

DAYTON LEGAL BLANK CO. 10144

Held February 4, 19 80

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, February 4, 1980 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Nicholas Rachford, Chaplain for City Council and the Pledge of Allegiance to the Flag with Mayor J. V. Stone presiding. Councilmembers and City Staff present were as follows:

Councilmembers Jeffrey Siler
 Russell Sweetman
 Shirley Heintz
 James Singer
 Leonard Stubbs
 Clerk of Council Marilyn McLaughlin
 City Manager Darryl Kenning
 City Planner Alan Schwab
 City Engineer Karl Schab
 Director of Finance William Bettcher
 Chief of Police William Randolph
 Municipal Attorney Robert Farquhar
 Assistant City Manager Joseph Minner

Mayor Stone advised that Deputy-Mayor Nora Lake was in Washington, D.C., thus her absence from this Meeting. Mr. Singer moved that Mrs. Lake be excused from this Meeting. Mrs. Heintz 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 - January 21, 1980.
 Council Work Session Meetings - January 21, 1980.
 - January 28, 1980.

Mr. Stubbs 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.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control of an Application for the transfer of a C1 and C2 Permit to Fulmer Supermarkets Inc. from Fisher Foods Inc. for 261 East Alexandersville-Bellbrook Road.

Mayor Stone advised that his Annual Report for 1979 will be given on Monday, February 18, 1980, during that Council Meeting.

Mayor Stone reviewed two Meetings he attended of the I-675 Task Force, a committee composed of representatives from Townships and Municipalities in the I-675 corridor. The purpose of this committee is to maintain the primacy of I-675 as originally designed to be built in this corridor. He has also attended an organizational meeting of the TCC sub-committee for I-675 alternatives, said committee to study alternatives to be placed in the I-675 corridor if the highway is not constructed.

Mayor Stone reviewed the organizational meeting held of the Community Task Force Committee and announced their next meeting scheduled for February 7, 1980 to be held at the Walton House; agenda items being Township and City government and the history of our community. There will also be a Citizens for Cooperative and Responsive Government Committee meeting on Wednesday, February 6, 1980 to begin at 7:30 P.M. at Fire Station, Number 4.

Mayor Stone introduced Senator Charles Curran present at this Council

Held February 4, 1980 continued 19

meeting.

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

To date, 27 electrical, heating, ventilating and air conditioning Contractors have been registered to do work in the City of Centerville, this is in accordance with a recent amendment to the Centerville Municipal Code.

The Cable TV system is approximately 95 percent built, with a market penetration of approximately 35.3 percent in the City of Centerville.

Mr. Kenning briefly reviewed the Police Department Comparative Statistical Data Report for 1975 through 1979.

The Annual Area Artist Series, sponsored by the Centerville Arts Commission begins with a performance on February 17, 1980. Tickets are on sale at various locations in the City of Centerville.

Mr. Sweetman announced the installation of a new service telephone number for Cable TV, being 294-7300.

Mr. Sweetman reminded Centerville residents of the danger with free standing fireplaces being installed improperly or not in accordance with specifications. He suggested that Centerville's Building Inspector be notified so proper inspections will take place.

Mr. Siler read a Proclamation issued by Mayor Stone, designating March 10 through 15, 1980 as "Bow! Down Arthritis Week" in Centerville.

THIRD NATIONAL BANK

Mr. Kenning reviewed the Planning Commission Meeting held January 29, 1980. Mr. Schwab explained the Site Plan for Third National Bank, proposed to be located south of Spring Valley Road, west of State Route 48 and just east of the Centerville Municipal Building. The Plan includes 28 parking spaces and two curb cuts onto Spring Valley Road. The Planning Commission unanimously recommended approval of this Site Plan with the following conditions: 1. Right-of-way 43 feet from centerline of Spring Valley Road be dedicated to the City along the front of the property, 2. Spring Valley Road be widened along the front of the property with 20 feet of pavement from the centerline plus a 2 foot berm, 3. Provide an improved radius to the western side of the westernmost curb cut on Spring Valley Road, 4. Construct a curb along the entire southern property line to eliminate traffic flow between the bowling alley and the bank drive in the window area and curved into the eastern line of vegetation, 5. The applicant submits an amended storm drainage plan approved by the City Engineer, and 6. No signage approval as part of this approval. The eastern curb cut will be limited to exit only and so restricted by signage. Mr. Sweetman expressed concern with the width of this curb cut being only 8 feet and restricted to exit by signage only. He believes it will be used for both directions unless a restricting barrier is used. Upon question of Mr. Sweetman, Mr. Schab reviewed how water drainage will be taken care of through improvements made to this particular property. Mr. Sweetman encouraged the installation of curb along Spring Valley Road in front of this property to correspond with that placed in front of the Centerville Municipal Building. Mr. Singer moved that the Site Plan for Third National Bank be approved subject to the conditions recommended by the Planning Commission. Mayor Stone seconded the motion. Discussion followed concerning the design of the easternmost curb cut: widen and change the radius to provide a two way cut, eliminate it or limit it to a right-out only through the installation of a restricting barrier. Mr. Sweetman recommended that the Developer be encouraged to enhance the property in question by installing a curb along Spring Valley Road. A roll call vote on the motion resulted in four nays against; Mr. Siler abstained and Mr. Singer voted yes. Council concurred that this Site Plan

