

Held May 7,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, May 7, 1979 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 Victor Green presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor Russell Sweetman

Councilmembers Leonard Stubbs

J. V. Stone

Jeffrey Siler

James Singer

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

City Engineer Karl Schab

Planner Alan Schwab

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

Service Director Richard Bishop

Administrative Assistant Joseph Minner

Mayor Green advised that Councilwoman Nora Lake was out of the City, thus her absence at this Meeting. Mr. Singer moved that Councilwoman Lake be excused from this Meeting. Mr. Stubbs 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 - April 16, 1979.

Council Work Session Meeting - April 30, 1979.

Mr. Sweetman 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; however, Mayor Green abstained on the April 30, 1979 Meeting.

Mrs. McLaughlin announced the receipt of a letter of resignation from City Beautiful Commission Member Shirlea Moore.

Mayor Green issued Proclamations designating the following:

May, 1979 - Better Hearing and Speech Month

May 12, 1979 to May 19, 1979 - Clean-up Week in Centerville

Mayor Green advised that the City's application submitted to the Community Development Advisory Board for a \$25,000 Grant to rehabilitate the Temple Property was unanimously approved by the Board during its last Meeting. The Staff of Community Development, Montgomery County Commissioners, has recommended final approval to the Board of County Commissioners; this being the last step necessary.

Mayor Green, in consideration of personal plans for future years, announced that he will not run for re-election for the Office of Mayor in November.

#### ANTONIO'S RESTAURANT

Mr. Kenning reviewed the Appeal filed by Anthony J. DiPasquale against a decision of the Board of Architectural Review rendered March 6, 1979 concerning the installation of statues in front of the Antonio's Restaurant, 28 West Franklin Street. The vote to deny the application resulted in 2 ayes, 1 nay and 1 abstention. Slides were shown of the subject statues.



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Mr. Vern Dowler, 1082 West Spring Valley Road, Landscaper representing Mr. DiPasquale, presented facts from his client's viewpoint. In an architectural sense, landscaping should compliment and be in keeping with the style of the architecture of the building it surrounds; this they believe is achieved by the use of the statues. This landscaping was chosen in consideration of the damage resulting from salt spread during the winter months to this property being located so near the street. The contrast of lines provided by this architectural design enhances and improves the appearance of the building.

Mr. Robert Perkins, Chairman of the Board of Architectural Review, reviewed the Board's intent to uphold the concept of the Architectural Preservation District Ordinance by their denial of Mr. DiPasquale's application. He made reference to letters received from Mr. Loren Gannon, Director of Preservation Services of the Montgomery County Historical Society, and from the Centerville Historical Society endorsing action taken by the Board. Mr. Perkins read a letter addressed to Mayor and Council outlining the Board's position; they believe that the statues are not compatible with the architectural heritage of the AP District. Approval of this application would be unfair to earlier applicants who have agreed to modify their initial designs to meet the guidelines contained in the Ordinance. As an alternate, the Board suggested that the statuary be located, perhaps in a small garden setting near the main entrance to the building in the rear of the property. Mr. Perkins stressed the Board's opinion that the Ordinance must be supported and that the Board's decision should be sustained by Council unless it is shown that the Board has misinterpreted the Ordinance. The Board is concerned with proliferation within the District if the Appeal is granted. Mr. Perkins pointed out the intended use of ten additional statues in landscaping other areas of the property owned by Mr. DiPasquale.

Mr. James Reppert, a Centerville resident and businessman in the AP District, believes the present AP District Ordinance is too restrictive, it needs modification. He believes the statues as proposed by Mr. DiPasquale are appropriate to his type of business and fit the community. The future of the Community must be considered at this time, the commercial viability of the heart of Centerville is important.

Mr. Dallas Horvath, 300 Village Square Road, believes that the AP District is a good concept, if this Appeal is granted the present Ordinance must be reviewed, restrictions are necessary if goals are to be achieved.

Mrs. Robert Ryan, 88 David Road and representing the Centerville Historical Society, asked City Council to back the Board of Architectural Review in their decision.

Upon question of Mr. Stubbs, Mr. DiPasquale does not believe the statues will affect his business, this is an effort to enhance the exterior appearance of the Restaurant and add to the image of Antonio's. He does not wish to locate these statues to the rear of the building as others are planned to complete the overall concept. Mr. DiPasquale advised that the Board has shown no objections to the possible location of additional statues to the side and rear of the building. As questioned by Mr. Singer, Mr. Perkins clarified the difference between the front, side and rear of the building, in consideration of the front, the Board is trying to preserve the main thoroughfare.

Mayor Green sees recent improvements made to the exterior of Antonio's Restaurant corresponding with other improvements made during the past several years. It is bringing the landscaping in keeping with the motif of the Restaurant as it has been architecturally improved during recent years. Mayor Green believes differences should be settled at the local level rather than through Court action.

