

Held December 7, 19 81

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 7, 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 Mayor J. V. Stone presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Nora Lake
 Councilmembers Charles Taylor
 Jeffrey Siler
 James Singer
 Russell Sweetman
 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
 Chief of Police William Randolph
 Municipal Attorney Robert Farquhar

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

Council Meetings - November 2, 1981.
 November 16, 1981.
 Council Work Session Meetings - November 2, 1981.
 November 9, 1981.
 November 16, 1981.
 November 23, 1981.

Mr. Sweetman moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Heintz seconded the motion. A roll call vote resulted in seven ayes in favor of the motion; however, Mr. Singer abstained from the Minutes of the Work Session Meetings held November 9 and 23, and Mrs. Lake abstained from the Minutes of the November 16 Regular and Work Session Meetings.

Mayor Stone read and issued a Proclamation designating the week of December 7, 1981 as Centerville High School Marching Band Week in Centerville. Copies of the Proclamation were presented to Mr. Jack Eggert, President of the Band Boosters, for distribution to band members.

Mrs. McLaughlin announced the receipt of a Notice of Intent to Appeal and the Appeal filed by Centerville Cleaners against a decision rendered by the Board of Architectural Review during their Meeting on November 17, 1981. The Appeal concerns proposed signage at 235 North Main Street.

Mrs. McLaughlin advised that a Notice has been received from the Ohio Department of Liquor Control of an Application for the transfer of a D5 Permit from Hannaford Thompson to James E. Jelley, DBA Don & Phils Stable, 877 East Franklin Street.

Mrs. McLaughlin also advised that a Notice has been received from the Ohio Department of Liquor Control of an Application for a new C3 Permit for the K Mart Corporation, DBA K Mart 7549, 8900 Lebanon Pike.

Mayor Stone officially acknowledged Bad Zwischenahn as Centerville's Sister City. The Partnership Certificate signed by Bad Zwischenahn was read by Clerk of Council Marilyn McLaughlin.

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DANTON LEGAL BLANK CO. 10144

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

A letter has been received from the Federal Emergency Management Agency, advising Centerville that legislation previously passed by Council does meet Federal requirements, that Centerville has been accepted into the National Flood Insurance Program into the regular phase of the program. Additional Flood Insurance Coverage is available to those residing in the Flood Plain area. This is the completion of efforts began in 1973-74.

Notification has been received from the State of Ohio, Department of Highways, that a portion of State Route 48, Main Street, will be repaired and resurfaced in 1982.

A finding has been made concerning the Marco Lane Drainage Assessment project. The referee has found that the drainage structure across State Route 48 is a bridge, thus the County will have to pay the cost of repair and replacement. It was also found that the cost of the assessment exceeds the benefit, therefore, it was recommended that the petition be dismissed.

Upon question of Mr. Sweetman, Mr. Farquhar reviewed the status of the Bethany Lutheran Annexation Petition; a motion has been filed for an Order dismissing the case because the Appellant failed to file its Brief within the required period of time, nor did the Appellant request an extension for transmitting its record for appeal. If the Court rules in the City's favor, Centerville can proceed with the annexation procedure.

TIBBETTS HARDWARE HOME CENTER

Mr. Kenning reviewed the Planning Commission Meeting held November 24, 1981. Mr. Schwab reviewed a Site Plan Amendment for Tibbetts Hardware Home Center proposed to be located in the Centerville Place Shopping Center, 1031 South Main Street. Tibbetts has requested the addition of outdoor storage and retail sales areas in the vicinity of the store area: outdoor sidewalk sales area in front of the building, and a fenced area in the rear of the building to store bulky materials which will not easily store inside. Also proposed is the parking of two trailers outside the fenced area to be used for storage. The Planning Commission recommended approval of this Site Plan Amendment subject to the following conditions:

1. The outdoor sidewalk sales area shown in front of the store not be permitted.

2. The two trailers be located at the rear of the store as shown on the Site Plan. The deletion of a sufficient number of parking spaces to accommodate proper traffic circulation around this location to be approved by the City Planner.

