

Held October 15, 1984

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, October 15, 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 led by Webelo Den 2, Pack 315, Normandy School. Mayor Shirley Heintz presided during this Meeting. Councilmembers and City Staff present were as follows:

Deputy-Mayor Charles Taylor  
 Councilmembers Jeffrey Siler  
                   Bernard Samples  
                   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

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

Council Meeting - September 17, 1984.  
 Council Work Session Meetings - September 17, 1984.  
   - September 24, 1984.  
   - October 8, 1984.

Joint Work Session Meeting between City Council and School Board  
   - October 1, 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.

Mayor Heintz administered the Oath of Office to City Beautiful Commission Member Michael Garvey.

The Oath of Office was also administered to Sister City Committee Member Ruth Compton by Mayor Heintz.

Upon introduction by Police Chief Lickert, Mayor Heintz administered the Oath of Office to Centerville Police Officer Donald Parker.

Officer Antonio Bayot was also introduced by Police Chief Lickert, the Oath of Office being administered by Mayor Heintz.

Mr. David Fischer, 6030 Oak Hill Lane, representing the Whipp Road Association, presented to Council a Petition signed by slightly more than 800 citizens from this locality, indicating opposition to the excessive widening of East Whipp Road to a four lane highway with bicycle path, that portion from Far Hills Avenue to the Kettering City Limits. Mr. Fischer outlined the goals of the Association being as follows:

1. To formulate an acceptable alternative to the proposed excessive widening of East Whipp Road.
2. To preserve the integrity of privately owned land of East Whipp Road property owners.
3. To improve and enhance the safety and traffic flow of the area through limited widening and provision of turn lanes at major intersections.

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4. To seek representation in any and all decisions affecting property owners on and near Whipp Road.

5. To preserve and protect the natural appearance and ecology of the area.

6. To promote positive and ongoing communication with all appropriate local, State and Federal representatives and agencies.

The Association further requested that a joint committee be formed to review and discuss constructive ways to alleviate problems on East Whipp Road. Mayor Heintz appointed a Whipp Road Task Force consisting of three representatives from the Association, City Engineer Karl Schab, Administrative Assistant Jon Bormet, Councilman James Singer, Councilman Brooks Compton and a Member of the Washington Township Trustees.

Scoutmaster Steve Browne introduced the boys present from Webelo Den 2, Pack 315, Normandy School.

Mayor Heintz presented a Honorary Citizen Certificate to two foreign students attending the Centerville High School: Alfio Piva from San Jose, Costa Rica and Carlos Ramirez from Oaxaca, Mexico.

Mayor Heintz advised that a Certificate of Appreciation has been signed by all Members of City Council and will be presented to Mr. Harry Williams for his service as a Member of the City Planning Commission.

Mayor Heintz read and presented to Lois Dowlar a Certificate of Appreciation for her service as Member and Chairman of the City Beautiful Commission. A Plaque of Appreciation was also presented to Mrs. Dowlar by Phyllis Keller, representing the entire Membership of the City Beautiful Commission.

Mrs. Dowlar reviewed for the listening audience the process followed to select recipients of the City Beautification Awards in the City of Centerville. The judging is provided by the Centerville Womens' Civic Club, pictures are supplied by the Centerville-Washington Township Jaycees. Certificates were presented to the following successful nominees:

