

DARTON LEGAL BLANK CO. 10142

Held June 20, 1983

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, June 20, 1983 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 United Presbyterian Church and City Chaplain and the Pledge of Allegiance to the Flag with Mayor J. V. Stone presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor Charles Taylor
- Councilmembers Shirley Heintz
- James Singer
- Jeffrey Siler
- Russell Sweetman
- Bernard Samples
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- Administrative Assistant Jon Bormet
- City Planner Alan Schwab
- Service Director Richard Bishop
- City Engineer Karl Schab
- Director of Finance William Bettcher
- Chief of Police William Randolph
- Municipal Attorney Robert Farquhar

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

- Council Meeting - May 16, 1983.
- Council Work Session Meetings - May 16, 1983.
- June 13, 1983.

Mr. Taylor moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Stone recognized Representatives of the Centerville Kiwanis Club, in attendance to present to the Centerville Police Department much needed video equipment. This has been made possible through the Communities' support in their Christmas Tree Lot project. Mayor Stone briefly reviewed other contributions made during the past several years by the Centerville Kiwanis Club to the Centerville Community. Mr. Arthur Foland, Member of the Kiwanis Club, explained the video camera, recorder and monitor to be used on the road<sup>and</sup> in training sessions. Chief Randolph, on behalf of the Police Department and the City of Centerville, thanked the Centerville Kiwanis Club for their continued Community support.

Mrs. McLaughlin announced the receipt of the following two Notices from the Ohio Department of Liquor Control:

- Application for a new C1 and C2 Permit submitted by Tru Bru Inc., DBA Payless, 1113 North Main Street.
- Application for a new D5 Permit submitted by Mark Pis China Gate Corporation, DBA Mark Pis China Gate Chinese Restaurant, 6290 Far Hills Avenue. Upon recommendation of Mr. Kenning, Council indicated no objection to the issuance of said Applications.

Mayor Stone outlined activities planned for the Americana Festival to be held in Centerville on July 4, 1983. During this day the Asahel Wright House will be dedicated in the presence of two descendants of the Wright Family and visitors from the City of Waterloo, Ontario Canada. Mayor Stone encouraged all residents to fly the American, Canadian and West German Flag on the 4th of July in recognition of Centerville's Sister Cities.



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Mr. Taylor read a Proclamation issued by Mayor Stone designating Monday, June 27, 1983 as "Drum Corps International Day" in the City of Centerville.

Mayor Stone read and issued a Proclamation designating the weekend of July 4, 1983 as "Centerville Invitational Soccer Classic Week-end" in Centerville. He recognized Mr. Ben Stief, Head of the Classic and presented him the Proclamation. Mr. Stief thanked the City of Centerville and the Centerville-Washington Park District for their support in this annual event.

Mayor Stone read and issued a Proclamation designating the week of June 20, 1983 as "The Elder-Beerman Stores Corporation Week" in the City of Centerville. Said Proclamation was presented to Mr. Charles Waldron, Vice Chairman of the Board of Directors and President of Elder-Beerman Stores Corporation. Mr. Waldron thanked Centerville shoppers for their patronage.

Mr. Kenning reported the following during his City Manager's Report:  
The City's street sweeper has been completely renovated by City employees at a cost savings of approximately \$60,000.00.  
The City of Centerville's Contract Street Improvement Program for 1983 is now complete.

A new telephone system has been installed in Municipal facilities and is fully operational. This system will constitute a cost savings for the City of Centerville over the next few years.

A combined building, electrical, plumbing and other inspection program has been proposed by the Miami Valley Cable Television Council. A consultant has been chosen for the study, a completion date has been set for July 29, 1983. The Miami Valley Regional Planning Commission will review this study with the Cable TV Council, in order to gain experience with programs to provide such services to Municipalities in the future.

#### THOMAS PAINE SETTLEMENT NUMBER 3

Mr. Kenning reviewed the Planning Commission Meeting held May 31, 1983. Mr. Schwab reviewed a request for Performance Bond release on Thomas Paine Settlement Number 3, property located east of Bigger Road along both sides of the proposed extension of Clyo Road. The Planning Commission unanimously recommended to City Council that the agreement between the City and John Black Enterprises not be vitiated and that nothing be released on the old Bond until something is legally binding and submitted to the City. The Developer at this Meeting, then verbally requested an extension of the Subdividers Agreement for six months in order to allow time to resolve this matter. Mr. Schwab further advised that this verbal request has been followed by a formal written request to City Council. Mr. Sweetman moved that the Subdividers Agreement signed and agreed to on Thomas Paine Settlement Number 3 be extended for an additional six month period as requested by the Developer. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### WALNUT HILLS II

Mr. Kenning reviewed a Conditional Use Request submitted for Walnut Hills II for the construction of a Residential Planned Unit Development proposed to be located south of Centerville Station Road, west of Wilmington Pike and being the extension of the existing Rhine Way. Mr. Sweetman moved that the Conditional Use Request submitted for Walnut Hills II be set for Public Hearing on July 18, 1983. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman advised that the Cable TV Council has been reviewing



## RECORD OF PROCEEDINGS

Minutes of

Meeting

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Applications for the position of Executive Director. A selection will be finalized soon.

## ORDINANCE NUMBER 9-83 MOPEDS

The Public Hearing was held concerning Ordinance Number 9-83. Mr. Kenning reviewed this proposed Ordinance which, in addition to State requirements, requires that a helmet be worn by riders of mopeds under the age of 18, prohibits more than one rider upon a moped and sets forth other safety requirements in the operation of a moped upon the streets in the City of Centerville. Mr. Kenning recommended that this Ordinance be passed as an emergency measure to become effective on July 1, 1983, and that language be added to prohibit the riding of mopeds upon a sidewalk and the towing of mopeds in any manner.

