

Held December 6, 19 82

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 6, 1982 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 J. V. Stone presiding. Councilmembers and City Staff present were as follows:

Councilmembers Bernard Samples
 Jeffrey Siler
 Russell Sweetman
 James Singer
 Shirley Heintz

Clerk of Council Marilyn J. McLaughlin
 City Manager Darryl Kenning
 City Planner Alan Schwab
 City Engineer Karl Schab
 Chief of Police William Randolph
 Municipal Attorney Robert Farquhar
 Service Director Richard Bishop
 Administrative Assistant Jon Bormet

Mayor Stone advised that Deputy-Mayor Charles Taylor was out of the City on Business, thus his absence from this Meeting. Mrs. Heintz moved that Mr. Taylor be excused from this Meeting. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Council Meeting held November 15, 1982 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the November 15, 1982 Council Meeting be approved, as distributed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Oath of Office was administered to Community Fiscal Analysis Committee Member Linda K. Neufeld, by Mr. Farquhar.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission Member Philip J. Marino, Mr. Marino has taken employment in Los Angeles, California.

Mrs. McLaughlin advised that a notice has been received from the Ohio Department of Liquor Control of an Application for a D5 Permit for Ponderosa System, Inc., DBA Ponderosa Steakhouse, 6230 Far Hills Avenue. A notice has also been received from the Ohio Department of Liquor Control of an Application for the transfer of a D5 Permit from J. & R. Rockhold Inc., Bitter End to PUA Properties Inc., DBA Bitter End, 6382 Far Hills Avenue. Council indicated no objections to the issuance of these two Permits.

Mayor Stone reviewed a letter received from Mr. Earl Wright, Director of the Ohio Department of Highway Safety, relative to National Drunk and Drugged Driving Awareness Week designated as December 12 - 18, 1982. He encouraged all citizens to drive during this period with head lights on, day and night, to demonstrate the seriousness of this problem during this holiday season.

Mayor Stone reviewed the National League of Cities Conference recently held in Los Angeles, California, attended by several representatives from the City of Centerville.

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

The Final Report has been received from the State Auditor for the period during July 1, 1980 and June 30, 1982. Financial statements were

RECORD OF PROCEEDINGS

Minutes of

Meeting

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examined of the City of Centerville and based upon the Auditor's review, no findings for recovery were made, no payments made contrary to State Statute and no noncompliance citations issued; previous citations were no longer applicable.

The Montgomery County Animal Shelter will sell dog licenses in the Community Room of the Centerville Municipal Building during the month of December, 1982 and until January 20, 1983. Purchases can be made on Thursdays, between 5:00 and 7:00 P.M. and on Saturdays, between 12:00 noon and 4:00 P.M.

ORDINANCE NUMBER 35-82 ZONING ORDINANCE AMENDMENT REZONING ST. LEONARD

Mr. Kenning reviewed the Planning Commission Meeting held November 30, 1982. The Planning Commission unanimously recommended to Council that a Public Hearing be set concerning a Rezoning Request filed by St. Leonard's Inc., property located south of Centerville Station Road and east of Cloy Road. Mr. Sweetman moved that Ordinance Number 35-82, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance By Rezoning 52.766 Acres More Or Less, From Centerville R-1 Classification To Centerville E-C Classification, be set for Public Hearing on January 17, 1983. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Councilman Bernard Samples and Chairman of the Zoning Task Force for the City of Centerville, reviewed for Council the Committee's schedule for review of the City's Zoning Ordinance. The Committee solicits suggestions and recommendations from interested citizens concerning this update. Mr. Samples recognized other Members of the Task Force being as follows: Councilman Jeffrey Siler, Planning Commission Member Dallas Horvath, very interested and involved Centerville resident Christine Snyder and Ex-Washington Township Zoning Inspector Evelyn List. Mayor Stone thanked Members of the Task Force for their willingness to serve the Centerville Community.

Upon question of Mr. Sweetman, Mr. Kenning advised that the City Staff is reviewing alternatives and stands ready to implement suggestions and recommendations of the Council Safety Committee and City Council relative to the potential traffic problem projected from the deletion of student transportation to the High School beginning January 3, 1983. The Centerville School Board will meet on December 13, 1982 to make their final determination concerning this transportation question.

Mr. Sweetman announced a Seminar being held Tuesday, December 7, 1982 between 9:00 A.M. and 1:00 P.M. by the Miami Valley Cable TV Group and other groups relative to what is happening and changes being made in the Cable TV industry. The Meeting will be held at the Holiday Inn located on Dryden Road.

DOMINO'S PIZZA

The Public Hearing was held concerning the Appeal filed by Domino's Pizza against the decision of the Planning Commission to deny a Variance Application for a total sign area of 75 square feet on the property located at 885 East Franklin Street. A free standing sign of 32 square feet presently exists; the Applicant is requesting a Variance to permit the erection of a 43 square foot sign on the front of the building. Permitted sign area in accordance with the Zoning Ordinance is 40 square feet. This represents the second Variance Application for additional signage at this location within the past six months. The Planning Commission unanimously voted to deny this request submitted for Domino's Pizza by the Wilson Sign Company.

