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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, May 21, 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 Jeffrey Siler

James Singer

Nora Lake

J. V. Stone

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

City Engineer Karl Schab

Service Director Richard Bishop

Planner Alan Schwab

Director of Finance William Bettcher

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

Administrative Assistant Joseph Minner

The Minutes of the following Meetings had been distributed prior to this Meeting:

Council Meeting - May 7, 1979.

Council Work Session Meetings - May 7, 1979.

- May 14, 1979.

Mr. Stone requested that the sixteenth paragraph of the May 7 Council Meeting Minutes be changed to read "Mr. Stone recognizes that there are defects in the Architectural Preservation Ordinance, he will support the Board while these are being considered for revision." Mr. Singer moved that the foregoing Meetings be approved, as distributed and as corrected. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### RESOLUTION NUMBER 15-79 APPRECIATION

Mr. Sweetman sponsored and read Resolution Number 15-79, A Resolution Of Appreciation To The Organizations Who Participated In The Centerville/ Washington Township Spruce-Up Week, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Thomas Saygers, Director of Montgomery County Sanitary Engineering Department, presented dimensions concerning a proposed rate increase in water and sewer rates for that area included in the Greater Moraine-Beavercreek District, of which the City of Centerville is a part. The increases, if approved, will be reflected on the bills received the last quarter of the current year. Mr. Saygers reviewed how the additional revenue will be utilized. Reasons for the increase in water rates are to finance the Water Treatment Plant, to fund capital improvements and additions during the next several years and to meet inflation costs. An increase in sewer rates is necessary due to inflation, operating costs and debt service of the Western Regional Wastewater Treatment Plant. Increases being recommended are 33% across-the-board for water, 80% for the average householder for sewer.

Upon question of Mayor Green, Mr. Saygers advised that current projects are aimed at relieving water shortage problems during certain periods of time. Mr. A. J. Bromberg, Principal Engineer for the County Sanitary Engineering Department, reviewed nine projects in the southern Montgomery

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County water system which are under construction or will be prior to and including 1980.

Upon request of Mr. Sweetman; Mr. John Schwab, Montgomery County Sanitary Engineering Department, advised that the total revenue to be received from this increase in water and sewer rates amounts to approximately four million dollars.

Councilman Leonard Stubbs entered the Meeting at this time.

Mr. Sweetman suggested that Public Hearings be held to receive input and to educate the public before final action is taken by the County Commissioners concerning matters of the type being discussed.

As questioned by Mr. Singer, Mr. Bromberg advised that a lawn sprinkling meter would cost \$48.00 plus installation costs. Information concerning the installation of such is being prepared and will be available for citizens interested.

Mr. Sweetman wondered whether this district has contributed into capital improvements for other districts and whether other districts will contribute into capital improvements for this district. Mr. Saygers reviewed how monies are received and calculated for all districts. Mr. Sweetman invited representatives from the County Government to attend a future Council Work Session Meeting to discuss this matter in greater detail.

Mayor Green issued a Proclamation designating May 20, 1979 as Optimist Fishing Derby Day in Centerville. He reviewed the Derby held and congratulated the Optimist Club on this fine community activity.

Mayor Green announced that the Council Work Session Meeting held at 7:30 P.M. this date would reconvene following this Council Meeting to discuss proposed I-675.

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

The Community Partnership Committee has established clean-up dates for all Sundays in June to begin at 1:00 P.M. to complete the interior clean-up of the Wright House. Students and a teacher from the Spring Valley Academy have volunteered to work with the Committee during summer months to improve the exterior of the property.

Welcome to Centerville signs are being installed at entry points into the City.

Improvements to Clio Road/Centerville Station Road intersection are near complete. The lights should be activated May 22 provided other improvements are finished.