Held February 4, 1980 continued 19

be referred back to the Planning Commission with the concerns of Council.

Senator Charles Curran reported on the status of two bills before the State Legislature suggested to him by the City of Centerville.

Mr. Will Frazee, 26 East Ridgeway Road and 146 West Franklin Street, appeared before Council concerning the proposed amendment to the Architectural Preservation District Ordinance. He views this new proposal as totally different from the original concept of the AP District, it brings back old requirements contained in the Zoning Ordinance.

SHELL OIL COMPANY

The Public Hearing was held concerning the Appeal filed by Shell Oil Company against a decision of the Board of Architectural Review rendered during their Meeting held December 4, 1979 concerning a sign located at the southeast corner of Main and Franklin Streets. Mr. Minner reviewed the Board of Architectural Review's decision not to permit this existing free standing sign to revolve. He advised that the sign in question was voluntarily stopped following discussion with the City Building Inspector and agreed to by Stagecoach Shell in March 1975, per direction of the Board of Architectural Review. The current Application was denied based upon the requirement in the present Ordinance, that no signs shall have moving parts.

Mr. Harry Ebeling, Attorney for Shell Oil Company, reviewed the construction of the Shell Station and the present sign erected in 1969. He advised that the operator, in 1975, stopped the sign from rotating upon request of the City of Centerville. The most recent operator desires the sign to rotate and effected this in 1979 prior to obtaining a permit from the City to do so. An Application was then submitted and denied by the Board of Architectural Review, thus this Appeal to City Council. Mr. Ebeling further pointed out the fact that this is a Shell Station, the dealer stopped the sign from rotating, not Shell, it was stopped upon request of the City without official action of the Board of Architectural Review and Shell wants the sign to rotate.

Mr. Singer questioned quality control over operations of operators while ownership is maintained. He finds it inconsistent that Shell did not know the sign was not rotating.

Mr. Stubbs questioned the value in a rotating sign.

Mr. Robert Perkins, Chairman of the Board of Architectural Review, explained that the Board's decision was based upon the fact that the sign has not been in accordance with the Ordinance and practices for a number of years. The sign has been stopped for over two years, ownership has changed, and no complaint has been received from Shell in the past four years. He believes the stationary sign is in the best interest of the Community. He sees no danger to the business without a rotating sign.

Mr. Farquhar pointed out there is a question of fact to be determined by Council as to whether there has been a voluntary discontinuance in the use of the sign for a period of four years, considering that the people discontinuing the use of the sign were in possession of the property at that time and that who was in possession for a period of four years discontinued the use and that no complaint from Shell was received during this time.

Mr. Stubbs moved that the Appeal filed by Shell Oil Company concerning the sign located at the southeast corner of Main and Franklin Streets be denied and that Council affirm the decision of the Board of Architectural Review. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman abstained.

Held

February 4, 1980 continued

19

EVAN NYER CONDITIONAL USE

The Public Hearing was held concerning the Conditional Use Request filed by Evan Nyer for property located at the southwest corner of West Franklin Street and Virginia Avenue. Proposed is a Residential Office in a R-3 zoned district. Mr. Schwab reviewed this Request; the Plan includes five parking spaces which exceeds the requirement of the Zoning Ordinance, and screening is required from adjacent residential properties. The Applicant is proposing to remove the curb cut on West Franklin Street and relocate it on Virginia Avenue near the south property line. Planning Commission recommended approval of this Conditional Use subject to a redesign of the parking area to provide a better circulation pattern and to direct parked cars away from adjacent properties, and subject to a more detailed screening plan.