Residential

- |                                 |                             |
|---------------------------------|-----------------------------|
| Jim and Gail Carlson            | 496 Shirley Ann Drive       |
| Tom and Mary Ann Meyer          | 9880 Rose Arbor Drive       |
| Denny and Pat Noreikas          | 9891 Rose Arbor Drive       |
| Mark and Peggy Satzger          | 9715 Pawnee Pass            |
| Robert Mahlstedde               | 267 Monarch Road            |
| Mr. and Mrs. Michael Higgins    | 1350 Brainard Woods Drive   |
| Richard Shane                   | 301 Glenburn Drive          |
| Mr. and Mrs. Norman Guise       | 6275 Edgebrook Court        |
| Mr. and Mrs. Donald Boggs       | 2706 Walford Drive          |
| Robert and Erma Scott           | 7275 Forest Brook Boulevard |
| Frank and Lily Sato             | 75 Mimosa Drive             |
| Mr. and Mrs. Michael Marchiando | 1450 Taitwood Drive         |
| Rod Grahn                       | 1640 Ambridge Road          |
| The Bitzkos                     | 1495 Ambridge Road          |
| David L. Irwin                  | 7845 Bigger Road            |
| Michael and Erie Cantrell       | 850 Fernshire Drive         |
| Mr. and Mrs. Berry              | 2005 Mapleton Drive         |
| Robert Pangburn                 | 1325 Brainard Wood& Drive   |
| Mr. and Mrs. Dale Nelson        | 7755 Bigger Road            |
| Mr. and Mrs. Fritz Treiber      | 1480 Ambridge Road          |
| Juanita and Charles Burkhart    | 27 East Ridgeway Road       |
| Duncan and Nancy Laidlaw        | 7785 Park Creek Drive       |

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Wayne and Linda Clark  
Perry Long, Jr.  
Johannes Piigert

1720 Ambridge Road  
249 Annette Drive  
44 Tuxworth Road

Commercial

Revere Village Apartments  
Villager Apartments  
Savage Gallery  
Quickprint  
Jones Centerville Shell

865 Revere Village Court  
6300 Fireside Drive  
133 West Franklin Street  
38 West Franklin Street  
South Main Street and Spring  
Valley Road

Centerville Union 76  
Friendly's  
D'Amico's Manzo's Ristorante

998 South Main Street  
101 South Main Street  
79 South Main Street

Following a short recess in this Meeting, Mayor Heintz announced the Christmas Decorating Contest which will be sponsored by the City Beautiful Commission during the holiday season.

Mrs. McLaughlin announced the receipt of a letter of resignation from Sister City Committee Member Ruby Hurley. Mr. Taylor moved that the resignation of Ruby Hurley from the Sister City Committee be accepted with regret. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Heintz made the following announcements:

The Centerville-Washington Park District will observe their 25th Anniversary on Wednesday, October 17, 1984.

Beggars Night in Centerville is scheduled for Tuesday, October 30, 1984 between the hours of 6:00 and 8:00 P.M.

The Proposed amendments to the Centerville City Charter are being advertised in The Times, once on the 10th day of October and once on the 17th day of October, 1984. These will be before the electorate on November 6. The proposed amendments will also be explained in the October issue of the Centerville Town Crier and copies are available at the Centerville Municipal Building.

An exchange between Senior Citizens from Centerville and Senior Citizens from Waterloo took place in Waterloo, Ontario Canada for the Oktoberfest, and was very successful.

Mr. Kenning thanked Mr. Ralph Bray for taking the pictures of the homes which received City Beautification Awards. Mr. Bray is one of the City's volunteer workers.

**ALEX-BELL VETERINARY CLINIC**

Mr. Kenning reported on the Planning Commission Meeting held September 25, 1984. Mr. Schwab reviewed a proposed Site Plan for the Alex-Bell Veterinary Clinic to be located north of Alexandersville-Bellbrook Road and east of Loop Road. The zoning of the subject one acre property is B-2 and is surrounded by land with the same zoning classification. Mr. Schwab reviewed the following Staff recommendation made to the Planning Commission: the proposed Site Plan be approved with the following conditions:

1. A five foot wide concrete sidewalk, of a design approved by the City Engineer, be constructed in the public right-of-way along Loop Road across the front of the property.
2. A fire hydrant approved by the Washington Township Fire Department shall be constructed.
3. A detailed plan for storm water retention, including erosion control,

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approved by the City Engineer, shall be required.

4. A revised Site Plan must be submitted and approved by the City Planner which reduces the potential vehicular conflicts at the common curb cut to Loop Road.