#### ORDINANCE NUMBER 21-79 ZONING ORDINANCE AMENDMENT

Mr. Kenning reviewed the Planning Commission Meeting held Tuesday, May 15, 1979. The Planning Commission recommended approval of a Rezoning Request filed by Alex Investment Company for the property located at the southwest corner of State Route 725 and Clio Road, a change of approximately 25.2959 acres, more or less, from R-0-1 to R-4 zone classification. Mr. Sweetman moved that Ordinance Number 21-79, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 25.2959, Acres, More Or Less, From Centerville R-0-1 Classification To Centerville R-4 Classification, be set for Public Hearing on July 2, 1979. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Kenning reviewed for Council a Proposed Work Program for the Montgomery County Planning Commission in an effort to produce one zoning document to serve the needs of Washington Township and the City of

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Centerville. This program is a result of the Joint Zoning Committee and has been recommended by the Planning Commission. Mr. Stone moved that Council approve this Proposed Work Program and that the necessary Agreement be prepared between the City of Centerville and the Montgomery County Planning Commission. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Upon question of Mr. Singer, Mr. Schwab advised that this program is of no cost to the City of Centerville.

#### ANTONIO'S RESTAURANT

Mr. Stubbs moved for reconsideration the Appeal filed by Mr. Anthony DiPasquale concerning the denial of the Board of Architectural Review for statues in front of the Antonio's Restaurant. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Jack Gramann, businessman across the street from the statues in question, believes the statues enhance the property, he encouraged the Board to consider a variance in this case.

Reverend Nicholas Rachford, 305 South Main Street, as a member of the National Trust for Historic Preservation, brought attention to places in which statuary was used in various styles of architecture during the 1700's and 1800's. He encouraged Council to reverse the decision of the Board of Architectural Review relative to this Appeal.

Mr. John Heron, Attorney for the Applicant, reviewed their Appeal to the Common Pleas Court of Montgomery County, asking the Court to hold the AP Ordinance unconstitutional.

Mr. Nicholas Peth, 1641 Penbrooke Trail, offered his support to the businessmen in Centerville, the DiPasquale family and Antonio's Restaurant. He believes the statues identify an Italian Restaurant.

Discussion followed relative to the status of the Court Appeal vs. Council's action: if the Appeal is granted, denied or if the matter is tabled to be discussed during a future Council Work Session Meeting.

Mr. Singer moved that Council reverse the decision of the Board of Architectural Review rendered on March 6, 1979 and vote in favor of the Appeal filed by Anthony J. DiPasquale, Antonio's Restaurant, for two statues in front of the Restaurant. Mr. Siler seconded the motion.

Upon request of Mrs. Lake, Mr. Kenning reviewed Mr. DiPasquale's previous Application for landscaping and statues which was subsequently split into two Applications. Mr. Farquhar explained the fact that the Application before Council deals only with the statues, landscaping was approved by the Board of Architectural Review.

Mr. Stone moved to table the previous motion. Mrs. Lake seconded the motion. Mr. Stubbs encouraged a decision on this matter by Council at this Meeting. Mr. Stone reviewed both sides of the issue, he believes the problem should and can be resolved by discussing it further in another Meeting. Mrs. Lake recognizes the need to deal with the AP Ordinance itself, she would rather deal with this as a separate issue, she believes there are grounds for negotiations which perhaps could be achieved in further discussions during a Council Work Session Meeting. A roll call vote on the motion to table the previous motion resulted in five nays against the motion, Mrs. Lake and Mr. Stone voted yes.

Mayor Green reviewed the vote taken by the Board of Architectural Review on March 6, 1979 concerning Mr. DiPasquale's Application for the two statues.

A roll call vote taken on the main motion resulted in four ayes in favor of the motion; Mr. Stubbs, Mrs. Lake and Mr. Stone voted no.