Mr. Nyer reviewed his proposed use, approximately 1200 square feet will be utilized by perhaps six offices, non of which will produce much traffic.

Upon question of Mr. Carl Brooks, 25 Virginia Avenue, adjacent property owner, the location of the drive and uses in the building were clarified, the offices will be utilized by Manufacture Representatives. Mr. Schwab reviewed permitted uses for adjacent properties under R-3 zoning regulations.

Mr. Siler moved that the Conditional Use Request filed by Evan Nyer for the property located at the southwest corner of West Franklin Street and Virginia Avenue, be granted. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

The Public Hearing was held concerning Community Development Block Grant Funds. Mr. Minner reviewed Centerville's participation in this program and outlined projects eligible for funding. He solicited comments from citizens in the attendance.

ORDINANCE NUMBER 1-80 ARTS COMMISSION

The Public Hearing was held concerning Ordinance Number 1-80. Mr. Sweetman sponsored Ordinance Number 1-80, An Ordinance Appointing Lydia Hausman As A Member Of The Arts Commission For The City Of Centerville, Ohio, And Establishing A Term Of Office, 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 2-80 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 2-80. Mr. Stubbs sponsored Ordinance Number 2-80, An Ordinance Appointing Robert Chappell As A Member Of The City Planning Commission For The City Of Centerville, Ohio, And Establishing A Term Of Office, 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 3-80 WEED CONTROL

Mr. Sweetman moved that Ordinance Number 3-80, An Ordinance Amending Chapter 921 Of The Centerville Municipal Code To Require Property Owners To Keep Their Properties Free Of Offensive Weeds, Vines And Grass, be set for Public Hearing on February 18, 1980. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Held February 4, 1980 continued 19

ORDINANCE NUMBER 4-80 CIVIL PREPAREDNESS PLAN

Mr. Singer moved that Ordinance Number 4-80, An Ordinance To Enact Chapter 150 And Sections 150.01 Through 150.09 Of The Codified Ordinances Of This City Which Provides For Adoption Of A Civil Preparedness Plan And Which Grants Certain Civil Emergency And Disaster Powers To A Civil Preparedness Director, be set for Public Hearing on February 18, 1980. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

GREENBRIER COMMONS SECTION TWO

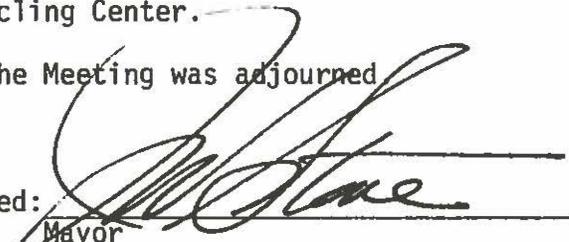
Mr. Kenning reviewed the recommendation of the City Engineer that the Performance Bond posted on Greenbrier Commons, Section Two, be reduced from \$42,200.00 to \$8,440.00, which is approximately 20% of the original amount. Nearly all items shown on the construction drawings are in place. Mr. Sweetman moved that the Performance Bond posted on Greenbrier Commons, Section Two, be reduced from \$42,200.00 to \$8,440.00. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES SECTION ELEVEN

Mr. Kenning reviewed the recommendation of Mr. Schab concerning Rose Estates, Section Eleven, that the Performance Bonds posted on Rose Estates, Section Eleven, be released subject to the receipt of a Maintenance Bond in the amount of \$2,930.00 to cover sidewalks, street construction and storm sewers. The Bond had been posted in two parts: one in the amount of \$52,500 for storm sewer and road construction, the other being \$6,100.00 for sidewalks. All items shown on the construction drawings are now in place. Upon question of Mr. Sweetman, Mr. Schab advised that all damaged concrete panels in this Section have been repaired and all sidewalks have been constructed. Mr. Sweetman moved that the Performance Bonds posted on Rose Estates, Section Eleven, be released subject to the receipt of a Maintenance Bond in the amount of \$2,930.00 to cover sidewalks, street construction and storm sewers. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs complimented the Centerville-Bellbrook Times for the fine article concerning the Centerville Recycling Center.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:


Clerk of the Council