

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

Held May 4, 19 81

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, May 4, 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 James Singer 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 James Singer

Jeffrey Siler

Shirley Heintz

Charles Taylor

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Assistant City Manager Joseph Minner

City Planner Alan Schwab

Service Superintendent Ray Hannah

City Engineer Karl Schab

Director of Finance William Bettcher

Municipal Attorney Robert Farquhar

Chief of Police William Randolph

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

Council Meeting - April 6, 1981.

Council Work Session Meetings - March 30, 1981.

- April 6, 1981.

- April 13, 1981.

- April 27, 1981.

Mrs. Heintz moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Siler abstained from the Minutes of the March 30th Meeting.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control of an Application for a D5 Permit submitted by Douglas L. Mills, DBA Dougies, 6310 Far Hills Avenue; a Permit to sell beer and wine by glass or container on premises or in container for carry out and spirituous liquor by glass or container on premises only until 2:30 A.M.

Mayor Stone reviewed the visit of Mr. Peter Mahlstedt, a teacher from our prospective Sister City Bad Zwischenahn in West Germany. Mr. Mahlstedt was very impressed with the City of Centerville and believes the two Cities are compatible.

Mayor Stone extended condolence to the Richard Bishop family in the passing of Mr. Bishop's mother.

Mayor Stone advised that Mrs. Heintz and Mr. Kenning has attended a Self Study Course and Seminar on Community Economic Development given by the Ohio State University Cooperative Extension Service in cooperation with various other agencies.

Mayor Stone reviewed a Council Retreat held May 2 and 3, 1981 to discuss problems of the City of Centerville and solutions for these problems; both long and short range plans were reviewed. This will be repeated no later than nine months from this date.

Mrs. Heintz read a Proclamation issued by Mayor Stone designating

Mayor Stone advised that Councilman Russell Sweetman was out of town on business, thus his absence at this Meeting. Mrs. Lake moved that Mr. Sweetman be excused from this Meeting. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Held

May 4, 1981 continued

19

May 9, 1981 to May 16, 1981 as clean up time in the City of Centerville. He encouraged all residents of the area to participate in this program.

Mayor Stone reviewed for the listening public, revenues received from property taxes, Centerville's financial base and Centerville's present financial situation. He compared Centerville's property tax rate with Washington Township and other Cities in Montgomery County. Mayor Stone outlined the percentage of the tax rate the City receives in comparison with other entities. He supports and encourages additional tax revenues to maintain the basic qualities of life in Centerville.

The following were reviewed during Mr. Kenning's City Manager's Report: Upon review of the Building Inspection Report for the month of April, it was noted that the number of permits issued has increased, estimated value of building permits has increased, and moneys received for fees has exceeded last year figures, to date.

The Service Department Activity Report for the month of April was also reviewed by Mr. Kenning.

Garden Plots are available at the Benjamin Archer Park.

The City recently conducted its second annual internal disaster exercise, all systems performed well.

ARBY'S RESTAURANT

Mr. Kenning reviewed the Planning Commission Meeting held April 28, 1981. Mr. Schwab reviewed a proposed Site Plan Amendment for Arby's Restaurant located at 832 South Main Street, zoned B-2. The proposed changes consist of the addition of a Drive-in Window, exterior remodeling and expansion of the building size. Signage on the building would exceed the total sign area permitted in this particular zoned district. Mr. Schwab advised that following review by Staff of the fire hydrant situation in the area, it was determined that coverage must be established within a 300 foot radius. 25 parking spaces were included on the proposed Site Plan. Mr. Schwab reviewed Planning Commission's unanimous recommendation that the Site Plan dated March 24, 1981 be approved subject to the following conditions:

Delete parking space number 25.

Signs shown are excluded from approval.

Dumpster be completely screened from view.

Concrete pad in front of the dumpster be extended to cover the floor of the dumpster screening structure.

A four foot high chain link fence be erected from the dumpster enclosure to the east property line and extend along the entire east property line.

A fire hydrant be installed within approximately 300 feet of the Arby's building.

Upon question of Mrs. Lake, Mr. Schwab advised that the Goldman's Building is not included within a 300 foot radius of a fire hydrant due to the location of a sprinkler system inside the store.

Mr. Don Rossett, Contractor for Arby's Restaurant, reviewed for Council their need for the proposed signage at the subject location.

