

## RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

~~DALTON LEGAL BLANK CO. 10111~~Held May 3, 19 82

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, May 3, 1982 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 Nora Lake  
 Councilmembers Jeffrey Siler  
                           Shirley Heintz  
                           James Singer  
                           Russell Sweetman  
                           Charles Taylor  
 Clerk of Council Marilyn McLaughlin  
 City Manager Darryl Kenning  
 Assistant City Manager Joseph Minner  
 City Planner Alan Schwab  
 Service Director Richard Bishop  
 City Engineer Karl Schab  
 Director of Finance William Bettcher  
 Chief of Police William Randolph

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

Council Meeting - April 19, 1982.  
 Council Work Session Meetings - April 19, 1982.  
   - April 26, 1982.

Mr. Siler 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 announced the fact that Centerville Council Meetings are telecast through the efforts of the Miami Valley Cable Television Council; cameramen are volunteers. He introduced the cameraman for this Meeting, Mr. James Earl Jones.

Mayor Stone recognized Ohio State Senator Charles Curran in attendance at this Meeting.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control of an Application for the Transfer of a D2, D3 and D3A Permit from JJT Inc., DBA J TS Lounge, 68 West Franklin Street, to RB Kan Inc., DBA J TS Lounge, same address. Permit to sell high powered beer, wine and spirituous liquor by glass or container on premises until 2:30 A.M.

Mayor Stone administered the Oath of Office to Stanley Swartz, Chairman of the Board of Architectural Review.

Mayor Stone read a Certificate of Recognition to Robert L. Nichol for his outstanding contributions to the Centerville community as a Member and Chairman of the Board of Architectural Review.

Mr. Siler read a Proclamation issued by Mayor Stone designating May 8, 1982 to May 15, 1982 as clean-up time in the City of Centerville; the Proclamation urges all residents to clean thoroughly their property and to cause all trash and other unclean and unsightly matter to be removed therefrom.

Mr. Taylor read a Proclamation issued by Mayor Stone designating May 9, 1982 through May 15, 1982 as Small Business Week in the City of Centerville.

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Mrs. Lake read a Proclamation issued by Mayor Stone designating May 16, 1982 as Senior Citizens Day in the City of Centerville, Ohio.

ZONING ORDINANCE AMENDMENT REZONING HIDDEN HILLS

Mr. Siler excused himself from the Meeting at this time, due to a potential conflict of interest

The Public Hearing was held concerning the Appeal filed by Dale R. Smith against a decision rendered by the City Planning Commission on March 30, 1982 relative to the Rezoning Request submitted for Hidden Hills, a change of approximately 2.9719 acres from R-1 zone classification to R-2 zone classification. Mr. Schwab reviewed this Request and located the subject property on a map, being situated around the cul-de-sac which is the southern terminus of Marshall Road. R-3 zoning would permit single family and two family residential units as well as other Conditional Uses. The subject property is located in a R-1 single family residential area. Mr. Schwab reviewed the recommendation of the City Staff and the Planning Commission that this Rezoning Request be denied based upon the following reasons:

1. The City Comprehensive Plan designates single-family residential and open space uses at this location.
2. The railroad east of the property has been abandoned.
3. The amount of land involved is small.
4. The Application contains no convincing demonstration that the character of the neighborhood will not be materially and adversely affected by the proposed rezoning.
5. The granting of the requested rezoning would confer special privileges to the applicant that are denied other similarly situated properties in the area; hence, would constitute a "spot zoning".

Mr. Schwab pointed out the fact that if I-675 should be buffered by a more intense use, then the Comprehensive Plan for the entire neighborhood should be amended.

Mr. Dale Smith, Applicant and proposed Developer of the property in question, offered the following comments relative to points outlined at the Planning Commission Meeting by the Attorney representing the North Centerville Neighborhood Association:

1. Water flow from his six double units will not create additional water drainage problems in the area, the shed will not be more than if single family residences were built. He is responsible for correcting water problems in the neighborhood through the creation of a lake in Hidden Hills a few years previous.
2. Six additional units would not create a vehicular traffic problem on the street.
3. Off-street parking would be provided for each unit, thus eliminating the necessity to park in the street.
4. Mr. Smith recognizes this as spot zoning, but sees this as a buffer for I-675.
5. He proposed that members of the Neighborhood Association meet with his Architect, at his expense, to design the exterior of his proposed buildings.

Mr. James Hickey, Attorney for the North Centerville Neighborhood Association, appeared to point out the following facts:

1. Being requested constitutes spot zoning.
2. The rezoning of this small piece of land is an economic advantage to the Developer, it is a detriment to the people living in this single family residential area.
3. There will be additional water problems.
4. Traffic will be increased.
5. Other uses are available through Conditional Use in a R-3 zoned area.

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Mr. James Wasson, 331 North Village Drive, an original resident in the Village South area, moved there because of its R-1 single family residential zoning.

Mrs. Lake moved that this matter be set for discussion during a future Council Work Session Meeting. Mr. Taylor seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mrs. Heintz and Mr. Singer voted no.