Mr. Schwab also reviewed Deed Restrictions placed upon the total acreage, limiting curb cuts along Loop Road and along Alexandersville-Bellbrook Road. The Planning Commission expressed concern with the width of the paved area along the south property line of this one acre parcel and with interior vehicular movement. In consideration of the Staff recommendation and the Planning Commission's inability to solve potential problems, the Planning Commission voted unanimously to recommend denial of this Site Plan to City Council. Mr. Schwab reviewed a Revised Plan submitted to City Council changing the configuration of the west parking area, locating a proposed sign being in conflict with the setback requirements of the Zoning Ordinance and including discrepancies between the scale and figures on the Site Plan.

Dr. B. A. Diehl, Applicant, explained the changes made between the original Site Plan for the Veterinary Clinic and the Revised Plan (Option 2). Mr. Taylor pointed out the fact that the curb cut design into this property may not be what the City intended, but the Applicant has met all his legal requirements.

Mr. Stone moved that the Site Plan "Option 2" for the Alex-Bell Veterinary Clinic be approved subject to the following conditions:

1. A detailed storm water drainage plan be submitted to the City and approved by the City Engineer.

2. A five foot wide concrete sidewalk, of a design approved by the City Engineer, be constructed in the public right-of-way along Loop Road across the front of the property.

3. That the sign be relocated to conform to the requirements of the Centerville Zoning Ordinance.

4. In the case of a conflict between a labeled dimension on the approved Site Plan and the actual drawn scaled dimension, the labeled dimension shall prevail.

5. A fire hydrant as approved by the Washington Township Fire Department be constructed, if necessary.

6. The design of the curb cut off Loop Road into the property be subject to the approval of the City Engineer.

Mr. Samples seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### STATION HOUSE ACRES

Mr. Taylor moved that the Conditional Use Request and Preliminary Plan submitted for Station House Acres to provide for a Residential Development Plan for the property located south of Centerville Station Road and east of Southbury Drive, be set for Public Hearing on November 19, 1984. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 33-84 EXISTING STRUCTURES CODE

The Public Hearing was held concerning Ordinance Number 33-84. Mr. Kenning reviewed this proposed Ordinance which deals with the interior and exterior maintenance of existing structures in the City of Centerville. This matter has been subject of discussion for several years; the Ordinance has been developed by the Zoning Task Force and has been reviewed by the Board of Architectural Review and the Planning Commission. The Ordinance is designed to provide controls which may be necessary as neighborhoods grow in years, controls on the local level rather than through Montgomery County as now exist. Mr. Kenning outlined the creation and purpose of the Centerville Property Review Commission, created in this Ordinance.

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Mrs. Marian Simmons, 1460 Taitwood Drive, expressed various concerns with the Ordinance as proposed. She believes that controls are necessary but fails to see a need for local controls vs. the controls now being provided by Montgomery County. She believes the cost factor should be more thoroughly reviewed. She believes that the creation of the Centerville Property Review Committee is necessary only for an appeal process, that the Code Enforcement Officer should have authority when violations are made known. Mrs. Simmons encouraged the development of a systematic inspection process for the maintenance of properties in the City of Centerville. She believes that the Code Official should not have the authority to adopt and promulgate rules and regulations to implement the provisions of the Code. She suggested that Section ES-801-4 "Garbage storage facilities" be eliminated or the wording be changed to conform to Permit requirements and standards requirements. Mrs. Simmons suggested that the Ordinance be indexed for quick reference.

Mr. Samples clarified the procedure to be followed when a complaint is registered with the City, in accordance with the proposed Ordinance. He believes that the Citizens of Centerville prefer home rule in this matter.