Mrs. Lake moved that the Site Plan Amendment for Arby's Restaurant, dated March 24, 1981 be approved, in accordance with the recommendation of the Planning Commission inclusive of all six conditions. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

K-MART

Mr. Schwab reviewed a proposed Site Plan Amendment for K-Mart proposed to locate in the present Goldman's Store at 896 South Main Street, zoned B-2. The Plan includes the addition of a Garden Center to the south side of the

Held _____ May 4, 1981 continued _____ 19____

store, the addition of a trash compactor to the rear of the building, a parking layout change and a curb cut relocation. The construction of the Garden Center will reduce the parking spaces from 440 to a total of 396 for the entire area. Mr. Schwab reviewed the proposed relocation of the northernmost curb cut on State Route 48 included on the Plan; the Planning Commission recommended that this relocation not be approved. The Planning Commission by unanimous vote, recommended approval of this Site Plan Amendment subject to the following conditions:

K-Mart acquire the premises.

All curb cuts onto State Route 48 and Spring Valley Road remain at their existing locations and no new curb cuts be permitted.

The relocation of the northernmost State Route 48 curb cut shown on the Plan not be permitted.

Two fire hydrants be added to the site:

One hydrant on the east side of the westernmost curb cut onto Spring Valley Road.

One hydrant in the vicinity of the northernmost curb cut onto State Route 48.

The two incinerators at the rear of the building be removed.

At the east property line, eighty feet of evergreen screening be added centered on the location of the new trash compactor.

Any change of the design of the light fixtures in the parking lot be approved by the City Planner.

The "K-Mart" and "Garden Shop" signs shown on the Plan not extend above the wall on which they are mounted.

Upon question of Mayor Stone, Mr. Kenning advised that the City Staff met with the President of the Clareridge Manor Homeowners Association to discuss two potential problems: the water drainage across the back of the K-Mart property is creating some wash out of the berm; and some screening between the two properties is needed. Mr. Schwab advised that the Applicant has indicated the paving of the front parking lot with one layer of asphalt, the rear will be a cut and patch situation.

As questioned by Mr. Taylor, Mr. Schwab advised that the parking spaces being utilized for "park & ride" will have to be addressed by the property owner when spaces become limited.

Mrs. Heintz wondered whether the chain link fence currently in place to the rear of the property would be repaired. Mr. Schwab advised that problem areas would probably be repaired, however, this was not addressed by the Applicant.

Mrs. Lake moved that the Site Plan Amendment for K-Mart be approved, in accordance with the recommendation of the Planning Commission including all items and conditioned upon the repair of the erosion damage near and along the east property line. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion. City Council advised K-Mart that it would be very difficult to justify any additional free standing buildings or further development on the site, in consideration of available parking.

ORDINANCE NUMBER 9-81 BOARD OF ARCHITECTURAL REVIEW

The Public Hearing was held concerning Ordinance Number 9-81. Mr. Siler sponsored Ordinance Number 9-81, An Ordinance Appointing Ronald D. Amlin As A Member Of The Board Of Architectural Review For The City Of Centerville, Ohio, To Fill The Unexpired Term Of Tom Barnes, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 8-81 INCOME TAX

Mayor Stone read a proposed Resolution resulting from the Council

DAYTON LEGAL BLANK CO. 19144

Held May 4, 1981 continued 19

Retreat held during the previous weekend; a Resolution to increase the City's Income Tax rate from 1% to 1 3/4% by vote of the people at a Special Election to be held August 4, 1981. Mr. Taylor sponsored Resolution Number 8-81, A Resolution Specifying August 4, 1981 As The Date For Submitting To The Electors Of The City Of Centerville (Montgomery County) Ohio For Their Approval The Levying Of An Additional Tax On Income At The Rate Of Three Quarter Of One Percent In Addition To The One Percent Currently Being Levied And Collected; And Directing The Board Of Elections Of Montgomery County To Conduct The Election, and moved that it be passed. Mrs. Lake seconded the motion. Mrs. Heintz moved that the Resolution be amended to limit the increase to a five year period, at the end of five years that the question be brought back for consideration again by the electorate. Mr. Singer seconded the motion. Mrs. Heintz stated her objection to increasing taxes for an indefinite period of time. Mrs. Lake believes that the function of a tax proposal is to bring stability to a Municipality, in terms of services, operations and functions on a day to day basis; Centerville has not abused this over the past ten years, during this time the City of Centerville has permitted taxes to die. Mr. Singer stated his desire for the electorate to re-evaluate tax increases as well as the local government. Mayor Stone concurred with Mrs. Lake's perception. Mr. Siler foresees costs in five years more than they are today; if the electorate approved an increase in taxes today and rejected the same five years from now, Centerville could be in a difficult financial situation. A roll call vote on the amendment resulted in two ayes in favor of the motion; Mr. Siler, Mrs. Lake, Mr. Taylor and Mayor Stone voted no. A roll call vote on the main motion resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 9-81 MONTGOMERY COUNTY CHARTER

