

Held August 6, 19 79

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 6, 1979 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 Victor Green presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor Russell Sweetman  
 Councilmembers Jeffrey Siler  
                   Leonard Stubbs  
                   Nora Lake  
                   James Singer  
                   J. V. Stone  
 Clerk of Council Marilyn McLaughlin  
 City Manager Darryl Kenning  
 City Engineer Karl Schab  
 Director of Finance William Bettcher  
 Planner Alan Schwab  
 Chief of Police William Randolph  
 Service Director Richard Bishop  
 Municipal Attorney Robert Farquhar  
 Administrative Assistant Joseph Minner

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

Council Meeting: July 16, 1979.  
 Council Work Session Meetings: July 16, 1979.  
   July 23, 1979.  
   July 30, 1979.

Mr. Sweetman moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Roger Lucas, representing the Centerville Washington Township Chamber of Commerce, presented Certificates of Appreciation to the City of Centerville and the Centerville Police Department for participation in the Americana Festival held July 7, 1979 in the center of town.

Mrs. McLaughlin announced the receipt of a letter of resignation from Board of Architectural Review Member Reverend Garfield Judkins to be effective immediately.

Mr. Kenning reviewed the following during his City Manager's Report: The five year Capital Improvement Program for 1980-1984 was forwarded to Council. This is a revision and update of the adopted Capital Improvement Program and includes many potential funding sources. Street improvements continue to be the primary feature of the Program, representing 84% of the total projected expense of \$13,300,000.00. Mr. Kenning advised that this Program prioritizes improvements needed in the City of Centerville over a five year period.

The City's Hearing before the Montgomery County Budget Commission is set for Tuesday, August 14, 1979 at 9:00 A.M. in Room 517, County Administration Building.

The Activity Report for the Service Department for the month of July, 1979 was briefly reviewed.

Mr. Kenning reviewed the Building Inspection Report for the month of July, 1979, permits were 26% over those issued in 1978 for the same month.

Clean-up work continues on the Wright House, being 90% complete.

The six cities south of Dayton have received the Management Invocation Award from the International City Management Association for efforts in the six cities Cable TV Council. The Award will be physically presented in

## RECORD OF PROCEEDINGS

Minutes of

Meeting

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September.

Mr. Stubbs, Chairman of the Council Finance Committee, announced a Meeting scheduled for Thursday, August 9, 1979 to begin at 7:30 P.M. at the South Suburban Annex Building. This Meeting has been called to consider the Capital Improvement Program for 1980-1984. Meetings have been scheduled for the following two Thursdays for the same purpose if necessary.

Mayor Green announced the receipt of a letter from Mayor of Kettering, Charles Horn, concerning their approval of the Contract with Montgomery County for solid waste disposal.

Mayor Green also received a letter from Vice Mayor E. E. Storms, City of Oakwood, concerning a possible merger of the Miami Valley Regional Planning Commission and the Transportation Coordinating Committee.

Mayor Green made reference to a letter received from Pendleton Thomas, National United Nations Day Chairman for 1979. He solicited a Chairman for the Centerville area for UN day, October 24.

Mayor Green recognized Montgomery County Commissioner Charles Lewis in attendance at this Meeting.

#### BETTY LITSAKOS CONDITIONAL USE

Mr. Kenning reviewed the Planning Commission Meeting held July 31, 1979. The Commission unanimously recommended to Council the Conditional Use Application by Betty Litsakos for property located at 7266 Far Hills Avenue for a Residential Office in a R-3 zone classification. Mr. Sweetman moved that the Conditional Use Application for Betty Litsakos be set for Public Hearing on September 10, 1979. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### STANDARD OIL COMPANY CURB CUT

Mr. Schwab reviewed the Curb Cut Application by Standard Oil Company for property located at the north west corner of Wilmington Pike and proposed Olympic Drive. Requested is one cut onto Wilmington Pike and one onto Olympic Drive. A revised Plan submitted by the Applicant was referred to the Wilmington Pike Task Force for review. The Task Force sustained its Access Control Plan that there be no access on Wilmington Pike at this location. In accordance with this Plan, the Planning Commission unanimously recommended denial of the Curb Cut Application as presented. Mrs. Lake moved to uphold the recommendation of the Planning Commission concerning this Curb Cut Application. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### TOM BARNES & ASSOCIATES CONDITIONAL USE

