

NATIONAL LEGAL PRINTING CO. 19134

Held February 2, 1981

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, February 2, 1981 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman Leonard Stubbs 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
 - James Singer
 - Leonard Stubbs
 - Shirley Heintz
 - Russell Sweetman
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- Assistant City Manager Joseph Minner
- City Planner Alan Schwab
- 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 - January 19, 1981.
- Council Work Session Meetings - January 19, 1981.
- January 26, 1981.

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

Mrs. McLaughlin announced the receipt of an Appeal filed by Warehouse Beer Systems Company, Inc., against the decision rendered by the Board of Architectural Review during their Meeting on January 6, 1981, to deny their Application to erect a directional sign at 179 North Main Street. A Public Hearing before Council has been set for March 2, 1981.

Mayor Stone presented his State of the City message for 1980. He reviewed growth of the City of Centerville through the past year. He recognized the professional supervision of City Manager Darryl Kenning and the excellent performance of the City Staff. Mayor Stone outlined outside activities of each Councilmember. He reviewed progress in transportation in and through the City of Centerville. Community Development projects in the City during the past year were outlined. He reviewed Centerville's cooperation with five Municipalities south of Dayton in various aspects to ultimately benefit the City of Centerville. Programs coordinated by various City Boards and Commissions were defined. Mayor Stone reported on the progress made thus far by the Community Task Force Committee to conclude a common government for Centerville and Washington Township. While reviewing the City's financial status for 1981 and cut backs in various services, Mayor Stone advised that he will recommend to Council that an Income Tax increase of .75 be placed on the June ballot for approval by the electorate.

Mr. Kenning advised that the City of Centerville has received from the American Automobile Association a ten year pedestrian safety award for exceptional consecutive record of no pedestrian fatalities while meeting AAA's standards of program performance.

Mrs. Lake emphasized the daily hours which Mayor Stone has given the City of Centerville both as a Councilmember and as Mayor since his appointment in 1968.

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Mrs. Lois Costello, 280 Kimbary Drive, appeared before Council relative to storm and other water drainage onto her property. She lives in Washington Township within the three mile jurisdiction of the City of Centerville. Mrs. Costello believes that preliminary topographical plans for the Walnut Grove subdivision were incorrect, storm sewers were installed in accordance with these plans, thus causing more drainage onto her property than anticipated. Mayor Stone pointed out the fact that the subdivision has been completed, it has been accepted by Washington Township and the case has not formally been appealed to City Council. Mr. Kenning reviewed the Minutes of the Planning Commission Meeting at which time the Performance Bond was released subject to the receipt of a Maintenance Bond, and the Appeal to City Council procedure was explained to Mrs. Costello by Mr. Farquhar. The Maintenance Bond was received for this project on January 29, 1981. Mayor Stone suggested that Mrs. Costello discuss her problems with the Developer of the plat. Upon question of Mr. Singer, Mr. Kenning advised that the Contractor did perform according to the plan approved; the drainage technique used in this project is customary and has been used for many years in other areas. Mr. Kenning pointed out the fact that the grading of the subject property was not the responsibility of the City of Centerville but of Montgomery County. Mayor Stone suggested that this item be discussed during a future Council Work Session Meeting.

Mr. Victor Green, as former Mayor of the City of Centerville, complimented Mayor Stone and City Council for their outstanding performance during the year 1980.

ORDINANCE NUMBER 1-81 PUBLIC NOTICES

The Public Hearing was held concerning Ordinance Number 1-81. Mrs. Heintz sponsored Ordinance Number 1-81, An Ordinance To Amend Ordinance Number 13-68 To Determine Five (5) Of The Most Public Places In The City Of Centerville For Purposes Of Publishing Notices, Ordinances, Resolutions, Proclamations And Reports, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ST. JOSEPH HOME FOR CHILDREN CONDITIONAL USE

In response to the Conditional Use Request filed by St. Joseph Home for Children to establish a Residence Family Home at 238 South Main Street; Mr. Rich Markley, 64 Waterford Drive, presented to Council Sections of the Centerville Zoning Ordinance and the Ohio Basic Building Code which he believes would be violated if the proposed home is permitted.

