

# RECORD OF PROCEEDINGS

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Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL PRINT CO. 10111

Held August 17, 1981

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 17, 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 Preston Dawes, Pastor of the Heritage United Presbyterian Church and City Chaplain and the Pledge of Allegiance to the Flag with Deputy-Mayor Nora Lake presiding. Councilmembers and City Staff present were as follows:

Councilmembers Charles Taylor  
James Singer  
Russell Sweetman  
Jeffrey Siler  
Shirley Heintz  
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

Mrs. Lake advised that Mayor J. V. Stone was on vacation, thus his absence from this Meeting. Mr. Singer moved that Mayor Stone be excused from this Meeting. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Council Meeting - August 3, 1981.  
Council Work Session Meetings - August 3, 1981.  
August 10, 1981.

Mr. Sweetman moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion. However, Mrs. Lake and Mr. Singer abstained from the Minutes of the August 10 Meeting.

Mrs. Lake on behalf of Mayor Stone thanked all residents of the City of Centerville for their support in the passage of the Income Tax issue on August 4, 1981.

Mrs. Lake read and presented to Mr. Chester Burnet a Resolution passed on July 20, 1981 recognizing his services to the Centerville Community.

Mrs. Lake read and issued a Proclamation designating the week of August 17, 1981 as Centerville Select Girls Soccer Team Week in the City of Centerville. A copy of said Resolution was presented to each member of the Soccer Team as well as Coach Glenn Aidt and Coach Al Specht.

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

The Zip Code plus four number has been received by the City of Centerville, said number being 454596399.

Construction of I-675 will be completed in four components, the Centerville area being included in the fourth segment. Yet to be done is the redesign of the noise barriers across all segments; redesign of the Bigger Road overpass will follow this work. The Bigger Road improvement project and the construction of I-675 should go to bid late in 1982 or early in 1983. Mrs. Lake advised that she had attended the last meeting of the I-675 Alternatives Committee, this Committee has been disbanded.



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Mr. Kenning reviewed a proposal to establish priorities for maintenance of all streets in the City of Centerville, concrete and asphalt. All streets have been checked and distress points assigned; this information will be considered while the 1982 Budget is being prepared. Mr. Singer suggested that street repairs be made in 1981, those which are financially feasible.

Mr. Sweetman announced the Miami Valley Cable TV Council Meeting scheduled for Wednesday, August 19, 1981 to begin at 8:00 P.M. in the City of Germantown.

Mr. Jack Lane, Executive Director for Miami Valley Cable Television Council, outlined their activities during the past three months.

#### LIBERTY LAWNMOWER AND FIREPLACE SHOP

The Public Hearing was held concerning the appeal filed by Liberty Lawnmower and Fireplace Shoppe against a decision rendered by the City Planning Commission on June 30, 1981 to deny an application to allow the placement of lawnmowers and certain retail items for display between the front of the building and the sidewalk at 21 West Franklin Street. Mr. Schwab located the subject property on map, being situated on the north side of West Franklin Street just west of State Route 48. Based upon the fact that no unique situation exists, the Planning Commission unanimously voted to deny this Variance request. Upon question of Mrs. Heintz, Mr. Kenning clarified the fact that approval would permit a permanent Variance, not a Variance for a limited period of time. Mr. Singer moved that the denial originally established by the Planning Commission concerning this Variance Request be upheld. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### ORDINANCE NUMBER 20-81 ICE CREAM PRODUCTS

The Public Hearing was held concerning Ordinance Number 20-81. Mr. Kenning reviewed this proposed Ordinance which provides restrictions for the sale of ice cream products from vehicles on streets in the City of Centerville. The Ordinance would require that a Permit be obtained for each vehicle to be operated, a permit fee of \$35.00, that said vehicles be inspected, that the sound level not exceed 70dBA measured at a distance of not less than fifteen feet and that said vehicles be operated only between the hours of 11:00 A.M. and 8:30 P.M. This Ordinance is a result of several comments and a petition from residents in Centerville.

