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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 18, 1980 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman Leonard Stubbs and the Pledge of Allegiance to the Flag with Mayor J. V. Stone presiding. Councilmembers and City Staff present were as follows:

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

Mayor Stone advised that Deputy-Mayor Nora Lake was out of town, thus her absence at this Meeting. Mr. Siler moved that Mrs. Lake be excused from this Meeting. Mr. Singer 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 August 4, 1980 and August 11, 1980 had been distributed prior to this Meeting. Mr. Singer moved that the Minutes of the above mentioned Meetings be approved, as distributed. Mrs. Heintz seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mayor Stone abstained on the Minutes of the August 4, 1980 Meeting.

Mrs. McLaughlin announced the receipt of a letter of resignation from Community Joint Task Force Committee Member Edward Nicholson. Mayor Stone asked for nominations for Mr. Nicholson's replacement.

Mayor Stone gave a status report on Centerville's search for a Sister City. There have been communications with the Mayor of Waterloo, Ontario in Canada; with the Burgermeister of Bad Zwischenahn in Germany; and with the Burgomaster and City Manager of DeBilt, a City in Holland.

Mr. Sweetman read a Proclamation issued by Mayor Stone, designating September 8, 1980 as National Cancer Day in the City of Centerville.

Mr. Kenning reviewed the following during his City Manager's Report: The Activity Report for the Police Department for the month of July, 1980 was briefly reviewed. Response time continues to meet Centerville's goal, that being six minutes on all calls, 3 minutes on emergency calls.

Mr. Kenning reviewed progress being made on the Risk Management Program, a project of the Miami Valley Cable TV Council. The Program should be ready to begin during the month of September, 1980.

Mr. Kenning explained the joint police selection process, another project of the Miami Valley Cable TV Council. The report should be ready for implementation before the end of August, 1980.

Mr. Kenning reviewed results of a survey made of residents in the Centerville Plat concerning the routing of RTA buses on the street where they reside. 39 survey cards were mailed, 28 were returned representing a return of 72 percent. Of the 28 returned 22 were in favor of the route

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as it currently exists, this represents 79 percent of those returned or 56 percent of the total questionnaires mailed. Alice and Marvin Dworkin, 9353 Stephanie Lane; Vi Ong, 9207 Shawhan Drive; Ray Hartman, 9345 Shawhan Drive; Dr. Robert Ferrar, 391 Rose Lake Drive; Judy Billing, 9082 Mary Haynes Drive; and Mrs. Bessie Dieker, 9216 Shawhan Drive outlined the following reasons for the route to remain unchanged: riding the RTA bus reduces gas and parking expenses to and from place of employment; cuts down on vehicular traffic and reduces number of potential accidents; it is more convenient and less costly to catch bus in residential plat rather than driving to a bus stop; bus drivers are highly qualified, perhaps more qualified than school bus drivers traveling residential streets; pollution is not a problem with the RTA buses; property values are enhanced; college students now have transportation to and from school; bus service decreases congestion and increases safety; the streets currently being used for the route are extra wide; and Dr. Ferrar moved to Centerville because of the RTA system. Mrs. Charles Herbst, 9391 Sheehan Road; and Larry and Diane Ellis, 9384 Bonnie Ann Place offered their opposition to the bus route because of the danger to children while playing and waiting for the school bus; buses tear up the asphalt streets; buses have difficulty in making turns in the residential plat; bus stop creates more trimming while cutting grass; if trucks are not permitted on residential streets neither should buses be permitted; and Mr. Ellis offered concern with liability, if someone is injured on his property while waiting at the bus stop. Mayor Stone advised that City Council will take all comments into consideration.

Mr. Stubbs announced the Council Finance Committee Meeting scheduled for Thursday, August 21, 1980 to begin at 7:30 P.M. in the South Suburban Annex Building on South Suburban Road. Topic of discussion will be the Capital Improvement Program for 1981-1985.

Councilman Jeffrey Siler left the Meeting at this time due to a potential conflict of interest.

