

OFFICE OF THE CLERK OF COUNCIL

Held July 16, 19 79

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, July 16, 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:

Councilmembers Leonard Stubbs
 James Singer
 J. V. Stone
 Jeffrey Siler
 Nora Lake
 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

Mayor Green advised that Deputy Mayor Russell Sweetman was on Active Duty with the United States Army Reserves, thus his absence at this Meeting. Mr. Singer moved that Deputy Mayor Russell Sweetman be excused from this Meeting. Mr. Stone 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: July 2, 1979.
 Council Work Session Meetings: July 2, 1979.
 July 9, 1979.

Mr. Siler moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Lake seconded the motion. A roll call resulted in six ayes in favor of the motion; however, Mr. Singer and Mr. Stone abstained from the Minutes of the July 9, 1979 Work Session Meeting.

Mrs. McLaughlin announced the receipt of a Notice of Intent to Appeal and the Appeal filed by John G. Black Enterprises, Inc. against a decision rendered by the City Planning Commission on June 26, 1979 concerning Thomas Paine Settlement, Section Three. This matter has been set for Public Hearing on August 6, 1979.

Mayor Green advised that communication has been received from the Community Development Staff, Montgomery County, along with a copy of the Resolution passed by the Montgomery County Board of Commissioners approving Grants for the County's Fiscal Year 1979.

Mr. Kenning reported the following during his City Manager's Report: \$111.00 was received during the Americana Festival from the sale of items found in the Wright House. The interior clean-up program nears completion.

Preliminary Plans have been received from the Architect for the restoration of the Wright House. Applications have been made to the Board of Architectural Review for the demolition of the building and the temporary parking.

The bridge on State Route 725, a State of Ohio project, is now open. A Health and Nutrition Examination Survey during the month of August,

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1979 will be conducted by the United States Public Health Service in the Centerville area.

The Police Department Activity Report for the month of June was briefly reviewed, as well as an activity analysis of six months for several years.

Mr. Kenning advised that Washington Township has agreed to participate in the resurfacing of Centerville Station Road in the amount of \$10,000.00; .7 mill monies.

Upon question of Mr. Stubbs, a representative from the Centerville Washington Township Chamber of Commerce expressed their satisfaction with the results of the Americana Festival held July 7, 1979. Approximately 4,000 people attended the event. The Chamber's appreciation for the City's assistance was expressed.

ORDINANCE NUMBER 29-79 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 29-79. Mr. Singer sponsored Ordinance Number 29-79, An Ordinance Appointing Stanley A. Morrow To The City Planning Commission 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.

ORDINANCE NUMBER 30-79 TRAFFIC CONTROL

The Public Hearing was held concerning Ordinance Number 30-79. Mr. Kenning reviewed the proposed Ordinance; it changes the Centerville Municipal Code to conform with the Ohio Revised Code relating to the penalty for not complying with the lawful order of a police officer. Mr. Siler sponsored Ordinance Number 30-79, An Ordinance Amending Section 303.01 Of The Centerville Municipal Code By Changing The Penalty To Comply With Similar Provisions Of The Ohio Revised Code, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 31-79 TRAFFIC CONTROL

The Public Hearing was held concerning Ordinance Number 31-79. Mr. Kenning explained this Ordinance which amends the Centerville Municipal Code to comply with the Ohio Revised Code as it relates to protective equipment for operator while riding a motorcycle. Mr. Stubbs sponsored Ordinance Number 31-79, An Ordinance Amending Section 373.02 (e) Of The Centerville Municipal Code To Comply With Recent Amendments To The Ohio Revised Code, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Councilman J. V. Stone left the Meeting at this time.

ORDINANCE NUMBER 21-79 ZONING ORDINANCE AMENDMENT REZONING

Mr. Siler 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-I Classification To Centerville R-4 Classification, be removed from the table. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Councilman J. V. Stone returned to the Meeting at this time.

ORDINANCE NUMBER 9-79 ELECTRICAL CONTRACTORS REGISTRATION

Mr. Singer moved that Ordinance Number 9-79, An Ordinance Enacting Chapter 1353 Of The Centerville Municipal Code Requiring Registration Of Heating, Ventilating, Air Conditioning And Electrical Contractors, be removed from the table. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 9-79 ELECTRICAL CONTRACTORS REGISTRATION

Upon request of Mr. Singer, Mr. Kenning reviewed the one change made in proposed Ordinance Number 9-79, changing the effective date to January 1, 1980. It has been determined that the Bond amount is appropriate and all mechanics relating to the Bond and revocation of the permit have been resolved. Mrs. Lake sponsored Ordinance Number 9-79, An Ordinance Enacting Chapter 1353 Of The Centerville Municipal Code Requiring Registration Of Heating, Ventilating, Air Conditioning And Electrical Contractors, 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 32-79 ZONING ORDINANCE AMENDMENT TEXT

