

CENTERVILLE CITY COUNCIL
WORK SESSION MEETING
JANUARY 10, 1983

TIME: 7:30 P.M.
PLACE: Centerville Municipal Building, Law Library

PRESENT: Mayor J. V. Stone
Deputy-Mayor Charles Taylor
Councilmembers Russell Sweetman
James Singer
Shirley Heintz
Bernard Samples
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
Administrative Assistant Jon Bormet
Municipal Attorney Robert Farquhar
Director of Finance William Bettcher

Mr. Farquhar reviewed for Council a recent Court decision which abolishes sovereign immunity to a municipal corporation. A municipal corporation, unless immune by statute, is liable for its negligence in the performance or nonperformance of its acts. A municipality should be run with the same care and circumspection as a business, protecting itself in the same manner from liability incurred by its servants. Discussion followed concerning certain dangerous situations in the City and how better protection may be provided. These areas will be further reviewed.

Mr. Farquhar also reviewed a recent Court decision dealing with nepotism in government, providing that relatives not be hired within the same department.

Mr. Kenning reviewed a recent Inter-Office Correspondence received from Director of Finance William Bettcher containing additional information relative to the Bid received from Mr. Joseph Fader, on behalf of the Westfield Insurance Company. At the time the Bid was submitted Mr. Fader was not an agent for Westfield. Mr. Farquhar's opinion is as follows:

"Since Mr. Fader was not a licensed agent for Westfield Insurance Company he could not legally bind a contract; under public bidding law, his bid cannot be legal and cannot be considered by City Council". Mr. Bettcher advised that just recently Mr. Fader has become a solicitor for the Roselius Agency and could at this time submit a legal Bid on behalf of Westfield Insurance Company. Following additional discussion, the majority of Council concurred to rebid for a Package Insurance Policy.

Mr. Kenning reviewed for Council an Application for Placement of Farmland in an Agricultural District, submitted by Mr. Victor W. Smith for approximately 72 acres at 2230 East Centerville Station Road. Revised Code Section 929 enacted in 1982 provides that upon proper Application, farmland may be placed in an Agricultural District to protect the owner from expenses

and encroachments associated with suburban development, it allows deferment of water and sewer line assessments, limits the power of eminent domain and contains protection from zoning restrictions. The majority of Council concurred that this Application be placed on the next Council Meeting agenda for formal approval.

Council discussed the proposed Policy Memo drafted several months ago relative to the use of Municipal facilities. Council concurred that this Policy be adopted as written.

Mr. Kenning reviewed for Council a draft of the Tactical Crime Suppression Unit Agreement for 1983. Mr. Kenning agrees with changes made between this Agreement and the Agreement signed for 1982. Council concurred to move forward with said Agreement.

Mr. Kenning advised that the Dayton Power and Light Company has requested an easement across the Asahel Wright Property owned by the City of Centerville near the corner of Main and Franklin Street. This is an overhead easement which has existed for many years. Council concurred with the granting of said easement. Discussion followed relative to the small building located in front of the old stone house: its future potential use and its historical value. Mr. Sweetman encouraged its removal in consideration of the attractiveness of the old stone home. More information will be acquired relative to the value of the small building.

As suggested by Mr. Kenning, Council concurred the next Council Outreach be held on Tuesday, February 15, 1983 to begin at 7:30 A.M. at Denny's Restaurant on Far Hills Avenue.

Mr. Kenning announced the National League of Cities Conference to be held March 5-8, 1983, in Washington, D.C.

The report prepared by Council James Singer relative to the operations of the Board of Architectural Review was reviewed by Council. He recommended that a Work Session be held with the BAR Members in the near future to enhance communications. He suggested that Council Members indicate their level of commitment to the Architectural Preservations District and to the BAR. He also suggested that an assessment be made whether there is any erosion in the APD and that consideration be given to the possibility of a Maintenance Ordinance in the APD. Discussion followed concerning the present BAR Ordinance, the status of the Sign Ordinance and the status of the Outdoor Sales Ordinance. Mr. Kenning suggested that a breakfast or dinner gathering be held rather than a Work Session with the BAR Members. Mr. Singer suggested that the present BAR Ordinance could be changed to include:

- Window requirements.

- Fence specifications.

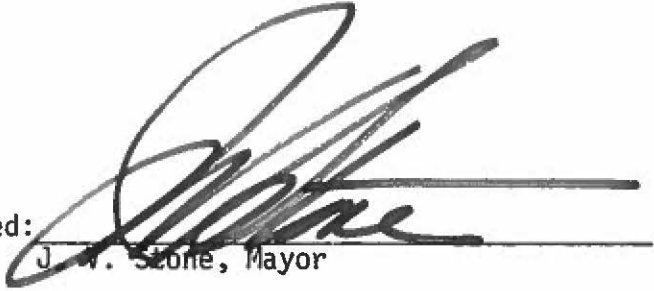
- Plan requirements.

- Define landscape authority - alleys, etc.

This entire issue will be further reviewed by Mayor Stone and Mr. Kenning, an agenda will then be prepared for the Meeting between Council and the

BAR Members and finally reviewed with Council prior to the Meeting.

Approved:



J. W. Stone, Mayor



Marilyn J. McLaughlin
Clerk of Council