Mayor Stone reviewed a proposed Resolution to endorse and pledge support to pursue County Government Reform. The proposed Charter has been reviewed by Council and recommendations will be made to the proper Authorities. Mrs. Lake sponsored Resolution Number 9-81, A Resolution Endorsing The Concept Of County Government Reform And Pledging Support To Pursue Such Concept, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 10-81 POLICE ASSISTANCE

Mr. Kenning reviewed a proposed Resolution to provide assistance to the Montgomery County Sheriff's Department if and when requested. Mr. Singer sponsored Resolution Number 10-81, A Resolution Authorizing The City Of Centerville To Provide Police Assistance To The Montgomery County Sheriff's 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 10-81 ELECTRIC LIGHTS

Mr. Siler moved that Ordinance Number 10-81, 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-One (21) Months Commencing On The 1st Day Of April, 1981, And Ending On The 31st Day Of December, 1982, And Determining The Manner In Which Said Lighting May Be Furnished, Provided And Paid For, And Amending Ordinance Number 45-80 So That Its Provisions Shall Expire On The 31st Day Of March, 1981, be set for public hearing on May 18, 1981. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Held May 4, 1981 continued 19

RESOLUTION NUMBER 11-81 APPRECIATION

Mr. Singer read and sponsored Resolution Number 11-81, A Resolution Of Appreciation For The Services Of Robert Perkins, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 12-81 SISTER CITY

Mrs. Lake read and sponsored Resolution Number 12-81, A Resolution Of The Council Of The City Of Centerville, Extending An Invitation To The City Of Bad Zwischenahn To Become A Sister City And Inviting The People Of Bad Zwischenahn To Participate In Said Program, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

FRANKLIN EAST & CENTERVILLE STATION

Mr. Kenning recommended that the Performance Bonds posted on Franklin East and Centerville Station be released as part of a court settlement; improvements in these Plats are essentially complete. He recommended release of the following Bonds submitted in the form of Letters of Credit:

Franklin East, Section 1 in the amount of \$91,400.00.

Franklin East, Section 2 in the amount of \$96,000.00 and \$30,000.00 for Clyo Road Improvement.

Centerville Station, Section 1 in the amount of \$5,600.00.

Mr. Siler moved that the Performance Bonds posted on Franklin East, Sections 1 and 2 and Centerville Station, Section 1, be released in accordance with the recommendation of the City Manager. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES

Mr. Kenning reviewed the recommendation of the City Engineer concerning the release of Performance Bonds posted on Rose Estates, Sections 7, 8 and 9. Essentially all roadways and sidewalks have been in place since 1977 and have been used by the public since that time. One item, namely improvements involving the lake in Park Lot Number 157, was outstanding for a long time; these improvements are now complete. The Centerville-Washington Park District has accepted the Rosewood Pond for further maintenance. Mr. Taylor moved that the Performance Bonds posted on Rose Estates, Sections as follows, be released in accordance with the recommendation of the City Engineer:

Rose Estates, Section 7 in the amount of \$40,000.00 for streets, storm sewer and park site development, and \$5,200.00 for sidewalks.

Rose Estates, Section 8 in the amount of \$23,900.00 for streets and storm sewer, and \$500.00 for sidewalks.

Rose Estates, Section 9 in the amount of \$26,000.00 for streets, storm sewer and sidewalks.

Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 11-81 BOARD OF TAX APPEALS


Mrs. Lake moved that Ordinance Number 11-81, An Ordinance Appointing L. H. Rogero, Jr., As A Member Of The Board Of Tax Appeals For The City Of Centerville, Ohio, To Fill The Unexpired Term Of Charles Taylor, be set for Public Hearing on May 18, 1981. Mr. Taylor seconded the motion. A roll call vote resulted six ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:


Clerk of Council