Mr. Singer moved to vote in favor of the Appeal filed by Anthony J. DiPasquale, Antonio's Restaurant, against a decision of the Board of



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Architectural Review rendered on March 6, 1979 as just discussed. Mr. Siler seconded the motion. Mr. Stone outlined two difficult problems confronting City Council concerning this matter: 1. to give support to the Board of Architectural Review and 2. to encourage businessmen to enhance their property as exemplified by Mr. DiPasquale. Mr. Stone recognizes defects in the present AP District Ordinance and thus will support the Board. Upon question of Mr. Stubbs, Mr. Farquhar advised that landscaping is a proper function of the Board of Architectural Review. Mr. Stubbs fears proliferation throughout the District. Mr. Singer believes the statues are in good taste and are in keeping with the architecture of the building. A roll call vote on the motion resulted in 3 ayes in favor; Mr. Stubbs, Mr. Stone and Mr. Sweetman voted no.

Mr. Kenning reported the following during his City Manager's Report:  
The backhoe recently purchased by the City has been received, the equipment should be in service soon.

The Welcome Wagon organization has donated ten new chairs for use in the Community Room.

The Report of the Service Department for the month of April was briefly reviewed.

The Building Inspector's Report for April was also reviewed.

Congressman Hall's Staff will be holding an outreach program in the Community Room on Monday, May 14, 1979 from 3:00 to 6:00 P.M. Interested persons are encouraged to attend.

If the B Cable is in for the Cable TV system, the May 21, 1979 Centerville Council Meeting will be carried live on Cable.

#### AMENDMENT TO CENTERVILLE PLACE BANC OHIO

Mr. Kenning reviewed the Planning Commission Meeting held Tuesday, April 24, 1979. Mr. Schwab reviewed a proposed amendment to the Site Plan for Centerville Place to provide for a Banc Ohio to be located at the north east corner of the Shopping Center. Said Shopping Center is located west of State Route 48, south of Spring Valley Road. Mr. Schwab reviewed the landscape plan and the recommendations of the City Staff. The Planning Commission unanimously recommended approval of this Site Plan amendment subject to the following conditions:

1. The required fire hydrant for Centerville Place be installed at the southwest corner of the main entrance to the Shopping Center.
2. The remaining 60 feet of right-of-way along State Route 48 be dedicated to the City of Centerville.
3. The proposed freestanding sign meet the requirements of the Zoning Ordinance.
4. The seven northern parking spaces on the Plan be eliminated.
5. The pavement lanes north of the drive-in windows and the median be restricted by signage to one-way travel in a westerly direction from the State Route 48 right-of-way to the center north-south road within the Shopping Center.
6. The proposed landscape work be bonded with the City of Centerville before the building permit is issued.

Mr. Sweetman encouraged the installation of exterior lighted signs. Discussion followed concerning the proposed architecture for the building in question. Mr. Stubbs suggested that this matter be further discussed during a Council Work Session Meeting. Mr. Stone moved that this amendment to the Site Plan for Centerville Place be tabled. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Siler abstained. Mayor Green requested that this item be placed on the agenda for the next Council Work Session Meeting and that architectural renderings of other buildings in the Shopping Center be available for observation.



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#### BONDED OIL COMPANY

Mr. Schwab reviewed the amended Site Plan for Bonded Oil Company, located on the southwest corner of Spring Valley Road and State Route 48. Changes involve the remodeling of the facade of the present building structure to add a convenience food sales area in the existing building, increase number of pump islands, relocate some of the pump islands and construct canopies over the pump islands. The City Staff recommended that signage be deleted from approval of the Site Plan and that the pumps on the north side be moved back about 12 feet to allow better circulation. Mr. Schwab reviewed Planning Commission's unanimous approval of this amended Site Plan conditioned upon the north pump island and canopy being moved 12 feet south of its shown location and that no signage approval be given as part of the Site Plan. Discussion followed concerning the curb cut configuration existing near the intersection of State Route 48 and Spring Valley Road at the southwest corner. Mr. Sweetman moved that this matter be tabled in order to discuss the curb cut situation at the next Council Work Session Meeting. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### GREENBRIER COMMONS SECTION TWO

Mr. Schwab reviewed an amendment to the Record Plan for Greenbrier Commons, Section Two, a Development located north of State Route 725 and west of Bigger Road. The amendment increases the units from 29 to 32 and provides for an additional 39 parking spaces. As recommended by the City Staff and the Centerville-Washington Township Fire Department, the Planning Commission unanimously recommended approval of this Record Plan subject to the relocation of two fire hydrants, curbing to be relocated (rounded off closer to the garages) and a fire wall be provided as approved by the Fire Department. Mr. Stubbs moved that the amendment to the Record Plan for Greenbrier Commons, Section Two be approved as recommended by the Planning Commission and the City Staff. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Joseph Bitzko, 1495 Ambridge Road, appeared before Council to review damages to his property resulting from teenagers with wandering vehicles, damages resulting since 1974. He requested better police protection. Police Chief Randolph reviewed police patrol in the Black Oak Estates area. Mr. Sweetman suggested that Board Members for the Black Oak Swim Club be present at a future Council Work Session Meeting to discuss problems in the area of the Swim Club.