Mr. Singer moved that Ordinance Number 33-84, An Ordinance Establishing Minimum Standards Governing The Condition, Maintenance And Rehabilitation Of All Existing Structures; Establishing Minimum Standards Governing Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Insure That Structures Are Safe, Sanitary And Fit For Occupation And Use; Establishing Minimum Standards Governing The Condition Of Dwellings Offered For Rent; Fixing Certain Responsibilities And Duties Of Owners And Occupants Of Structures, And The Condemnation Of Structures Unfit For Human Habitation And The Demolition Of Such Structures; And Fixing Penalties For Violation, be tabled until the November 19, 1984 Council Meeting. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 34-84 STATE ROUTE 48

The Public Hearing was held concerning Ordinance Number 34-84. Mr. Kenning reviewed this proposed Ordinance to provide for the City of Centerville in cooperation with the State of Ohio, Department of Transportation, to resurface and repair State Route 48 from just south of Edenhurst Drive to the south Corporation Line. The City's share in the cost is approximately \$10,000.00; the project is scheduled for the spring of 1985. Mr. Compton sponsored Ordinance Number 34-84, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement And To Request Cooperation By The Director Of Transportation, and moved that it be passed. Mr. Samples seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 35-84 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 35-84. Mr. Singer sponsored Ordinance Number 35-84, An Ordinance To Appoint Robert J. Hosfeld To The City Planning Commission For The City Of Centerville, Ohio, To Fill The Unexpired Term Of Harry E. Williams, 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 38-84 VICIOUS DOG CONTROL

Mr. Samples moved that Ordinance Number 38-84, An Ordinance Amending Chapter 505 Of The Centerville Municipal Code By Requiring The Confinement And Restraint Of Vicious Dogs In The City, be set for Public Hearing on November 19, 1984. Mr. Compton seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 39-84 DISH-TYPE ANTENNAS

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Mr. Taylor moved that Ordinance Number 39-84, An Ordinance Supplementing Part Thirteen, Building Code, Title Five-Local Regulations Of The Codified Ordinances Of Centerville, Ohio, By Enacting Chapter 1355 Entitled "Regulation Of Outdoor Dish-Type Antennas", be set for Public Hearing on November 19, 1984. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 35-84 REFUSE PACKER

Mr. Kenning reviewed Bids received for the following equipment for the City of Centerville:

Rear or Side Load Refuse Packer	
Bode-Finn Company	\$95,493.00
Satelite Side Load Refuse Packer	
Mabon N. Cornwell	
Peerless Division of Lear Seigler	24,652.00
Peffley Ford, Inc.	21,331.00
Langs Chevrolet, Xenia	22,016.00
18,000 GVW Dump Truck	
Langs Chevrolet, Xenia	17,689.00

Mr. Kenning recommended rejecting the Bid submitted by Bode-Finn Company for the purchase of a Rear or Side Load Refuse Packer. The Bidder did not meet City Specifications relative to the posting of a Performance Bond. Mr. Kenning further recommended that the Bid document be revised and that the City rebid for said equipment. Mr. Stone moved that the City of Centerville reject the Bid submitted by Bode-Finn Company and that the City rebid for the purchase of a Rear or Side Load Refuse Packer. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Kenning recommended accepting the Bid submitted by Peerless Division of Lear Siegler for the purchase of a Satelite Side Load Refuse Packer in the amount of \$24,652.00. This Bidder meets nearly all City Specifications and is willing to meet a delivery date. Mr. Samples sponsored Resolution Number 35-84, A Resolution Accepting The Bid Of Peerless Division-Lear Siegler, Inc. To Supply One Satelite Side Loader Refuse Packer 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 subject to the receipt of a Performance Bond securing a delivery date. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Kenning recommended rejecting the Bid submitted by Langs Chevrolet for the purchase of a 18,000 GVW Dump Truck for the City of Centerville. The Bid received did not meet City Specifications. Mr. Kenning suggested that the Bid Specifications be redrawn to accommodate what is available for purchase and that the City then rebid for said equipment. Mr. Taylor moved that the Bid of Langs Chevrolet for a 18,000 GVW Dump Truck be rejected and that the City rebid for said equipment. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 40-84 PERSONNEL APPEALS BOARD

Mr. Taylor moved that Ordinance Number 40-84, An Ordinance To Appoint Richard F. Rice To The Personnel Appeals Board Of The City Of Centerville, Ohio, And To Establish A Term Of Office, be set for Public Hearing on November 19, 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: Shirley F. Heintz  
Mayor

ATTEST:  
Maurel Jane Pauline  
Clerk of Council