

Held February 23,

19 81

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, February 23, 1981 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Lawrence Fetzer from the Washington Heights Baptist Church, a memorial to the deceased Councilman Leonard Stubbs. The Pledge of Allegiance to the Flag followed with Mayor J. V. Stone presiding over the Meeting. Councilmembers and City Staff present were as follows:

Deputy-Mayor Nora Lake  
 Councilmembers Shirley Heintz  
                   James Singer  
                   Russell Sweetman  
                   Jeffrey Siler  
 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  
 Municipal Attorney Robert Farquhar

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

Council Meeting - February 2, 1981.  
 Council Work Session Meetings - January 29, 1981.  
   - February 2, 1981.  
   - February 9, 1981.

Mr. Singer moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion; however, Mrs. Lake abstained from the Minutes of the February 9, 1981 Work Session Meeting.

Mrs. McLaughlin announced the receipt of a letter of resignation from Board of Architectural Review Member Tom Barnes.

Mrs. McLaughlin advised that a Notice had been received from the Ohio Department of Liquor Control of an Application for a D3 Permit, filed by AMC Pizza Inc., DBA Cassano Pizza King, 848 South Main Street. No objections were offered by City Council.

Mayor Stone read and issued a Proclamation designating March as National Nutrition Month in the City of Centerville.

Mayor Stone announced the fact that the City will accept applications to fill the vacancy on Council through March 2, 1981. Interviews before Council will be scheduled March 9 and 10, followed by a Special Council Meeting to finalize the appointment on March 10, 1981.

Mr. Kenning reported the following during his City Manager's Report:  
 A Public Hearing will be held on Tuesday, February 24, 1981 to begin at 7:30 P.M. at the Fairmont High School concerning the Little Sugar Creek Drainage District. Mr. Kenning reviewed that portion of Centerville included in the proposed District. Mr. Sweetman emphasized the fact that this could mean an assessment for those property owners involved in the District area.  
 The traffic signals are in place, activated and operating at each end of the newly constructed Clyo Road.



Held

February 23, 1981 continued

19

Mr. Kenning reviewed the 1980 quarterly report received from the Montgomery County Combined General Health District.

Mr. Sweetman announced the addition of the Village of Germantown to the Cable TV Council. The Council expects a proposal for a rate increase to come forth during the month of March. However, this Cable TV rate increase relates to installation and apartment complexes, it does not affect single family residential users. On March 5, 1981 the City of Dayton Commission Meeting will be seen on Cable TV.

#### ST. JOSEPH HOME FOR CHILDREN CONDITIONAL USE

Mr. Siler moved for reconsideration of the Conditional Use Request to establish a Residence Family Home at 238 South Main Street; Application filed by St. Joseph Home for Children. He explained the fact that he had originally intended to vote in favor of the home but information submitted during the Council Meeting on February 2, 1981 raised the question whether not having live-in parents was contrary to the Zoning Ordinance. This question has been reviewed by Municipal Attorney Robert Farquhar and it has been determined that the Use as proposed is not contrary to the City Ordinance. Mayor Stone clarified the fact that Councilman Jeffrey Siler was a member of the majority voting on the issue and could therefore move for reconsideration. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman voted no. Mrs. McLaughlin read the motion being reconsidered at this time, which reads as follows: "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". A roll call vote on this previous motion resulted in four ayes in favor of the motion; Mr. Sweetman and Mrs. Lake voted no.