The Public Hearing was held concerning the Conditional Use Request submitted by Tom Barnes and Associates for property located at 168 West Franklin Street. Mr. Kenning reviewed Planning Commission's unanimous recommendation for approval. Mr. Schwab located the subject property on a map and reviewed adjacent uses. The Applicant has requested a Conditional Use to provide for a Residential Office in a R-3 zone classification. Provided will be an access onto Weidner Lane instead of West Franklin Street. The Planning Commission's recommendation was contingent upon adequate screening being provided as approved by the south property owner.

Mr. Tom Barnes, Applicant, reviewed his request and expressed his intent to provide screening acceptable to the south and east property owners. The building will be used by an Insurance Agency and a Construction Company,

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and will be used strictly as office space.

Mr. Irvin Cook, 27 Weidner Lane, was present to advise Council that he owns the property which Mr. Barnes intends to use as access onto Weidner Lane. Mr. Schwab pointed out the fact that Mr. Barnes has access to West Franklin Street if this were the case, therefore ownership of the access is not a factor to be considered when approving the Conditional Use Request. This is a matter to be resolved between the property owners involved.

Upon question of Mrs. Lake, Mr. Barnes explained his need for ten parking spaces; traffic generated will be office, not construction traffic and should not cause a traffic problem. Mr. Stubbs moved that the Conditional Use Request of Tom Barnes and Associates be granted subject to completion of a landscape plan as required by the Planning Commission. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### JOHN G. BLACK ENTERPRISES, INC. APPEAL

The Public Hearing was held concerning the Appeal filed by John G. Black Enterprises, Inc., against a decision rendered by the Planning Commission on June 26, 1979 concerning the Preliminary Plan for Thomas Paine Settlement, Number Three. Mr. Schwab reviewed the Preliminary Plan and located the subject property on a map, being 7.6 acres of land east of Bigger Road and north of Thomas Paine Parkway. The zoning is R-3 permitting multi-family development at a density of 5,000 square feet per dwelling unit. Proposed is 64 units which utilizes the density allowed for the remainder of the subdivision. The Planning Commission unanimously denied approval of this Preliminary Plan showing no improvements for Clyo Road. The Commission felt that Clyo Road should be included in this Preliminary Plan as the density projected includes that area south of proposed Clyo Road. They also maintained that this portion should be included in the Plan as submitted for approval.

Mr. Stanley Greenberg, Attorney for the Applicant, stated their opposition to constructing Clyo Road and to assuming the cost of a 86 foot right-of-way, they believe this request is unjust and unfair as the roadway will serve no purpose, it will go nowhere. They solicited an opportunity to discuss this matter with Council during a Work Session Meeting. Mayor Green pointed out the fact that a Petition was received several years ago from the majority of property owners along proposed Clyo Road for said construction on an assessment basis; thus the City has proceeded with Preliminary Engineering and Costs Estimates for the project. He suggested that perhaps a Letter of intent to participate in this assessment project be considered. Mr. Stone moved that this Appeal filed by John G. Black Enterprises, Inc. concerning the Preliminary Plan for Thomas Paine Settlement, Number Three be tabled for consideration at a Council Work Session Meeting. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 24=79 ZONING ORDINANCE AMENDMENT TEST AP

The Public Hearing was held concerning Ordinance Number 24-79. Mr. Kenning reviewed the proposed Ordinance; an Ordinance amending the current Architectural Preservation District Ordinance. The Ordinance as proposed gives the Planning Commission jurisdiction over Site Plan and Curb Cut review. It contains a definitive section on architectural control and includes a specific section on signs.

Mr. Michael Pekarek, 41 East Drive, questioned whether the Ordinance makes the AP District stronger or weaker.

Mr. Robert Perkins, Chairman of the Board of Architectural Review, sees vague and limited areas in the Ordinance, some areas are not addressed.

OPTIONAL FORM NO. 101-11

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He believes the sign section is confusing. Mr. Perkins stated his opposition to restrictions placed upon the Board regarding Variances and sees a lack in mechanics for maintenance of property. He suggested that the Ordinance be refined prior to passage.