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Mr. James Hardin, Wilson Sign Company, and Mr. Harry Yoder, representing Domino's Pizza, reviewed the first and second Variance Applications; the second being filed in a spirit of compromise with the Planning Commission. Mr. Hardin emphasized the lack of visibility for the present free standing sign of east and west bound traffic; identification is needed on the front of the building. If the proposed sign received approval for the front of the building, and the free standing sign removed, a three foot Variance would still be necessary.

Mr. Sweetman reiterated the comments made by Mr. Ted Arnovitz when construction of the Domino's Pizza building was approved, that this is an order and delivery business, signage is not important.

Mrs. Heintz suggested the erection of a smaller free standing sign, and signage on the building be permitted, total sign area, both signs, not to exceed 40 square feet. Discussion followed concerning the 43 square foot building mounted sign and the removal of the present free standing sign, Mr. Hardin favored this alternative.

Mr. Siler moved that Council modify the decision of the Planning Commission concerning the Variance Application submitted for Domino's Pizza, 885 East Franklin Street, in part by granting a three foot Variance for the building mounted sign conditioned upon the removal of the existing free standing sign. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 33-82 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 33-82. Mr. Sweetman sponsored Ordinance Number 33-82, An Ordinance To Appoint Geneva Rubins To The City Beautiful Commission For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 34-82 STREET LIGHTS

The Public Hearing was held concerning Ordinance Number 34-82. Mr. Kenning reviewed this two year Contract with the Dayton Power and Light Company to supply electric light in various areas of the City of Centerville. Mr. Singer sponsored Ordinance Number 43-82, An Ordinance Fixing The Price Which The Dayton Power And Light Company, Its Successors And Assigns, May Charge For Electric Light Furnished To The Public Grounds, Streets, Lanes, Alleys And Avenues In The City Of Centerville, State Of Ohio, For A Period Of Twenty-Four Months Commencing On The 1st Day Of January, 1983, And Ending On The 31st Day Of December, 1984, And Determining The Manner In Which Said Lighting May Be Furnished, Provided And Paid For; And Repealing Ordinance Number 14-82, Passed By The Council Of The City Of Centerville On August 2, 1982, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

OLYMPIC INDUSTRIAL PARK SECTION ONE

Mayor Stone advised that the Developer for Olympic Industrial Park has indicated to the City of Centerville that he does not intend to move forward with the proposed Record Plan for Section One, previously reviewed by City Council. Mr. Sweetman moved that the Record Plan for Olympic Industrial Park, Section One, be removed from the table. Mr. Samples seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman moved that the Record Plan for Olympic Industrial Park, Section One, be tabled by Council indefinitely. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 36-82 LIQUOR CONTROL

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Mr. Kenning reviewed a proposed Ordinance to bring the Centerville Municipal Code in conformance with State Law relative to defining beer, malt liquor and malt beverages and changing the age for the purchase of said intoxicating liquors from eighteen to nineteen years. Mrs. Heintz sponsored Ordinance Number 36-82, An Emergency Ordinance Amending Chapter 529 Of The Centerville Municipal Code, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 37-82 LIQUOR CONTROL

Mr. Singer moved that Ordinance Number 37-82, An Ordinance Amending Chapter 529 Of The Centerville Municipal Code, be set for Public Hearing on December 20, 1982. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 34-82 PUBLIC DEFENDER

Mr. Kenning reviewed a proposed Contract with the Montgomery County Public Defender Commission to provide legal counsel to indigent persons charged with violations of Centerville Ordinances, the cost of said Contract being \$2,880.00 for the year 1983. Mr. Singer sponsored Resolution Number 34-82, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons: Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1983 And Terminating On December 31, 1983, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 38-82 BOARD OF ARCHITECTURAL REVIEW

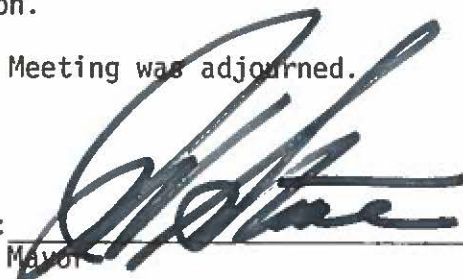
Mr. Singer sponsored Ordinance Number 38-82, An Emergency Ordinance To Appoint Stanley E. Swartz To The Board Of Architectural Review For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 39-82 BOARD OF ARCHITECTURAL REVIEW

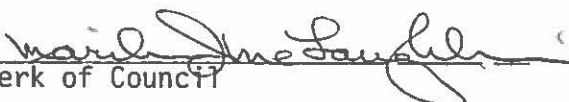
Mr. Singer moved that Ordinance Number 39-82, An Ordinance To Appoint Stanley E. Swartz To The Board Of Architectural Review For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on December 20, 1982. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved: _____


Mayor

ATTEST:


Clerk of Council