OHIO MIDWEST DEVELOPMENT CORPORATION VARIANCE APPLICATION

The Public Hearing was held concerning an Appeal filed by Ohio Midwest Development Corporation against a decision rendered by the City Planning Commission during their Meeting on June 24, 1980 concerning a Variance Application to permit the erection of an advertising sign off site. Mr. Schwab reviewed this off site advertising sign located along the north side of Alexandersville-Bellbrook Road just east of Olde Greenbrier Lane at the entrance into the Greenbrier Commons Condominium complex. The sign is situated within the required set-back from Alexandersville-Bellbrook Road within the thoroughfare right-of-way and occupies property not owned by the Condominium Association. The sign meets all other requirements of the City of Centerville. The Planning Commission offered concern with the fact that, if Alexandersville-Bellbrook Road is widened, the City would be responsible for damages to the sign, to removing it or relocating the sign. The Commission requested that a private easement be obtained from the property owner to permit this sign to remain in its present location. This Application was denied by the Planning Commission due to the fact that no representative was present at any Meeting to satisfy the concerns of the Planning Commission and due to the fact that the sign was erected without first obtaining the necessary permits.

Mr. Thomas Martin, Attorney representing the Applicant, explained circumstances leading to the erection of the subject sign without the required permits. He advised that the Applicant is aware that the sign is located within the proposed right-of-way for State Route 725 and that if this roadway is widened the sign must be removed at no cost to the City of

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Centerville. An easement has been executed between Ohio Midwest Development Corporation, Ralph Woodley and co-executors of the estate of Paul Moody to provide for the location of the sign on the Woodley/Moody property. Mr. Martin further stated that the signage currently on the brick wall at the entrance into the Greenbrier Commons Condominium complex will be removed and substituted by the subject sign.

Mrs. Heintz moved that Council approve the Appeal submitted by Ohio Midwest Development Corporation to permit the location of a sign as indicated on the Variance Application, subject to the Ohio Midwest Development Corporation being responsible for moving the sign back if and when the right-of-way of Alexandersville-Bellbrook Road is widened, that the sign be maintained by Ohio Midwest Development Corporation, that said sign be moved at no cost to the City of Centerville and subject to the present signage on the brick entrance walls being removed by the Ohio Midwest Development Corporation. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Siler returned to the Meeting at this time.

ORDINANCE NUMBER 44-80 BOARD OF ARCHITECTURAL REVIEW

The Public Hearing was held concerning Ordinance Number 44-80. Mr. Sweetman sponsored Ordinance Number 44-80, An Ordinance Appointing James T. Reppert As A Member Of The Board Of Architectural Review For The City Of Centerville, Ohio, And Establishing A Term Of Office, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

BIGGER PLAT SECTION ONE

Mr. Schwab reviewed the Record Plan submitted for Bigger Plat, Number One, a 1.7 acre tract of land located along the north side of Thomas Paine Parkway and east of Bigger Road. In accordance with a recommendation of City Council, this Record Plan was amended to Bigger Plat, Section One, and includes the acreage located at the northeast corner of Thomas Paine Parkway and Bigger Road. The set back on Thomas Paine Parkway should be increased to 35 feet and it has been limited to one driveway access to Bigger Road from Lot Number 2; said driveway access being limited to the area between 180 feet to 320 feet south of the northwest corner of Lot Number 2. City Staff recommended that the following be added to the covenants and restrictions for said Plan: "Any future lots with frontage on Bigger Road resulting from divisions of Lot Number 2 shall be restricted to the above described single access driveway to Bigger Road. Amendment, waiving or removal of this covenant shall require the approval of the City Council of Centerville, Ohio." The State of Ohio recommended that the following be added to the Record Plan to make future land owners aware of the potential right-of-way situation along Bigger Road: "Understanding that a recent negative decision by the U.S. Secretary of Transportation on the construction of I-675 greatly reduces the possibility of I-675's future construction, all persons shall be aware that the current construction drawings for I-675 would require additional right-of-way from Lot Number 2 along Bigger Road and any direct access to Bigger Road from Lot Number 2 would be prohibited." Mr. Farquhar suggested that the above recommendation be changed to include "in the event the State purchases said right-of-way they may also have the right to prohibit access to Bigger Road. City Staff also recommended that construction of the access driveway prior to the existence of two northbound lanes for through traffic on Bigger Road should require the construction of additional pavement along Bigger Road for deceleration and acceleration to and from said driveway. The City of Centerville Engineer should approve the design of this acceleration and deceleration pavement.