Reverend Nicholas Rachford, 305 South Main Street, read to Council a letter he has written to the Editor of the Centerville-Bellbrook Times in which he views the establishment of an Ethics Committee for Centerville Council an unnecessary exercise, he believes this would be a discouragement to those seeking public office, he believes effective control can be exercised on a less formal level. Reverend Rachford suggested that if ethics guidelines are necessary they be enforced internally by City Council.

Mr. Will Frazee, 146 West Franklin Street, urged Council to move forward in concert with businessmen in the Community to achieve an AP Ordinance encompassing all objectives.

Mr. Floyd Wilson, 34 Peach Grove Avenue, offered his endorsement to the Appeal filed by Anthony DiPasquale discussed earlier in the Meeting.

#### ORDINANCE NUMBER 10-79 INDUSTRIAL REVENUE BONDS

The Public Hearing was held concerning Ordinance Number 10-79. Mr.



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Kenning pointed out the fact that this is the first legislation necessary for the issuance of Industrial Revenue Bonds. Mr. Farquhar reviewed the proposed Ordinance; it authorizes the inducement Agreement with Mr. Hyams and binds the City to the issuance of Industrial Revenue Bonds if the project proceeds. Mr. Hyams advised that the preliminary estimate to construct the proposed Restaurant is \$740,000.00. Mr. Siler sponsored Ordinance Number 10-79, An Ordinance Authorizing The Execution Of An Agreement With Norman Hyams Pertaining To The Financing Of Restaurant Facility Within The Boundaries Of The City Of Centerville For The Use Of Norman Hyams, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### ORDINANCE NUMBER 15-79 NORTH MAIN STREET

The Public Hearing was held concerning Ordinance Number 15-79. Mr. Kenning reviewed this proposed Ordinance which levies assessments for improvements along the west side of North Main Street from the Corporation Line to the Activity Center. This is a 55% Property Owner, 45% City share project. The final cost is approximately 12% under the original total cost estimate. Mr. Stone sponsored Ordinance Number 15-79, An Ordinance Levying Special Assessments For The Improvement Of North Main Street In The City Of Centerville, Ohio, By The Installation Of Brick Sidewalks, Concrete Approaches And Related Improvements, Beginning On The West Side Of Said Street At The Centerville Corporation Line (Which Is Located Approximately 600 Feet South Of Williamsburg Lane), And Continuing Therefrom Southward For Approximately 318 Feet To The Southeast Corner Of The Robert Reed Property (Deed Book 2299, Page 116); And Continuing On Said West Side In Front Of The Zimmerman Property (Deed Book 2102, Page 747) For A Distance Of Approximately 104 Feet From A Point Approximately 483 Feet South Of The Corporation Line To 587 Feet South Of The Corporation Line, 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 16-79 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 16-79. Mr. Stubbs sponsored Ordinance Number 16-79, An Ordinance Appointing James W. Rauch To The City Beautiful Commission For The City Of Centerville, Ohio, And Establishing A Term Of Office, 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 17-79 PARKS AND RECREATION BOARD

The Public Hearing was held concerning Ordinance Number 17-79. Mr. Singer sponsored Ordinance Number 17-79, An Ordinance Appointing Keith S. Harring To The Parks And Recreation Board For The City Of Centerville, Ohio, And Establishing A Term Of Office, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### ORDINANCE NUMBER 18-79 HUMAN SERVICES

Mr. Kenning reviewed a proposed Ordinance which represents a compilation of changes to the Personnel Policies for the South Montgomery Human Services, approved and recommended by the Supervisory Board. Mr. Stone moved that Ordinance Number 18-79, An Ordinance Amending Ordinance 3-79 And 13-79 By Repealing The Personnel Policies Adopted And Amended By Said Ordinances And Adopting A New Personnel Policy, be set for Public Hearing on May 21, 1979. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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ORDINANCE NUMBER 19-79 PERSONNEL

Mr. Kenning reviewed a proposed Ordinance which changes the City's personnel regulations concerning maternity leave to reflect the new Federal law. The Federal law became effective May 1, 1979, thus the reason for this Ordinance being an emergency. Mr. Stubbs sponsored Ordinance Number 19-79, An Emergency Ordinance Amending Ordinance 66-78 By Providing Maternity Leave Which Is Identical To Other Sick Leave Provisions, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 20-79 PERSONNEL

Mr. Stubbs moved that Ordinance Number 20-79, An Ordinance Amending Ordinance 66-78 By Providing Maternity Leave Which Is Identical To Other Sick Leave Provisions, be set for Public Hearing on May 21, 1979. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

SOUTHEAST YOUTH COUNCIL

Mr. Kenning recommended that Carolyn Zappe be appointed to fill a current vacancy on the Southeast Youth Council. Mrs. Zappe is the Youth Family Counselor presently engaged by the Human Services Agency. Mr. Sweetman moved that Carolyn Zappe be appointed to membership on the Southeast Youth Council. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved: *Victor A. Green*  
Mayor

ATTEST:

*Wanda D. Langford*  
Clerk of Council