

Held August 20, 19 84

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 20, 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
 James Singer
 J. V. Stone
 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

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

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

Council Meeting - July 16, 1984.
 Council Work Session Meetings - July 16, 1984.
 - July 23, 1984.
 - August 6, 1984.
 - August 13, 1984.

Mr. Stone moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; however, Mr. Compton abstained from the Minutes of the July 16 Meetings, Mr. Taylor from the August 13 Minutes and Mayor Heintz from the August 6 Minutes.

Mayor Heintz administered the Oath of Office to Board of Architectural Review Member Janet S. Thobaben.

Mayor Heintz administered the Oath of Office to Sister City Committee Member Dorothy M. Crockett.

Mrs. McLaughlin announced the receipt of the following communications:

A letter from the Combined Health District, Montgomery County, announcing that Influenza Immunizations will be given at the Centerville Government Center on October 4, 1984 between the hours of 1:30 and 4:00 P.M. in the Community Room.

A letter of resignation from Board of Architectural Review Member Barbara Talmage, resignation to become effective immediately.

A Notice from the Ohio Department of Liquor Control of an Application for the transfer of a D5 Permit from PUA Properties, Inc. to Warren J. Toogood Enterprises, Inc., DBA Bitter End, 6382 Far Hills Avenue. No objection was indicated to the issuance of this Permit.

Mr. Taylor moved that the resignation of Mrs. Talmage from the Board of Architectural Review be accepted. Mr. Compton seconded the motion. A roll

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call vote resulted in five ayes in favor of the motion.

Dr. Barbara Cleary, representing The South Connection, was present at this Meeting to review the Latch Key Program recently developed to provide extended day care for elementary students in grades one to five whose parents are not at home after school each day. Classrooms have been designated and furnished and teachers hired for this program to begin at Cline and Normandy Elementary Schools in the Centerville City School District. Mrs. Cleary thanked City Council for their support in this Program

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

The I-675/Bigger Road Improvement Project Preliminary Construction Conference will be held Friday, August 31, 1984. Only minor ground preparation will take place yet this year.

The City has earned in excess of \$6,700.00 interest through the investment of the City's share of the I-675/Bigger Road Improvement Project in an escrow account.

Approximately 22,400 incoming phone calls have been handled through the Central Switchboard at the Municipal Building, to date during 1984. This figure does not include police or emergency lines.

D'AMICO & MANZO'S RESTAURANT

Mr. Kenning reviewed the Planning Commission Meeting held July 31, 1984. Mr. Schwab reviewed a proposed Site Plan Amendment submitted for D'Amico & Manzo's Restaurant, 79 South Main Street in the Architectural Preservation District. Proposed is the expansion of the seating area in the present building, the addition of an outdoor seating area along the north side of the building west of the relocated main entrance to the restaurant, and additional parking in the existing grass area on the north side of the property. A barrier will be constructed along the north edge of this parking area to separate it from the adjacent parking lot. Mr. Schwab reviewed the following recommendations of the Planning Commission and Board of Architectural Review.

Planning Commission

1. A raised curbed landscaped planter approved by the City Planner be constructed along the north property line abutting the parking area with the Plan that was submitted.

Board of Architectural Review

1. The moldings on the parapet walls not be used.
2. The two false windows on each side of the front of the new addition be eliminated and the two end windows be centered.
3. The other four double-hung windows be proportional and balanced.
4. The building colors be subject to Staff approval and submission of color chips.
5. The patio tables not encroach onto the walkway.
6. The addition be brick.
7. The color of the umbrellas shall match the building.
8. The exterior lighting fixtures and their location be subject to Staff approval.
9. Dental moldings shall be used beneath the parapet wall.
10. The brick colors be subject to Staff approval.

Though the Board of Architectural Review has no authority over Site Plan Review in this case, the Board expressed split feelings relative to the proposed front and side yard parking.

Mr. Fred Weir, Contractor for the Restaurant, indicated no problem with any of the recommendations previously outlined. He emphasized their need for the additional parking area as proposed. Mr. Taylor moved that the Site Plan Amendment submitted for D'Amico & Manzo's Restaurant at 79 South Main Street, be approved subject to all recommendations of the Planning

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Commission and the Board of Architectural Review. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Taylor pointed out the fact that the proposed additional parking area provides a transition between the present rear parking for the Restaurant and the front parking for Independence Square.

SPRINGSTONE LEA RECORD PLAN

Mr. Schwab reviewed a Record Plan Replat for the property located north of Centerville Station Road at Southbury Drive. This is a very slight technical change to the west property line mostly to the rear of the Plat. The adjustment of 6 to 10 feet clears a discrepancy between the property line which was recorded and the Deed line that was shown on the adjacent property owner's Deed. The Planning Commission voted unanimously to recommend approval of this Replat to City Council. As requested by the Applicant, Mr. Kenning, in consideration of the fact that this is a very minor technical change to the original Record Plan for Springstone Lea, recommended that the Filing Fee for this Replat be refunded the Applicant; a very small amount of City Staff time has been spent on this resubmittal. Mr. Taylor moved that Council approve the Replat for Springstone Lea as submitted and recommended by the Planning Commission. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Singer, in view of this being a technical error and the fact that no significant Staff time was involved in this process, moved that, under these circumstances, the Filing Fee required on Springstone Lea be waived. Mr. Stone seconded the motion. A roll call vote resulted in three ayes in favor of the motion, Mr. Taylor and Mr. Compton voted no.

WALNUT HILLS II SECTION ONE

The Public Hearing was held concerning the Conditional Use Request to divide one lot into two lots in Walnut Hills Estates II, Section One. Mr. Schwab located the subject property on a map, located approximately 300 feet from the intersection of Rhine Way with Sycamore View Court in the Walnut Hills Subdivision. Submitted with this Conditional Use is a Record Plan Replat to reflect the requested change. Mr. Schwab reviewed these proposals to divide lot number 29 into two lots thus reducing the average density in Walnut Hills II to 19,654, density being slightly less than the required 20,000. The Planning Commission recommended denial of these requests.