Mayor Green reviewed the time and effort spent to achieve an amendment to the AP Ordinance which will accomplish the intent of the AP District. An Ordinance is currently being drafted to reflect the City's objectives. Mr. Roger Lucas suggested that a Meeting be scheduled between City Council, the Board of Architectural Review and area businessmen to draft such an Ordinance. Mr. Stubbs suggested that, when the draft is completed by the City, such a Meeting be scheduled to receive input from interested parties.

Mr. Stone sponsored Ordinance Number 24-79, An Ordinance Amending Ordinances 15-61 And 28-73 And Repealing Ordinances 80-71, 20-73 And 70-72 By Changing The Powers And Procedures Relative To The Planning Commission And Board of Architectural Review, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six nays against the motion; Mr. Stubbs abstained.

#### ORDINANCE NUMBER 33-79 MASSAGE ESTABLISHMENTS

The Public Hearing was held concerning Ordinance Number 33-79. Mr. Sweetman sponsored Ordinance Number 33-79, An Ordinance Enacting Chapter 727 Of The Centerville Municipal Code Regulating Massage Establishments And Technicians, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 34-79 CITY PROPERTY

The Public Hearing was held concerning Ordinance Number 34-79. Mr. Kenning reviewed the proposed Ordinance; which provides for the purchase of a portion of the right-of-way of Maple Avenue never dedicated and reimburses the property owner for taxes paid during past years. Mr. Sweetman sponsored Ordinance Number 34-79, An Ordinance Authorizing And Directing The City Manager To Purchase For The Sum Of Twenty-Five 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, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### RESOLUTION NUMBER 32-79 SIDEWALK

Mr. Kenning reviewed a proposed Resolution declaring it necessary to install sidewalk along the south side of Thomas Paine Parkway from Bigger Road east to the existing sidewalk. Mr. Stubbs sponsored Resolution Number 32-79, A Resolution Declaring It Necessary To Construct A Concrete Sidewalk Four Feet In Width And Four Inches In Depth Along The North Side Of Thomas Paine Parkway From A Point 40 Feet East Of The Center Line Of Bigger Road Eastwardly Approximately 1350 Feet To The Terminus Of An Existing Sidewalk, Together With Related Driveway Adjustments And Appurtenances Necessary And Proper Therefor, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### RESOLUITON NUMBER 33-79 APPRECIATION

Mr. Singer sponsored Resolution Number 33-79, A Resolution Of Appreciation For The Services Of Roland McSherry As A Member Of The City Planning Commission Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### RESOLUTION NUMBER 34-79 MAIN AND FRANKLIN STREETS

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Mr. Kenning reviewed the following Bids received for various intersection improvements at Main and Franklin Streets:

Carey Paving Company, Inc.	\$268,200.80
Alternate 1	960.00
Alternate 2	882.00
Finke Construction Company	342,791.25
Alternate 1	2,500.00
Alternate 2	735.00

Mr. Kenning recommended acceptance of the Bid from Carey Paving Company, Inc. not to exceed \$270,042.80. This is a Bond Levy Project, funds are available and budgeted. Work to be completed by May 31, 1980. Mr. Sweetman sponsored Resolution Number 34-79, A Resolution Accepting The Bid Of Carey Paving Company, Inc. To Supply Intersection Improvements At Main And Franklin Streets To The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 35-79 COOPERATION

Mr. Stone sponsored Resolution Number 35-79, a Resolution of cooperation and basically a commitment on the part of Council as Elected Officials that there are jurisdictional problems which arise throughout Montgomery County, that Council has the responsibility of addressing these problems and will give full cooperation in solving these problems. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stubbs requested that the City Manager prepare for August 20, 1979 Council Meeting an update on the Centerville High School traffic problem in regards to the opening of the new stadium, an opening at the rear of the property and what the City intends to do in preparation for the first football game. Mr. Stubbs expressed concern with access for emergency vehicles.

Upon question of Mr. Stubbs, Mr. Kenning advised that the North Main Street sidewalk improvement project is complete in front of the Gerber Property, it will be further improved when said land is developed.

Mr. Sweetman complimented Bill's Donut Shop for the construction of his new facility.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:

  
Clerk of Council