Mr. Pat Guiant, 194 Freyn Drive, suggested that the Ordinance proposed be strengthened to include the restriction of mopeds from major thoroughfares, that visibility flags be required on mopeds and that formal tests be required for the operation of mopeds. Mayor Stone suggested that these items be considered for addition to the Ordinance in the future.

Dr. John Bloom, a Pediatrician in the Centerville Community, expressed his appreciation for such an Ordinance.

Delores Bellingham, 9001 South Normandy Lane, compared the safety of mopeds with the safety of other modes of transportation.

Helen Morris, 7990 Brainard Woods Drive, reviewed for Council noise created by the riding of mopeds in neighborhoods. She asked for stricter enforcement of traffic regulations by moped operators.

Mr. Sweetman sponsored Ordinance Number 9-83, An Ordinance Enacting Chapter 377 Of The Centerville Municipal Code Regulating Mopeds Within The City, and moved that it be passed, including the following amendments to the proposed Ordinance:

Highways, streets and roadways be changed to roadways throughout the Ordinance.

Section 377.06 c. be changed to read: No person shall ride a moped upon a sidewalk.

Section 377.06 d. be eliminated.

Section 377.06 e. be changed to d.

Section 377.07 a. be changed to read as follows: No person shall park a moped in such a manner so as to obstruct pedestrian or vehicular traffic. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

## ORDINANCE NUMBER 12-83 MOPEDS

Mrs. Heintz sponsored Ordinance Number 12-83, An Emergency Ordinance Enacting Chapter 377 Of The Centerville Municipal Code Regulating Mopeds Within The City, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Sweetman pointed out the fact that the helmet, safety glasses and/or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Department of Highway Safety. The effective date of this Ordinance is July 1, 1983 in order to provide adequate time for the purchase of required equipment.

## ORDINANCE NUMBER 10-83 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 10-83. Mr. Taylor sponsored Ordinance Number 10-83, An Ordinance To Appoint David L. Hall To The City Planning Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.



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ORDINANCE NUMBER 11-83 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 11-83. Mr. Samples sponsored Ordinance Number 11-83, An Ordinance To Appoint M. Brian Bergsten To The City Planning Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

BUDGET 1984

The Public Hearing was held on the proposed Budget for 1984 for submission to the Auditor of Montgomery County for consideration by the Montgomery County Budget Commission. Mr. Kenning reviewed this proposed Budget, a requirement by State law, which may or may not represent the final Budget for 1984. Mrs. Heintz moved that the proposed Budget for 1984 be approved and submitted to the Montgomery County Auditor. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 22-83 DAY CARE FOR ELDERLY

Mr. Kenning reviewed an Agreement between the City of Centerville, Lutheran Social Services of the Miami Valley and Kettering Medical Center to provide a day care center for older adults. This program is designed to deal with people living at home or with families who are able to move about but are not completely self sufficient. This "Horizons Adult Daycare Program" will provide inter-action during the day with other elderly people. Mr. Kenning recommended that the City of Centerville reimburse this Program on a limited basis, based upon the number of visits by Centerville residents. Mr. Siler sponsored Resolution Number 22-83, A Resolution Ratifying The Action Taken By The City Manager To Execute An Agreement With Lutheran Social Services Of The Miami Valley In Cooperation With Kettering Medical Center For Supervised Day Care For The Older Population, 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 13-83 CITY BEAUTIFUL COMMISSION

Mr. Sweetman moved that Ordinance Number 13-83, An Ordinance To Appoint Michael L. Fanning To The City Beautiful Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on July 18, 1983. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 14-83 SISTER CITY COMMITTEE

Mrs. Heintz moved that Ordinance Number 14-83, An Ordinance To Appoint Jeffrey D. Schrader To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on July 18, 1983. Mr. Samples seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 15-83 PERMIT FEES

Mr. Kenning reviewed a proposed Ordinance to downstep the fees on construction permits under \$500.00. Mr. Singer moved that Ordinance Number 15-83, An Ordinance Amending Chapter 1321 Of The Centerville Municipal Code Relating To Permit Fees, be set for Public Hearing on July 18, 1983. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 16-83 CITY BEAUTIFUL COMMISSION

Mrs. Heintz moved that Ordinance Number 16-83, An Ordinance To Appoint Linda K. Neufeld To The City Beautiful Commission For The City Of Centerville,

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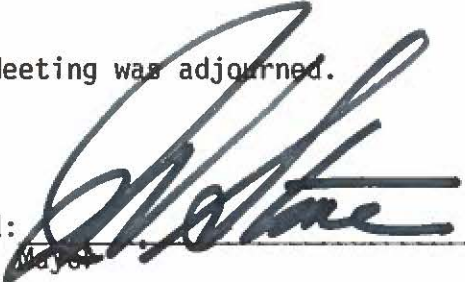
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Ohio, And Establish A Term Of Office, be set for Public Hearing on July 18, 1983. Mr. Samples seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

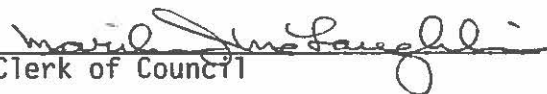
RESOLUTION NUMBER 23-83 SURPLUS PROPERTY

Mr. Kenning reviewed a proposed Resolution now required for a Contract between the City of Centerville and the State of Ohio, Department of Education, in order that the City of Centerville may continue to take advantage of the purchase of Federal Surplus Property. Mr. Taylor sponsored Resolution Number 23-83, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract Between The State Of Ohio, Department Of Education; The United States General Services Administration; And The City Of Centerville, Ohio, In Order To Acquire Federal Surplus Property From The Ohio State Agency For Surplus Property, and moved that it be passed. Mrs. Heintz 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