Mr. Richard Pavlak, Developer of Walnut Hills, reviewed for Council his need for this additional lot, he emphasized the fact that open space park land is located in that portion of Walnut Hills in Greene County, because of this it could not be considered in the overall density of Walnut Hills Estates II. Mr. Singer brought attention to the fact that if lot number 29 is divided into two lots, each lot will be in excess of the 20,000 square feet required. Mr. Taylor, recognizing the amount of park land located in Walnut Hills but in Greene County and the amount of park land already donated to the Centerville-Washington Park District by Mr. Pavlak, sees this lot split as being relatively insignificant. He complimented Mr. Pavlak for his construction in the City of Centerville during previous years. Mr. Taylor moved that this Conditional Use Request submitted for Walnut Hills Estates II and the Record Plan Replat be approved as submitted. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 30-84 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 30-84. Mr. Kenning reviewed this proposed Ordinance to limit Sidewalk Sales in Business Districts to five in any one calendar year and to limit the merchandise

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offered for sale to only that which is normally offered for sale by the business owner or operator who is conducting the sale. Mr. Taylor sponsored Ordinance Number 30-84, An Ordinance Amending Ordinances 15-61 And 41-77 Relating To Sidewalk Sales In Business Districts, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Councilman Brooks Compton left the Meeting at this time.

ORDINANCE NUMBER 25-84 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 25-84. Mr. Taylor sponsored Ordinance Number 25-84, An Ordinance To Appoint Ruth Ann Compton To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Councilman Brooks Compton returned to the Meeting at this time.

ORDINANCE NUMBER 26-84 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 26-84. Mr. Compton sponsored Ordinance Number 26-84, An Ordinance To Appoint Michael A. Garvey 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.

ORDINANCE NUMBER 27-84 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 27-84. Mr. Singer recognizing previous accomplishments by Sister City Committee Member John Spoor, sponsored Ordinance Number 27-84, An Ordinance To Appoint John Spoor To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 28-84 CHARTER AMENDMENTS

The Public Hearing was held concerning Ordinance Number 28-84. Mr. Stone speaking as Chairman of the Charter Review Commission, endorsed all recommended changes to the Charter made by the Review Commission and City Council. He sponsored Ordinance Number 28-84, An Ordinance To Provide For An Election On The Adoption Of Amendments To The Centerville Charter For The City Of Centerville, Ohio, As Reported By The Centerville Charter Review Commission And Amended By The City Council, 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 29-84 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 29-84. Mr. Compton sponsored Ordinance Number 29-84, An Ordinance To Appoint Robert J. Hosfeld 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.

Mr. Pavlak commended the City of Centerville for making available the proper vehicles by which a Developer can proceed properly and efficiently in his construction process.

ORDINANCE NUMBER 31-84 BOARD OF ARCHITECTURAL REVIEW

Mr. Compton moved that Ordinance Number 31-84, An Ordinance To Appoint B. Scott Feldmaier To The Board Of Architectural Review For The City Of

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Centerville, Ohio, To Fill The Unexpired Term Of Barbara R. Talmage, be set for Public Hearing on September 17, 1984. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 32-84 CITY BEAUTIFUL COMMISSION

Mr. Singer moved that Ordinance Number 32-84, An Ordinance To Appoint Laura Lynn Yarema To The City Beautiful Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on September 17, 1984. Mr. Taylor seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 22-84 POLICE COMMUNICATIONS

Mr. Kenning reviewed the one Bid received from Motorola Communications and Electronics, Inc. for the purchase of a Police Communication Console and Base Radio for the City of Centerville. Following a careful review of the Bid received, Mr. Kenning recommended acceptance of this Bid in the amount of \$45,522.00. The amount is well within budget limitations and he believes this to be a fair and equitable price. Prospective Bidders had been encouraged to submit a Bid but only one was received. Mr. Compton sponsored Resolution Number 22-84, A Resolution Accepting The Bid Of Motorola Communications And Electronics, Inc. To Supply A Police Communication Console And Base Radio To 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. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

WALNUT HILLS ESTATES II SECTION ONE

Mr. Kenning reviewed for City Council the recommendation of the City Engineer that the Performance Bond posted on Walnut Hills Estates II, Section One, be reduced to \$15,000.00, the amount representing the value of uncompleted sidewalks in this Section. He also recommended the acceptance of streets and storm sewer system for public use, subject to the receipt of a one year Maintenance Bond in the amount of \$4,550.00. Mr. Taylor moved that the Performance Bond posted on Walnut Hills Estates II, Section One, be reduced in accordance with the recommendation of the City Engineer. Mr. Compton seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

WALNUT HILLS ESTATES II SECTION TWO

Mr. Kenning reviewed the recommendation of the City Engineer for the reduction of the Performance Bond posted on Walnut Hills Estates II, Section Two; storm sewers, curbs and a significant amount of the road have been installed and inspected; sidewalks are not yet in place. Mr. Schab recommended that the Performance Bond be reduced to \$22,000.00 to cover construction of sidewalks, installation of the second layer of blacktop and other miscellaneous items. Upon question of Mr. Taylor, Mr. Schab explained the cost of items yet to be completed in this Section, \$22,000.00 is based upon the Engineers cost estimate. Mr. Singer moved that the Performance Bond posted on Walnut Hills Estates II, Section Two, be reduced in accordance with the recommendation of the City Engineer. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved _____
Mayor

Shirley F. Heints

ATTEST:

Marilyn J. Laughlin
Clerk of Council