchanged. Specifics in each case can be handled by the Planning Commission and the City Council.

2. The Rules of Procedure of the Centerville City Planning Commission should be amended to cover procedures for the consideration of group homes as follows:

* An applicant requesting a Conditional Use variance for a group home shall submit to the Planning Commission a copy of his/her application to the appropriate State agency. In the case of a home for the mentally retarded, the applicant shall submit a copy of the information requested by the Interagency Steering and Review Committee of the Board of Mental Retardation and Developmental Disabilities.

* A public notice of a proposed group home shall be published in the Centerville-Bellbrook Times giving the proposed location of the home and setting the time, date and place of a public meeting at the Planning Commission level.

* A work session of the Planning Commission shall be scheduled after the Planning Department determines that the application is complete and at least one week before the announced public meeting.

3. The Planning Commission should communicate with the Superintendent of the Board of MR/DD requesting the Board's review of any application Centerville receives for a group home for the mentally retarded.

Mayor Heintz further reviewed the following two additional recommendations by City Council:

1. That property owners within 500 feet of the property in question be notified by mail of the Public Meeting before Planning Commission.

2. That the Conditional Use Application be revised to include additional information as outlined on page 38 of the Report.

Page 38 of the Report lists the following information:

<u>General Information</u>	<u>Safety</u>	<u>Welfare</u>
Applicant	Vehicular Access	Concentration of Homes
Address and Telephone	Dangerous Residents To Self/Others	Type of Resident
Property		Sex
Location	Emotionally Disturbed and Mentally Retarded	Age
Owner	(Dual-Diagnosed)	Catagory

~~DAYTON LEGAL BLANK CO. 10111~~

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General Information

Safety

Welfare

Use Applied For

Number of Residents

Zoning of Property

Lot Size

Site Plan - Recommended

Building

Building Floor Plan -
Recommended

Height
Size

Location on Lot

Ext. Bldg.
Alterations

State Licensing

Mr. Samples moved that the recommendations as outlined previously by Mayor Heintz be adopted relative to the Group Home Ordinance for the City of Centerville. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

POLICY PLAN

Mr. Kenning reviewed the "Policy Plan" as prepared by the Zoning Task Force Committee for the City of Centerville. The Plan is intended to serve as a framework of development - related goals and objectives upon which future decisions by the City Council and Planning Commission may be based. The Task Force recommends that this "Policy Plan" be set for Public Hearing before City Council. Mr. Taylor moved that the "Policy Plan" as prepared by the Zoning Task Force be set for Public Hearing on Monday, May 21, 1984. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ZONING ORDINANCE AMENDMENT SIDEWALK SALES

Mr. Kenning advised that an Ordinance amending Ordinances 15-61 and 41-77 relating to Sidewalk Sales in Business Districts, has been revised to provide that no more than five (change from three) sidewalk sales be permitted in any one calendar year. This Ordinance has previously been tabled by Council for further review and to consider input from the business community. Businessmen have indicated no problem with limiting sales to five. Mr. Samples moved that this Ordinance be removed from the table and sent to the Planning Commission for reconsideration and recommendation. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 15-84 BOARD OF ARCHITECTURAL REVIEW

Mr. Taylor moved that Ordinance Number 15-84, an Ordinance to appoint Janet S. Thobaben to the Board of Architectural Review for the City of Centerville, Ohio, and establish a Term of Office, be set for Public Hearing on May 21, 1984. Mr. Samples seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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ORDINANCE NUMBER 16-84 BOARD OF ARCHITECTURAL REVIEW

Mr. Compton moved that Ordinance Number 16-84, an Ordinance to appoint Terrence M. Kramer to the Board of Architectural Review for the City of Centerville, Ohio, and establish a Term of Office, be set for Public Hearing on May 21, 1984. Mr. Samples seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 5-84 STREET IMPROVEMENT BONDS

Mr. Kenning reviewed necessary Legislature to renew Notes and Bonds in order to pay the cost of constructing, improving, resurfacing, grading and the drainage of certain roads, highways, streets, alleys, sidewalks, curbs and gutters in the City of Centerville. This is the refinancing of debt incurred in 1982 to do major street improvements under the voted Bond Issue. Mr. Taylor sponsored Resolution Number 5-84, Resolution requesting fiscal officer to certify maximum maturity of Bonds and Notes, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 14-84 STREET IMPROVEMENT BONDS

Mr. Samples sponsored Ordinance Number 14-84, an Ordinance providing for the issuance of \$230,000 of Notes of the City of Centerville, Ohio, in anticipation of the issuance of Bonds, for the purpose of paying the cost of constructing and improving sidewalks, curbs and gutters, and constructing, resurfacing, grading or drainage of various roads, highways, streets and alleys in the City of Centerville, Ohio, and paying other lawful costs incident to the issuance of said bonds, or notes issued in anticipation thereof, and declaring an emergency, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 6-84 CITY PROPERTY MAINTENANCE