Mr. Stubbs moved that Ordinance Number 32-79, An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance By Defining Promotional Devices And Prohibiting Their Use In All Zoning Districts, be set for Public Hearing on September 10, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 33-79 MASSAGE ESTABLISHMENTS

Mrs. Lake moved that Ordinance Number 33-79, An Ordinance Enacting Chapter 727 Of The Centerville Municipal Code Regulating Massage Establishments And Technicians, be set for Public Hearing on August 6, 1979. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 26-79 APPRECIATION

Mr. Stone sponsored Resolution Number 26-79, A Resolution Of Appreciation For The Services Of Robert Flick As A Member Of The Youth Board Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 27-79 CABLE COUNCIL

Mr. Kenning reviewed Resolution Number 27-79, a Resolution recommended by the Miami Valley Cable Council to amend the agreement entered into in 1975 to include municipalities in Greene County, specifically the City of Bellbrook. Mr. Stone sponsored Resolution Number 27-79, A Resolution Amending Resolution 38-75 Relating To The Agreement For Participation In A Regional Council Of Governments, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Councilman Jeffrey Siler left the Meeting at this time.

Mr. Kenning reviewed the next four Resolutions included on the agenda, they being the mechanisms by which the City of Centerville designates Public Depositories.

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RESOLUTION NUMBER 28-79 PUBLIC DEPOSITORY

Resolution Number 28-79 designates Winters National Bank and Trust Company as Public Depository. Mr. Stubbs sponsored Resolution Number 28-79, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 29-79 PUBLIC DEPOSITORY

Resolution Number 29-79 designates First National Bank of Miamisburg as Public Depository. Mr. Stone sponsored Resolution Number 29-79, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 30-79 PUBLIC DEPOSITORY

Resolution Number 30-79 designates First National Bank of Dayton as Public Depository. Mrs. Lake sponsored Resolution Number 30-79, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 31-79 PUBLIC DEPOSITORY

Resolution Number 31-79 designates Gem City Savings Association as Public Depository. Mr. Stubbs sponsored Resolution Number 31-79, A Resolution Designating A Public Depository And Awarding Public Monies, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Councilman Jeffrey Siler returned to the Meeting at this time.

CARRIAGE SQUARE SECTION TWO

Mr. Kenning reviewed the recommendation of the City Engineer that the Performance Bond posted on Carriage Square, Section Two, in the amount of \$1,800.00 be released. All improvements have been made in accordance with the construction drawings. Mr. Stone moved that the Performance Bond posted on Carriage Square, Section Two, be released subject to the receipt of a Maintenance Bond in the amount of \$500.00. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

THOMAS PAINE SETTLEMENT SECTION TWO

Mr. Kenning reviewed the recommendation of the City Engineer concerning Thomas Paine Settlement, Section Two. A substantial part of the improvements have been made and a different firm is now developing this area. In consideration of these factors, Mr. Schab recommended the following:

1. The original Performance Bond in the amount of \$42,000.00 should be released, subject to receipt of a bond by the present developer.
2. A new Performance Bond, John G. Black Enterprises, Inc., Developer, being named as the principal, in the amount of \$22,008.00 be accepted and to remain in force until all improvements including streets, sidewalks and other miscellaneous items are in place. Mr. Stone moved that action be taken concerning the Performance Bond posted on Thomas Paine Settlement, Section Two, in accordance with the recommendation of the City Engineer. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 34-79 CITY PROPERTY

Mr. Siler moved that Ordinance Number 34-79, An Ordinance Authorizing And Directing The City Manager To Purchase For The Sum Of Twenty-Five

DATION LEGAL PLAN #0. 19114

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Hundred Dollars (\$2500.00) From Marbella Associates A Strip Of Land Fifty (50) Feet in Width Containing 0.483 Acres More Or Less For Dedication To The Public Roadway Forever To Be Known As A Part Of Maple Avenue, Centerville, Ohio, be set for Public Hearing on August 6, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Upon question of Mr. Stubbs, Mr. Kenning reviewed the status of a Countywide transit system. Mr. Siler advised that this matter has been a topic of discussion during recent TCC Meetings.

Mr. Stubbs wondered whether the Washington Township Trustees have considered action concerning the Joint Zoning Study, a study between the City of Centerville and Washington Township.

Mayor Green recommended that, during the summer months, Council suspend with the wearing of coats during Council Meetings.

There being no further business, the Meeting was adjourned.

Approved: *Victor A. Green*
Mayor

ATTEST:

Marilyn H. Stangel
Clerk of the Council