

DAYTON LEGAL BLANK CO. 19144

Held June 16, 19 80

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, June 16, 1980 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Mayor J. V. Stone 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 Jeffrey Siler
 - James Singer
 - Shirley Heintz
 - Russell Sweetman
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- 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
- Assistant City Manager Joseph Minner

Mayor Stone advised that Council^{man} Leonard Stubbs was out of town, thus his absence from this Meeting. Mrs. Lake moved that Mr. Stubbs 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 Council Work Session Meetings held June 2, 1980 and June 9, 1980 had been distributed prior to this Meeting. Mayor Stone moved that the Minutes of the before-mentioned 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 D-5 Permit from Thompson Hannaford, a Partnership, to James E. Kelley, DBA Don and Phils Stable, 877 East Franklin Street. No objections were indicated by City Council.

Mr. Kenning reported the following during his City Manager's Report:
 The Centerville-Washington Township Chamber of Commerce has for sale City of Centerville flags at a price of \$32.75 each.
 Volunteer work continues on the Wright House.

The Police Department Activity Report for the month of May was briefly reviewed.

The Community Fiscal Analysis Committee met June 12, 1980. The Committee has organized into subcommittees. The next Meeting of the full membership will be held July 17, 1980 in the Community Room.

ZONING ORDINANCE AMENDMENT PERFECT REAL INVESTMENT REZONING

The Public Hearing was held concerning An Ordinance Amending Ordinance Number 15, Dated December 11, 1961, The Zoning Ordinance, By Rezoning 63.3 Acres More Or Less, From EC And I1 Classification To Centerville B2 And R4 Classification. Mr. Schwab reviewed this rezoning requested by Perfect Real Investment Company, Beekman Manufacturing Corporation and Nelson Malloch for property located along the north side of State Route 725, approximately 585 feet east of the intersection of Loop Road with State Route 725. He located the property on a map and reviewed the history of zone changes of this land during previous years. Slides were shown detailing the topography of the

Held

June 16, 1980 continued

19

land in question. The Planning Commission recommended approval of this rezoning request to Council as submitted by the Applicant, and agreed with City Staff that the City initiate a rezoning for a small sliver of land lying between this property and Loop Road to reflect B2 and R4 zoning of adjacent land.

Mr. Robert Archdeacon, Woolpert Consultants and representing the Applicants, reviewed their request. This rezoning would eliminate some EC zoning as planned by the City Staff. As proposed, the business zoning will be concentrated on the flat portion of the land utilizing the hillside and valley area for a residential multi-family condominium type development. The same basic street pattern would be maintained as previous planned. A lake is proposed for the bad soil and poor drainage area to serve as a retention basin surrounded by residential development.

Mrs. Lake wondered if perhaps the Applicants would be amenable to R2 zoning instead of R4, to EC rather than B2 and whether any of the area was a potential flood hazard area. Mr. Archdeacon advised that the area is not in the flood hazard, he sees no problem with the handling of storm drainage. The Applicants would agreed to widening the channel from Marshall Road to the lake if proper approval can be secured from the State of Ohio. Mr. Archdeacon compared this lake to the one at Paragon Road and State Route 725 in Oak Creek South, the elevation of the lake being lower than the channel feeding into it.

Mr. Victor Green, Mills Wright Incorporated and representing the Applicants, explained their request for B2 rather than EC to eliminate development costs involved in construction under EC requirements. He pointed out the fact that Alexandersville-Bellbrook Road will be improved by the addition of one land for the entire length of the subject property, this construction being very costly and not necessarily an advantage to the developer, thus he sees no need for additional costs for an interior roadway. The interior roadway would also narrow the B2 zoned area to make development and adequate parking very difficult. Mr. Green reviewed future development plans for the R4 zoned area under perhaps a PUD Plan. Mr. Siler expressed concern with drainage if the B2 zoned area is constructed prior to the lake. Mr. Schab advised that the environmental swale constructed in the Black Oak Forest area was projected to carry the anticipated flow of water from developments to the north.

Upon question of Mrs. Lake, Mr. Farquhar advised that curb cuts along State Route 725 could be limited through deed restrictions and that the access road requirement under EC zoning could be waived. Mr. Green explained the fact that it is the intent of the Applicants to use one central drive as the entrance into the entire development. Mrs. Lake moved that this matter be tabled for a Council Work Session Meeting to develop restrictions limiting curb cuts. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Heintz abstained.

ORDINANCE NUMBER 36-80 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 36-80. Mrs. Lake Sponsored Ordinance Number 36-80, An Ordinance Appointing Melba Eichinger As A Member Of The City Beautiful 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.