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Mr. Norman Fear, Real Estate Broker with Mills and Wright Realtors, expressed his concern with the recommendation of the State of Ohio. Mr. Farquhar clarified the fact that limited access would be negotiated with the State of Ohio if and when it becomes necessary along Bigger Road. Mr. Fear reemphasized the fact that no other improvements would be necessary with approval of this Record Plan. Mr. Sweetman moved that the Record Plan for Bigger Plat, Section One, be approved, Plan dated August 1980, subject to the minimum building setback line on Thomas Paine Parkway being changed to 35 feet and subject to the following restrictions being added to the Covenants and Restrictions for said Plat:

Any future lots with frontage on Bigger Road, resulting from divisions of Lot Number 2, shall be restricted to the above described single access driveway to Bigger Road. Amendment, waiving, or removal of this covenant shall require the approval of the City Council of the City of Centerville, Ohio.

Understanding that a recent negative decision by the United State Secretary of Transportation on the construction of I-675 greatly reduces the possibility of I-675's future construction, all persons shall be aware that the current construction drawings for I-675 would require the State of Ohio to purchase additional right-of-way for I-675 along Bigger Road within the boundaries of this Record Plan, and in the event the State purchases said right-of-way they may also have the right to prohibit access to Bigger Road.

Construction of the access driveway prior to the existence of two northbound lanes for through traffic on Bigger Road shall require the construction of additional pavement along Bigger Road for deceleration and acceleration to and from said driveway. The City of Centerville City Engineer shall approve the design of this acceleration and deceleration pavement.

Mr. Singer seconded the motion. A roll call resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 44-80 ARTS AND CULTURAL DISTRICT

Mr. Kenning reviewed a proposed Resolution to create the Dayton-Miami Valley Regional Arts and Cultural District. The same type legislation has been passed by Montgomery County and is being considered by other municipalities. Mr. Siler sponsored Resolution Number 44-80, A Resolution Creating The Dayton-Miami Valley Regional Arts And Cultural District, 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 45-80 STREET LIGHTS

Mr. Sweetman moved that Ordinance Number 45-80, An Ordinance To Fix 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, Montgomery County, Ohio, For A Period Of Ten Years, And To Determine A Manner In Which Said Lighting May Be Furnished, Provided And Paid For, be set for Public Hearing on September 15, 1980. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 45-80 INCOME TAX

Mr. Kenning reviewed proposed Resolution Number 45-80 which provides for the transfer of funds from the Debt Retirement Fund to the Street Construction and Maintenance Fund. Mr. Stubbs sponsored Resolution Number 45-80, A Resolution Amending Resolution Number 60-79 And Reallocating Income Tax Receipts Among The General Fund, Capital Improvements Fund, Debt Retirement Fund And The Street Construction And Maintenance Fund Of The City Of Centerville For The Remainder Of Budget Year 1980, and moved that it be

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passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES SECTION TWELVE

Mr. Kenning reviewed the recommendation of the City Engineer for the release of Performance Bonds in Rose Estates Sections Twelve, Thirteen and Fourteen. Roadways, storm sewers and catch basins have been installed according to City specifications. Mr. Schab recommended that the Performance Bond posted on Rose Estates, Section Twelve, in the amount of \$64,000.00 be released, subject to the receipt of a Maintenance Bond of \$3,200.00. Mr. Singer moved that the Performance Bond posted on Rose Estates, Section Twelve, be released, subject to the receipt of a Maintenance Bond in the amount of \$3,200.00. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES SECTION THIRTEEN

Mr. Kenning reviewed Mr. Schab's recommendation that the Performance Bond posted on Rose Estates, Section Thirteen, in the amount of \$46,000.00 be released, subject to the receipt of a Maintenance Bond of \$2,300.00. Mr. Siler moved that the Performance Bond on Rose Estates, Section Thirteen, be released, subject to the receipt of Maintenance Bond in the amount of \$2,300.00. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES SECTION FOURTEEN

Mr. Kenning reviewed the recommendation of Mr. Schab, relative to the release of the Performance Bond on Rose Estates, Section Fourteen, in the amount of \$76,578.00, subject to the receipt of a Maintenance Bond of \$3,830.00. The Performance Bond posted specifically for sidewalks in this Section should be retained. Mr. Stubbs moved that the Performance Bond posted for Rose Estates, Section Fourteen, in the amount of \$76,578.00 be released, subject to the receipt of a Maintenance Bond in the amount of \$3,830.00, the Performance Bond specifically posted for sidewalks remains in force. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs reminded those members of Council interested in attending the Ohio Municipal League Conference in Columbus this September, to notify the Council Finance Committee so that necessary funds can be made available.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:


Clerk of the Council