

DAYTON LEGAL BLANK CO. 1984

Held September 15, 19 80

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 15, 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:

- Deputy-Mayor Nora Lake
- Councilmembers Jeffrey Siler
- Leonard Stubbs
- Shirley Heintz
- James Singer
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- Service Director Richard Bishop
- City Engineer Karl Schab
- Director of Finance William Bettcher
- Chief of Police William Randolph
- Municipal Attorney Robert Farquhar

Mayor Stone advised that Councilman Russell Sweetman was on active duty with the United States Army Reserves, thus his absence from this Meeting. Mr. Siler moved that Councilman Russell Sweetman 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 following Meetings had been distributed prior to this Meeting:

- Council Meetings - August 4, 1980.
- August 18, 1980.
- Council Work Session Meetings - August 18, 1980.
- September 8, 1980.

Mr. Singer moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Stubbs 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 D5 Permit from Bill Sullivan, Inc. to J & R Rockhold, Inc., DBA Bitter End, 6382 Far Hills Avenue in the City of Centerville. Council indicated no objections to this Application.

Meeting
Mayor Stone reviewed a Transportation Coordinating Committee, he attended in the City of Dayton to make a recommendation to the Department of Transportation concerning I-675. The Committee will recommend that I-675 be constructed as originally planned, Alternate A (a step down proposal) and finally Alternate G.

Mayor Stone reviewed a Mayors and Managers Meeting held at the Wright Patterson Air Force Base at which it was recommended that Beggars Night be held Thursday, October 30, 1980 between 6:00 P.M. and 8:00 P.M.

Mayor Stone attended the Community Task Force Committee Meeting held September 11, 1980. Reports have been completed concerning various Departments within local governments. Upon receipt of all reports, a formal presentation will be made to City Council.

Mr. Kenning reviewed the following during his City Manager's Report: He gave a status report concerning the Clio Road improvement project.

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The roadway will be closed to through traffic for approximately two weeks. The Contractor estimates the roadway being essentially completed December 1, 1980.

The railroad crossing on Rahn Road will be upgraded by Conrail during the following two weeks.

The Activity Reports of the Police Department, the Service Department and the Building Inspection Division for the month of August, 1980 were reviewed.

Upon question of Mr. Stubbs, Mr. Kenning reviewed the activity of the traffic signal located at the intersection of Main and Franklin Streets; traffic through the intersection seems to be clearing reasonably well. Mr. Stubbs identified a potential traffic flow problem at Johanna Drive and East Franklin Street; Mr. Kenning will review this situation for adjustment.

ARCHITECTURAL PRESERVATION DISTRICT ORDINANCE

Mr. Kenning reviewed the Planning Commission Meeting held August 26, 1980. The Planning Commission recommended by a 5-0 vote that an Ordinance amending the Zoning Ordinance to establish uses, requirements and procedures in the Architectural Preservation District be set for Public Hearing before Council. Mr. Siler moved that An Ordinance Amending Ordinance Number 15-1961 And Repealing Ordinances Number 80-71, 70-72, 20-73 And 36-79 To Provide For Uses, Requirements And Procedures In The Architectural Preservation District And To Establish A Board Of Architectural Review In The City Of Centerville, Ohio, be set for Public Hearing on November 3, 1980. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESURRECTION EVANGELICAL LUTHERAN CHURCH CONDITIONAL USE

The Public Hearing was held concerning a Conditional Use Request to construct a Church in an Entrance Corridor zoned area. Mr. Kenning reviewed the proposed Application and located the subject property on a map, situated north of East Alexandersville-Bellbrook Road, east of Olde Greenbrier Lane and south of the Greenbrier Condominiums. Proposed is a church to be constructed in three phases with access off Alexandersville-Bellbrook Road. The Planning Commission recommended approval of this Application subject to the following:

1. Parking be located behind the front building line.
2. The planting strip along the east property line be a minimum of 10 feet wide.
3. Sixty feet of right-of-way from centerline of State Route 725 be dedicated to the City.
4. A landscaping plan and storm water drainage plan be supplied at the appropriate time.

Mr. Kenning pointed out the fact that City Staff recommended and Planning Commission discussed that access to the site be restricted to Norwich Lane and screening be added along the rear property line; these two items were not included in Planning Commission's final recommendation. It was further noted that access off Norwich Lane would meet the intent of Entrance Corridor zoning and that E-C requires screening where non-residential abutts residential uses, thus screening to the rear would be required by the Zoning Ordinance.

Mr. Simon Bartzak, Trustee for the congregation, expressed their desire for access from Alexandersville-Bellbrook Road, traffic to and from church should not be during the busy hours of the day. They would prefer screening the parking lot rather than the other area of the property from the residents to the north. Mr. Siler reviewed traffic problems at other church locations throughout the area in anticipation of a curb cut onto Alexandersville-

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Bellbrook Road. He fears additional curb cuts in the area as remaining vacant adjacent land is developed, if access is permitted to Alexandersville-Bellbrook Road at this time. Mrs. Lake supported Mr. Siler's concerns.

June Michael, resident of Greenbrier Commons, indicated her objection to access off Norwich Lane in consideration of traffic and the possibility of additional curb cuts.