Mrs. Marilyn Wightman, 426 Willowhurst Street, offered her support for the passage of the proposed Ordinance, Mrs. Wightman was the circulator of the petition received by Council.

Mr. Haus, President of Old Danny Boy Ice Cream, reviewed for Council the growth of his ice cream vending business during the past twelve years. He emphasized the fact that his sales period lasts for just six months of the year and 8:30 P.M. is his peak selling period each day. Many customers look forward to his visit on a daily basis.

Mr. Sweetman sponsored Ordinance Number 20-81, An Ordinance Amending Chapter 351.14 Of The Centerville Municipal Code Relating To Street Sales Of Frozen Desserts, 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 21-81 BUILDING PERMIT FEES

The Public Hearing was held concerning Ordinance Number 21-81. Mr. Kenning reviewed this proposed Ordinance which changes Building and Electrical Permit Fees charged by the City of Centerville. These fees have been reviewed in consideration of same fees charged by other Municipalities. The Ordinance includes the recommendation of the Community Fiscal Analysis



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Committee that the City Manager may annually increase the estimated cost per square foot of construction based upon the actual cost of construction index change for the previous twelve months. Mr. Kenning recommended that this Ordinance be tabled due to the fact that it reflects some changes made in a companion Ordinance currently being considered by the City Planning Commission. Mr. Taylor moved that Ordinance Number 21-81, An Ordinance Amending Chapter 1321 Of the Centerville Municipal Code Relating To Permit Fees, be tabled until it's companion Ordinance comes to Council from the Planning Commission. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 22-81 STREET AND CURB CUT FEES

The Public Hearing was held concerning Ordinance Number 22-81. Mr. Kenning reviewed this proposed Ordinance which revises the fee for street cuts and increases the deposit for the restoration of same. This Ordinance also revises the fee charged for curb cuts from \$25.00 to \$35.00 for each cut. Mr. Singer sponsored Ordinance Number 22-81, An Ordinance Amending Section 913.02 And 915.06 Of The Centerville Municipal Code Relating To Fees And Bonds For Street And Curb Cuts, 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 23-81 INCOME TAX

Mr. Sweetman moved that Ordinance Number 23-81, An Ordinance Amending Chapter 191 Of The Centerville Municipal Code Relating To The Centerville Income Tax To Reflect The Results Of The Election Held In The City Of Centerville On August 4, 1981, be set for Public Hearing on August 31, 1981. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 33-81 ADVANCE OF TAXES

Mr. Kenning reviewed a proposed Resolution to request an advance on Centerville's current collection of taxes, an advance in the amount of \$50,000.00. Mr. Taylor sponsored Resolution Number 33-81, A Resolution Requesting An Advance Of Fifty Thousand (\$50,000.00) Dollars Out Of The Current Collection Of Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 34-81 SALT STORAGE FACILITY

Mr. Kenning reviewed a proposed Resolution requesting the Fiscal Officer to certify that the estimated life of the salt storage facility is at least five years, it's period of usefulness being twenty years and that the maximum maturity of bonds for this facility is twenty years. Mr. Taylor sponsored Resolution Number 34-81, A Resolution Requesting Fiscal Officer To Certify Maximum Maturity Of Bonds And Notes, 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 24-81 SALT STORAGE FACILITY

Mr. Siler sponsored Ordinance Number 24-81, An Ordinance Providing For The Issuance Of \$18,750 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying A Bond Anticipation Note Heretofore Issued For The Purpose Of Paying The Cost Of Construction Of A Salt Storage Facility For Municipal Use, And Declaring an Emergency, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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## ORDINANCE NUMBER 25-81 SISTER CITY COMMITTEE

Mr. Sweetman moved that Ordinance Number 25-81, An Ordinance To Appoint John Spoor To The Sister City Committee For The City Of Centerville, Ohio, For A Term Of Three Years Commencing October 21, 1981, be set for Public Hearing on August 31, 1981. Mr. Siler 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: Don Lake

Deputy-Mayer

Attest:

Maile J. Laughlin  
Clerk of the Council