#### RESOLUTION NUMBER 4-81 ADVANCE OF TAXES

Mr. Kenning reviewed a proposed Resolution to request an advance of Property Taxes collected by Montgomery County for the City of Centerville. Mrs. Heintz sponsored Resolution Number 4-81, A Resolution Requesting An Advance Of Sixty Thousand (\$60,000.00) Dollars Out Of The Current Collection Of Taxes Assessed And Collected On Behalf Of The City Of Centerville, 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 2-81 NORTH MAIN STREET

Mr. Kenning reviewed an Ordinance proposed by the State of Ohio, Department of Transportation, to replace the same Ordinance passed in 1978 concerning Phase I of the North Main Street Improvement Project, that area of Fireside Drive and North Village Drive. Mr. Singer moved that Ordinance Number 2-81, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Transportation, be set for Public Hearing on March 16, 1981. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### ORDINANCE NUMBER 3-81 SUBDIVISION REGULATIONS

Mr. Singer moved that Ordinance Number 3-81, An Ordinance Amending Section 1119.02 Of The Centerville Municipal Code By Providing For The Expiration Of Record Plan Approvals In The Event Same Is Not Recorded Within Six (6) Months From The Date Of Final Approval, be set for Public Hearing on March 16, 1981. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.



Held

February 23, 1981 continued

19

## ORDINANCE NUMBER 4-81 HUMAN SERVICES

Mr. Kenning reviewed a proposed Ordinance to increase travel reimbursement for South Montgomery Human Services. This increase has been approved by the Supervisory Board for Human Services of which the City of Centerville acts as the Fiscal Administrative Agent. Mr. Siler moved that Ordinance Number 4-81, An Ordinance Amending Ordinance Number 22-80 By Increasing The Mileage Reimbursement Provision Of The Personnel Policy For South Montgomery Human Services From Fifteen Cents Per Mile To Twenty Cents Per mile, be set for Public Hearing on March 16, 1981. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## BLACK OAK FOREST SECTION TWO

Mr. Kenning reviewed the report of the City Engineer concerning Section Two of Black Oak Forest. All improvements required and shown on the Construction Drawings are in place, except for a number of sidewalks adjacent to certain undeveloped lots. He recommended that the Performance Bond be reduced to \$13,000.00 specifically designated to insure the installation of sidewalks not yet in place, subject to receipt of a Maintenance Bond of \$20,500.00 for the duration of one year. The Subdividers Agreement requires a Maintenance Bond of \$21,500.00; the difference of \$1,000.00 will be posted if and when all sidewalks are in place and accepted by the City. Mr. Sweetman questioned whether the reduced amount of \$13,000.00 would be adequate over a period of years to insure the installation of sidewalks not yet in place. Mr. Schab advised that this figure is based upon current costs. Mr. Sweetman expressed concern with the drainage system in this particular Section of Black Oak Forest. He suggested that this matter be discussed during a future Council Work Session Meeting to set figures adequately for sidewalks if not installed within the coming two years.

## ORDINANCE NUMBER 5-81 BOARD OF ARCHITECTURAL REVIEW

Mrs. Lake moved that Ordinance Number 5-81, An Ordinance Appointing Phyllis B. Brooks As A Member Of The Board Of Architectural Review For The City Of Centerville, Ohio, And Establishing A Term Of Office, be set for Public Hearing on March 16, 1981. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## ORDINANCE NUMBER 6-81 BOARD OF ARCHITECTURAL REVIEW

Mr. Singer moved that Ordinance Number 6-81, An Ordinance Appointing Robert J. Perkins As A Member Of The Board Of Architectural Review For The City Of Centerville, Ohio, And Establishing A Term Of Office, be set for Public Hearing on March 16, 1981. Mrs. Heintz seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Sweetman and Mr. Siler voted no.

## RESOLUTION NUMBER 5-81 K-MART

Mr. Kenning reported that K-Mart is currently negotiating to purchase the Goldman Store located on South Main Street in Centerville. For this reason K-Mart desires to seek Revenue Bonds from the State of Ohio through the Ohio Development Financing Commission. In order for this to be done, passage of a Resolution requesting same is necessary from the City of Centerville. Mr. Sweetman sponsored Resolution Number 5-81, A Resolution Authorizing A Written Request To Be Directed To Ohio Development Financing Commission For Issuance Of Approximately 2.9 Million Dollars Principal Amount Economic Development Revenue Bonds (K Mart Project), and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Held February 23, 1981 continued 19

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:

  
Clerk of the Council