Councilman Jeffrey Siler returned to the Meeting at this time.

Mr. Kenning reported the following during his City Manager's Report: Vacancies currently exist on various City Boards and Commission, those interested in serving should contact the Clerk of Council.

Trojan Asphalt will begin the 1982 Street Improvement Project on Tuesday, May 4, 1982, beginning in Black Oak South, Black Oak and Village South.

The Main Street (State/Local) Improvement Project will begin soon; the Pre-construction Conference is scheduled for Thursday, May 13, 1982. The City will begin to make repairs in areas of Main Street not included in the Project at approximately the same time.

Some garden plots are available at Benjamin Archer Park, arrangements can be made by calling the City of Centerville.

#### K MART OUTSIDE SALES

Mr. Kenning reviewed the Planning Commission Meeting held April 27, 1982. Mr. Schwab reviewed an Application for Temporary Permission for Outside Display and Sales at the K Mart facility located at the northeast corner of Spring Valley Road and State Route 48. The display area will be approximately four feet wide and will be located around the existing patio fence between the gate area. The request is for the period beginning May 1, 1982 through June 25, 1982. The City Planning Commission recommended approval of this Temporary Permission for Outside Display as requested by the Applicant.

Mr. John Vibostok, Manager of K Mart, explained pictures of the proposed display area which will be used strictly for bedding plants and will be maintained to City specifications.

Mrs. Lake moved that the Application submitted by K Mart for Temporary Permission for Outside Display, be approved in accordance with the recommendation of the City Planning Commission. Mrs. Heintz seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### SPRING VALLEY INVESTMENTS SITE PLAN AMENDMENT

Mr. Kenning briefly reviewed the Site Plan Amendment submitted by Spring Valley Investments to locate a Car Wash at the northeast corner of State Route 48 and Spring Valley Road, immediately north of the Revco facility. Mayor Stone advised that this item was reviewed during a previous Council Work Session Meeting, at which time various concerns were expressed. He recommended that this matter be scheduled for discussion during a future Work Session Meeting with parties involved. Mr. Sweetman moved that the Site Plan Amendment submitted by Spring Valley Investments, be discussed during a future Work Session Meeting. Mr. Taylor seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 10-82 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 10-82. Mr. Siler sponsored Ordinance Number 10-82, An Ordinance To Appoint James W. Rauch To The City Beautiful Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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ORDINANCE NUMBER 11-82 PREVAILING WAGE LAW

Mr. Kenning reviewed a proposed Ordinance to repeal Ordinance Number 45-79 which exempted the City of Centerville from paying the Prevailing Wage on public work projects. A recent Supreme Court decision has ruled such an Ordinance invalid. Mrs. Lake moved that Ordinance Number 11-82, An Ordinance Repealing Ordinance Number 45-79 Which Amended Section V Of The Centerville Administrative Code By Providing For Wages And Hours On Public Works, be set for Public Hearing on May 17, 1982. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 15-82 HEALTH

Mr. Kenning reviewed a proposed Resolution to authorize three Contracts with the Montgomery County Combined General Health District for health services to the City of Centerville for 1982. Mrs. Lake sponsored Resolution Number 15-82, A Resolution Authorizing And Directing The City Manager To Enter Into Contracts With The Montgomery County Combined General Health District For The Year 1982, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 12-82 CITY BEAUTIFUL COMMISSION

Mr. Singer moved that Ordinance Number 12-82, An Ordinance To Appoint Anne Elliott Rausch To The City Beautiful Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on May 17, 1982. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

BLACK OAK ESTATES FIVE SECTION FOUR

Mr. Kenning reviewed the recommendation of the City Engineer concerning Black Oak Estates Five, Section Four. The sidewalk to be installed between lots 473 and 474 leading to Black Oak East Park is now in place, therefore, Mr. Schab recommended that the Performance Bond in the amount of \$400.00 posted for this purpose, be released. Mr. Taylor moved that the Performance Bond in the amount of \$400.00 posted on Black Oak Estates Five, Section Four, be released in accordance with the recommendation of the City Engineer. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Upon question of Mr. Sweetman, Mr. Schab explained the fact that this is more or less a symbolic improvement, which does establish that there is a public access to the park.

GREENBRIER COMMONS SECTION TWO

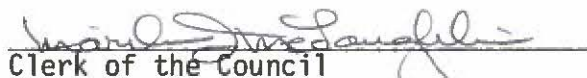
Mr. Kenning reviewed Mr. Schab's recommendation concerning the release of the Performance Bond posted on Greenbrier Commons, Section Two. The sidewalk along the south side of Norwich Lane and east of Greenbrier Lane is now in place; a depression in the roadway has also been corrected; a Performance Bond in the amount of \$4,440.00 had been posted to assure completion of these two minor projects. Mr. Sweetman moved that the Performance Bond in the amount of \$4,440.00 posted on Greenbrier Commons, Section Two, be released in accordance with the recommendation of the City Engineer. Mrs. Lake 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 the Council