Mr. Kenning reviewed the Bids received from 8 individuals for the maintenance of certain parcels of City Property between April 16, 1984 and October 19, 1984. This Mowing Program has been developed to provide the younger people in the City of Centerville the opportunity to do business with and in the City of Centerville. Mr. Compton sponsored Resolution Number 6-84, a Resolution accepting the bid of Michael J. Grace for the maintenance of Parcel Numbers 1, 4, 5, 22, 23, and 24, City Property, between April 16, 1984 and October 19, 1984, for the City of Centerville and to authorize the City Manager to enter into a contract in connection therewith, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 7-84 CITY PROPERTY MAINTENANCE

Mr. Taylor sponsored Resolution Number 7-84, a Resolution accepting the bid of Todd Zurinskas for the maintenance of Parcel Numbers 2, 3, 7, and 10, City Property, between April 16, 1984 and October 19, 1984, for the City of Centerville and to authorize the City Manager to enter into a contract in connection therewith, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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RESOLUTION NUMBER 8-84 CITY PROPERTY MAINTENANCE

Mr. Samples sponsored Resolution Number 8-84, a Resolution accepting the bid of Don Hughes for the maintenance of parcel numbers 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 28, City Property, between April 16, 1984 and October 19, 1984, for the City of Centerville and to authorize the City Manager to enter into a contract in connection therewith, and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 9-84 CITY PROPERTY MAINTENANCE

Mr. Taylor sponsored Resolution Number 9-84, a Resolution accepting the bid of David Romie for the maintenance of parcel numbers 19 and 20, City Property, between April 16, 1984 and October 19, 1984, for the City of Centerville and to authorize the City Manager to enter into a contract in connection therewith, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 10-84 CITY PROPERTY MAINTENANCE

Mr. Christopher Murphy, 215 Boyce Road, an unsuccessful bidder, expressed his concern with the fact that the bid being accepted for the maintenance of parcel number 27 is considerably low, he believes proper maintenance cannot be provided for the bid price. Mr. Taylor sponsored Resolution Number 10-84, a resolution accepting the bid of Curtis Cockerill for the maintenance of parcel numbers 25 and 27, City Property, between April 16, 1984 and October 19, 1984, for the City of Centerville and to authorize the City Manager to enter into a contract in connection therewith, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 11-84 BIGGER ROAD

Mr. Kenning reviewed necessary Legislation to begin the acquisition of Real Estate needed for the Bigger Road Improvement Project in the City of Centerville. Mr. Siler sponsored Resolution Number 11-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Acro Realty Company, Inc.), and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 12-84 BIGGER ROAD

Mr. Samples sponsored Resolution Number 12-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Carriage South, Inc.), and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 13-84 BIGGER ROAD

Mr. Taylor sponsored Resolution Number 13-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Woodley Development Company, Inc.), and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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RESOLUTION NUMBER 14-84 BIGGER ROAD

Mr. Siler sponsored Resolution Number 14-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Charles D. Ackley and Mary C. Ackley), and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 15-84 BIGGER ROAD

Mr. Compton sponsored Resolution Number 15-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Ralph G. Woodley and Ripalo, Inc. and David L. Meeker), and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 16-84 BIGGER ROAD

Mr. Taylor sponsored Resolution Number 16-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Frank H. Jones, Jr.), and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 17-84 BIGGER ROAD

Mr. Compton sponsored Resolution Number 17-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of William R. Sharp), and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 18-84 BIGGER ROAD

Mr. Samples sponsored Resolution Number 18-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Louise M. Kelly), and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 19-84 BIGGER ROAD

Mr. Taylor sponsored Resolution Number 19-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Christ Community Church), and moved that it be passed. Mr. Samples seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 20-84 BIGGER ROAD

Mr. Siler sponsored Resolution Number 20-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Ruth J. Nafe), and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 21-84 BIGGER ROAD

Mr. Samples sponsored Resolution Number 21-84, to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Gale A. Setty and Jewell A. Setty), and moved that it be passed. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DALTON LEGAL BLANK CO. 10111

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RESOLUTION NUMBER 22-84 BIGGER ROAD

Mr. Siler sponsored Resolution Number 22-84 to declare the necessity and intention of acquiring certain parcels of Real Estate for the Bigger Road Improvement Project in the City of Centerville, Ohio (property of Iris L. Barton), and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Heintz announced the next Council Meeting to be held April 30, 1984 to begin at 7:30 P.M. in the Council Chambers.

There being no further business, the Meeting was adjourned.

Approved Shirley F. Heintz
Mayor

ATTEST:

Maureen Strough
Clerk of Council