3. The gate area in the fenced area is to be relocated to the satisfaction of the Washington Township Fire Department.

Mr. Phil Tibbetts, owner of the Hardware Center, was present to explain his proposal. He advised that the gate area has been worked out to the satisfaction of the Fire Department. Mr. Tibbetts reinforced his need for storage in the fenced area and in the trailers. Concerns were expressed by Council relative to the parking of the trailers in the rear of the building outside the fenced area, to a precedent being set for future requests in the same area, and the suggestion was made to locate the trailers off site. Mr. Tibbetts advised that the trailers were very necessary for his business and they must be located in a secure area. His proposal is agreeable with the property owner and surrounding business occupants.

Mr. Singer moved to approve the Site Plan Amendment for Tibbetts Hardware Home Center subject to the recommendations of the Planning Commission and eliminating the trailers outside the fenced area. Mr. Sweetman seconded the motion. Mr. Tibbetts emphasized his need for extra space to operate his business, there is no other space available in the Shopping Center. He would agree to a time limit for the parking of the trailers in order to find other alternatives. Following further discussion, Mrs. Heintz moved to amend the previous motion to increase the fenced area to

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a total size of 51 x 50 feet to allow for the parking of the trailers in this fenced area. Mr. Singer seconded the motion. A roll call vote resulted in four nays against the motion; Mr. Singer, Mrs. Heintz and Mayor Stone voted yes. Mrs. Heintz moved to amend the Main motion to permit the trailers to be parked outside the fenced area until April 15, 1982, at which time they must be removed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. The roll call vote on the Main motion resulted in six ayes in favor of the motion; Mrs. Lake voted no. Mayor Stone read the motion which stands as follows: Council moved to approve the Site Plan Amendment for Tibbetts Hardware Home Center subject to the recommended conditions of the Planning Commission, the trailers parked outside the fenced area must be removed by April 15, 1982.

Mr. Siler, Chairman of the Council Finance Committee, advised that Meetings continue, to review the proposed Budget for 1982 and the Capital Improvement Program for 1982-86. The next Meeting is scheduled for Saturday, December 12, 1981 to begin at 8:30 A.M. at the South Suburban Conference Room. Mayor Stone thanked everyone for their involvement and attendance at these Meetings.

Mayor Stone recognized Senator Charles Curran present for this Meeting.

RESOLUTION NUMBER 43-81 INTERNAL SERVICE/REVOLVING FUND

Mr. Kenning reviewed a proposed Resolution which represents the first step to establish a front loaded depreciation vehicle purchase fund for the City of Centerville. Mr. Siler sponsored Resolution Number 43-81, A Resolution Establishing An Internal Service/Revolving Fund, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 30-81 COMMUNITY FISCAL ANALYSIS COMMITTEE

Mr. Singer moved that Ordinance Number 30-81, An Ordinance To Appoint Wilma Karl To The Community Fiscal Analysis Committee For The City Of Centerville, Ohio, And Establishing A Term Of Office, be set for Public Hearing on December 28, 1981. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 44-81 GARBAGE AND REFUSE DISPOSAL DISTRICT

Mr. Kenning reviewed a proposed Contract between the City of Centerville and the Montgomery County Board of Commissioners relative to Centerville's membership in the Montgomery County Garbage and Refuse Disposal District. Nearly all Municipalities in Montgomery County have executed this document. Mr. Sweetman sponsored Resolution Number 44-81, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Board Of County Commissioners Of Montgomery County, Ohio, For Waste Disposal Services Through The City Of Centerville's Membership In The Montgomery County Garbage And Refuse Disposal District, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Singer abstained.

RESOLUTION NUMBER 45-81 PUBLIC DEFENDER

Mr. Kenning reviewed a proposed Contract between the City of Centerville and the Montgomery County Public Defender Commission to provide legal counsel to indigent persons charged with violations of the City's Municipal Code. Cost not to exceed \$3,072.00 in 1982. Mrs. Heintz sponsored Resolution Number 45-81, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Council To Indigent Persons Charged With

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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, 1982 And Terminating On December 31, 1982, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Happy Holidays to all was wished by the City Staff through Mr. Kenning, and City Council through Mayor Stone.

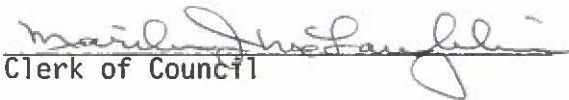
Mayor Stone announced the next Meeting of Council, Monday, December 28, 1981.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:


Clerk of Council