BUDGET 1981

Mr. Singer moved that the Tax Budget for the City of Centerville for year 1981 to be submitted to the Montgomery County Budget Commission be set for Public Hearing on July 7, 1980. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

DAYTON LEGAL BLANK CO. 10/74

Held _____ June 16, 1980 continued _____ 19____

RESOLUTION NUMBER 33-80 REFUSE PACKER

Mr. Kenning reviewed a proposed Resolution requesting the Director of Finance to certify to Council the estimated life of one refuse packer at least five years. Mr. Sweetman sponsored Resolution Number 33-80, Resolution Requesting Fiscal Officer To Certify Maximum Maturity Of Bonds And Notes, 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 37-80 RUFUSE PACKER

Mr. Siler sponsored Ordinance Number 37-80, An Ordinance Providing For The Issuance Of \$72,150 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Acquiring A 1980 Refuse Packer Truck And Radio, And Declaring An Emergency, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 38-80 PERSONNEL

Mr. Kenning reviewed a proposed Ordinance to place Service Department employees under the present Personnel Ordinance for the City of Centerville. Mr. Singer sponsored Ordinance Number 38-80, An Emergency Ordinance To Amend Ordinance Number 65-79, The Personnel Ordinance, In Certain Respects And To Repeal Ordinance Number 15-80 In Its Entirety, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 39-80 PERSONNEL

Mr. Singer moved that Ordinance Number 39-80, An Ordinance To Amend Ordinance Number 65-79, The Personnel Ordinance, In Certain Specific Respects And To Repeal Ordinance Number 15-80 In Its Entirety, be set for Public Hearing on July 7, 1980. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 34-80 APPRECIATION

Mayor Stone read Resolution Number 34-80, A Resolution Of Appreciation For The Services Of Shirley M. Althoff. Mr. Siler sponsored Resolution Number 34-80, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

WALNUT HILLS ESTATES SECTIONS 1A, 1B & 2

Mr. Kenning reviewed the recommendation of the City Engineer to extend the Subdivider's Agreement of Sections 1A, 1B and 2 of Walnut Hills Estates an additional six months, to September 20, 1980. Mr. Sweetman moved to extend the Subdivider's Agreement on Sections 1A, 1B and 2 of Walnut Hills Estates as per specified in the memo from the City Engineer and City Manager dated June 12, 1980. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Stone left the Meeting at this time due to a professional relationship with parties involved in the following agenda items; Mrs. Lake presided.

RESOLUTION NUMBER 35-80 CLYO ROAD

Mrs. Heintz sponsored Resolution Number 35-80, A Resolution Accepting The Terms Of A Temporary Right Of Way Agreement And Authorizing Payment Therefore As Therein Provided, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Held June 16, 1980 continued 19

RESOLUTION NUMBER 36-80 CLYO ROAD

Mr. Sweetman sponsored Resolution Number 36-80, A Resolution Accepting The Offer To Sell Real Estate To The City Of Centerville Made By Willard Nearing And Marjorie Nearing, Husband And Wife And Authorizing Payment Therefore, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 37-80 CLYO ROAD

Mr. Sweetman sponsored Resolution Number 37-80, A Resolution Accepting The Offer To Sell Real Estate To The City Of Centerville Made By Willard Nearing And Marjorie Nearing, Husband And Wife And Authorizing Payment Therefore, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 38-80 CLYO ROAD

Mrs. Heintz sponsored Resolution Number 38-80, A Resolution Accepting The Offer To Sell Real Estate To The City Of Centerville Made By DOT Investment Company, An Ohio Partnership, Acting Through Charles Clark, Sr., Charles Clark, Jr. And Barry Clark, And Authorizing Payment Therefore, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 39-80 CLYO ROAD

Mr. Singer sponsored Resolution Number 39-80, A Resolution Accepting The Offer To Sell Real Estate To The City Of Centerville Made By Willard And Jo Ann Wilson, Husband And Wife And Authorizing Payment Therefore, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Stone returned to the Meeting at this time.

Upon question of Mr. Sweetman, Mayor Stone reviewed the status of the construction of I-675. The City of Centerville as well as four other government entities have submitted an alternate highway to be constructed through the I-675 corridor, this submission has been to a Subcommittee to ultimately be submitted to the TCC. Mayor Stone stressed the importance of citizens of Centerville making their intentions known to the Federal Government concerning the future of I-675. Mr. Sweetman expressed dissatisfaction with action taken by the Federal Government concerning this roadway and applauded Mayor Stone for his efforts in behalf of the south suburbs.

ORDINANCE NUMBER 40-80 BOARD OF ARCHITECTURAL REVIEW

Mr. Singer moved that Ordinance Number 40-80, An Ordinance Appointing Phyllis 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 July 7, 1980. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Singer, making reference to a letter received from Mr. Elgin Arave, 174 Martha Avenue, requested that the Centerville City Staff prepare a complete response to Mr. Arave's correspondence. Mr. Arave recognizes taxation in the State of Ohio as "taxation without representation" and wonders what can be done.

RECORD OF PROCEEDINGS

421

Minutes of

Meeting

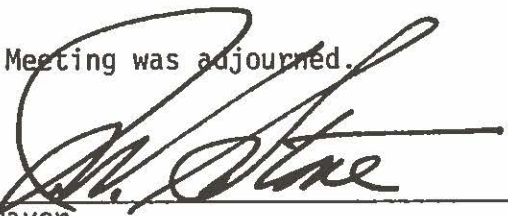
DAYTON LEGAL BLANK PD. 19134

Held June 16, 1980 continued 19

Mrs. Heintz cited a problem of motor bicycles turning certain areas into raceways. Mr. Kenning reviewed the procedure by which controls could be obtained. Data is currently being gathered for the drafting of legislation for this purpose.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of the Council