Mr. Thomas Martin, Attorney representing Ohio Midwest Development Corporation (Greenbrier Commons), welcomes the church to the area but does object to the potential increase of traffic through condominium complex if access is required off Norwich Lane. However, he does agree that screening is legally required along the north property line.

Marjorie Nausovelli, resident of Greenbrier Commons and a member of the Board of Trustees for the Association, indicated her objection to the access to the church being through the condominium complex. Mr. Schab explained the fact that Norwich Lane has been designed as an access road under Entrance Corridor zoning. Mrs. Heintz suggested that consideration be given to providing an access road along the front of the church property parallel to Alexandersville-Bellbrook Road.

Upon question of Mayor Stone, Mr. Bartzak explained their time schedule and asked for action during this Council Meeting.

Mr. Singer moved that the Conditional Use Application submitted by Resurrection Evangelical Lutheran Church be approved based upon the Site Plan dated July 11, 1980 with the recommendations of the City Planning Commission as follows:

1. Parking be located behind the front building line,
2. The planting strip along the east property line be a minimum of 10 feet wide,
3. Sixty feet of right-of-way from centerline of State Route 725 be dedicated to the City,
4. A landscaping plan and storm water drainage plan be supplied at the appropriate time;

but that the Plan not include access onto Alexandersville-Bellbrook Road, in lieu thereof provide access to the rear of the property and that screening be provided along the rear of the property. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Heintz voted no.

ORDINANCE NUMBER 45-80 STREET LIGHTS

The Public Hearing was held concerning Ordinance Number 45-80. Mr. Kenning reviewed this proposed Ordinance to provide for street lights in the City of Centerville, to fix the price for street lights, and to provide for maintenance of said fixtures. Mr. Stubbs sponsored 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, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 46-80 APPRECIATION

Mr. Siler read and sponsored Resolution Number 46-80, A Resolution Of Appreciation For The Services Of Edward Nicholson, Jr., and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Stone outlined contributions made by Dr. Nicholson to the Centerville community.

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RESOLUTION NUMBER 47-80 APPRECIATION

Mrs. Heintz read and sponsored Resolution Number 47-80, A Resolution Of Appreciation For The Services Of Kenneth F. Dubis, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Stone outlined the services of Mr. Dubis to the City of Centerville.

RESOLUTION NUMBER 48-80 SALT STORAGE FACILITY

Mr. Kenning reviewed a Resolution requesting the Fiscal Officer of the City of Centerville to certify the life of the salt storage facility to be at least five years. Mrs. Lake sponsored Resolution Number 48-80, A 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 46-80 SALT STORAGE FACILITY

Mrs. Lake sponsored Ordinance Number 46-80, An Ordinance Providing For The Issuance Of \$25,000 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying At Maturity A 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. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

BLACK OAK FOREST SECTION ONE

Mr. Kenning reviewed the recommendation of the City Engineer for the release of a Performance Bond posted on sidewalks in Black Oak Forest, Section One, subject to the receipt of a Maintenance Bond to continue for a period of one year. Mr. Siler moved that the Performance Bond posted for sidewalks in Black Oak Forest, Section One, in the amount of \$24,500.00 be released subject to the receipt of a Maintenance Bond in the amount of \$1,000.00. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 47-80 PERSONNEL APPEALS BOARD

Mr. Singer moved that Ordinance Number 47-80, An Ordinance Appointing Charles P. Brown As A Member Of The Personnel Appeals Board For The City Of Centerville, Ohio, To Fill The Unexpired Term Of Kenneth Dubis, be set for Public Hearing on October 6, 1980. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 49-80 COMMUNITY TASK FORCE COMMITTEE

Mr. Siler sponsored Resolution Number 49-80, A Resolution Appointing Bruce Triplett To Fill The Unexpired Term Of Edward Nicholson, Jr., As A Member Of The Community Task Force Committee For The City Of Centerville, Ohio, 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 50-80 MUTUAL AID AGREEMENT

Mayor Stone reviewed a proposed Mutual Aid Agreement with Municipalities within Montgomery County. This Agreement differs from others previously passed in that it does not contain an expiration date. Mrs. Lake sponsored Resolution Number 50-80, A Resolution Authorizing And Directing The City Manager To Execute A Mutual Aid Agreement With Montgomery County, Ohio And Other Governmental Jurisdictions Within The County, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

DAVON REAL ESTATE CO. 1984

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Mayor Stone left the Meeting at this time due to a possible conflict of interest; Mrs. Lake presided.

RESOLUTION NUMBER 51-80 CLYO ROAD

Mr. Stubbs sponsored Resolution Number 51-80, A Resolution Accepting The Offer To Sell Real Estate To The City Of Centerville Made By The Province Of St. John The Baptist Of The Order Of Friars Minor, 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.

Upon question of Mr. Stubbs, Mr. Kenning advised that the City currently has 800-900 tons of salt in the storage facility, an amount sufficient to last until January 1, 1981. Negotiations are in process to purchase salt for 1981.

As requested by Mr. Stubbs, Mr. Kenning will give a progress report on the recently passed grass cutting Ordinance, following the grass cutting season.

Mr. Kenning announced City Council's concurrence with the RTA route remaining as originally planned through the Centerville Plat.

There being no further business, the Meeting was adjourned.

Approved: 
Mayor

ATTEST:


Clerk of the Council