Mrs. Lake pointed out that, although she believes the use proposed is very well placed in the Centerville community, the terms house parents and live-in help were meant to form surrogate family at the time the Ordinance was passed a few years previous. The language has not been changed to provide alternate ways to provide that surrogate parenting.

Mr. Sweetman concurred with Mrs. Lake's concerns, he does not believe the use fits the neighborhood.

Mr. Stubbs suggested that certain legal questions be answered prior to the proposed use being approved. He suggested that the facility would be better situated in another area of the community.

Mr. Kenning reviewed the opinion of Mr. Farquhar that the use does fall within the definition of the Zoning Ordinance.

Mr. Singer questioned the impact of definitions contained in the OBBC to this particular matter. He believes the maximum number of children to be housed in this home should be seven. He also believes that the boys and Mr. Michael Darr will see that there is a good transition into the neighborhood. However, Mr. Singer did favor a delay in the vote so that certain legal questions could be answered.

RECORD OF PROCEEDINGS

Minutes of

Meeting

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Mayor Stone defined the issue: whether or not house parents are required to live in the home. He believes that the Zoning Ordinance is broad enough to include around the clock employees, that it does not require surrogate parents to live in the home.

Mrs. Heintz moved that the Conditional Use for St. Joseph Home for Children be granted conditioned upon the home being limited to no more than seven boys and that the garage be finished into a recreation room increasing the amount of square footage to 2350 square feet. Mr. Singer seconded the motion. A roll call vote resulted in four nays against the motion; Mr. Singer, Mrs. Heintz and Mayor Stone votes yes.

OLYMPIC INDUSTRIAL PARK

The Revised Preliminary Plan for Olympic Industrial Park was briefly reviewed by Council. The subject property is located north of Thomas Paine Parkway and east of Bigger Road. Mr. Sweetman moved that the Revised Preliminary Plan for Olympic Industrial Park be approved including conditions recommended by the Planning Commission. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mrs. Lake voted no.

Mr. Sweetman and Mrs. Heintz left the Meeting at this time due to a potential conflict of interest in the next item to be considered.

WELLINGTON PARK SECTION ONE

The Record Plan for Wellington Park, Section One was reviewed by City Council; property located north of State Route 725 and east of Loop Road. Mrs. Lake moved that the Record Plan for Wellington Park Section One, be approved subject to the conditions recommended by the Planning Commission, to sidewalks on both sides of the street, to the roadway being lined-up with the truck entrance into the Gold Circle parking lot and subject to the Performance Bond of \$30,500.00 and an Inspection Fee of \$84.00. The motion died for want of a second. Mr. Singer moved that the Record Plan for Wellington Park, Section One, be approved subject to the conditions recommended by the Planning Commission, to sidewalks on both sides of the street, subject to the receipt of a Performance Bond in the amount of \$30,500.00, a Subdividers Agreement and an Inspection Fee of \$84.00 and that the Plan be approved with the location of the access as proposed, with the requirement that City Staff cause the opportunity to happen that when the property to the north across Loop Road is developed, they be required to line-up their access with the roadway into Wellington Park. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Sweetman and Mrs. Heintz returned to the Meeting at this time.

Mayor Stone advised that in accordance with the recently passed amendment to the Zoning Ordinance relative to the Board of Architectural Review, City Council appoints a Chairman for the Board. Mr. Singer moved that Mr. Robert Perkins be officially named Chairman of the Board of Architectural Review for the remainder of his current membership term. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 3-81 TAX RATES

Mrs. Heintz sponsored Resolution Number 3-81, Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.


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Upon question of Mr. Singer, Mr. Kenning explained how the Conditional Use for St. Joseph Home for Children could be reconsidered following answers to various legal questions raised at this Meeting. Mr. Kenning will obtain answers from Municipal Attorney Robert Farquhar.

There being no further business, the Meeting was adjourned.

Approved: 
Mayor

ATTEST:


Clerk of Council