#### RESOLUTION NUMBER 16-79 WRIGHT HOUSE

Mr. Stone reported for the Community Partnership Committee, the Committee charged with the restoration of the Wright House. The first

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phase of the project has been completed, the Schematic Study, in which the Architect has determined that three parts of the building should be preserved. Preliminary drawings have been prepared showing what should be done with the building. The Architect has submitted a proposal for the second phase of the project to provide detailed architectural plans for the buildings' preservation. Mr. Stone sponsored Resolution Number 16-79, A Resolution Authorizing And Directing The City Manager To Execute A Proposal Between The City Of Centerville, Ohio And Robert C. Gaede A.I.A., Architect For Preliminary Architecture, Working Drawings, Specifications And Other Related Costs In The Restoration Of The Wright House And Site, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Green advised that the Community Development Advisory Committee has met with the Montgomery County Commissioners and the Grant for the City of Centerville in the amount of \$25,000 is still part of the recommended program. Official action should be taken by the Commissioners on Tuesday, May 29, 1979.

Marian Simmons, 1460 Taitwood Drive, commended the new administration in the Montgomery County Sanitary Engineering Department for their fine performance.

#### ORDINANCE NUMBER 18-79 HUMAN SERVICES

The Public Hearing was held concerning Ordinance Number 18-79. Mr. Sweetman sponsored 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, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 20-79 PERSONNEL

The Public Hearing was held concerning Ordinance Number 20-79. Mr. Stubbs sponsored Ordinance Number 20-79, An 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 seven ayes in favor of the motion.

#### BANC OHIO

Mr. Schwab reviewed the proposed amendment to the Site Plan for Centerville Place to provide for a Banc Ohio to be located at the northeast corner of the Shopping Center. The property in question is located along the west side of State Route 48, south of Spring Valley Road. Mr. Schwab reviewed the Planning Commission's favorable recommendation conditioned upon the following:

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.

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Mr. Sweetman moved that the amendment to the Site Plan for Centerville Place to provide for a Banc Ohio be approved in accordance with the recommendation of the Planning Commission and subject to the architecture of the building being of brick colonial style as agreed to by Council and the Applicant at a previous Council Work Session Meeting. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Siler abstained. Mr. Stubbs thanked representatives for Banc Ohio for their cooperation.

#### BONDED OIL

Mr. Schwab reviewed a proposed amendment to the Site Plan for Bonded Oil, to remodel the present building, increase the number of pump islands and relocate them on the site. The subject property is located at the southwest corner of State Route 48 and Spring Valley Road. Planning Commission's favorable recommendation was reviewed, subject to the north pump island and canopy being moved 12 feet south of its shown location, and no signage approval being given as part of the Site Plan. Mr. Schwab outlined options discussed during a recent Council Work Session Meeting to improve traffic circulation at the intersection. The Applicant has agreed to add an additional lane of pavement around the corner at the intersection to the present curb cut and to add additional pavement of one lane along State Route 48 between the two curb cuts, if the two poles are removed. City Staff recommended that the traffic signal pole be removed by the City of Centerville, estimated to cost approximately \$1500.00; the Ohio Bell Telephone pole will be removed by the Company in 3 to 4 months; the Applicant will then install the additional pavement. Mr. Stone moved that the amendment to the Site Plan for Bonded Oil be approved as recommended by the Planning Commission and City Staff with the additional pavement being applied by the Applicant as soon as the poles are removed. Mr. Stubbs seconded the motion. Mr. Singer expressed his discomfort with the total layout. A roll call vote resulted in six ayes in favor of the motion; Mr. Singer voted no.

#### RESOLUTION NUMBER 17-79 APPRECIATION

Mayor Green read Resolution Number 17-79. Mr. Stubbs sponsored Resolution Number 17-79, A Resolution Of Appreciation For The Services Of Shirlea Moore As A Member Of The City Beautiful Commission Of The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 22-79 PARKS AND RECREATION BOARD

Mr. Sweetman moved that Ordinance Number 22-79, An Ordinance Appointing Nicholas R. A. Rachford To The Parks And Recreation Board For The City Of Centerville, Ohio, And Establishing A Term Of Office, be set for Public Hearing on June 4, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Green expressed Council's appreciation to Reverend Nicholas Rachford for his interest in the Community.

There being no further business, the Meeting was adjourned.

Approved: Victor Green

Mayor

ATTEST:

North McLaughlin  
Clerk of Council