

OPTIONAL FORM NO. 101-114

Held September 10, 1979

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 10, 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 J. V. Stone
 - Jeffrey Siler
 - James Singer
 - Leonard Stubbs
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- Planner Alan Schwab
- Director of Finance William Bettcher
- Chief of Police William Randolph
- Municipal Attorney Robert Farquhar
- Assistant City Manager Joseph Minner
- Civil Engineer James Smith
- Service Superintendent Ray Hannah

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

- Council Meeting: August 20, 1979.
- Council Work Session Meetings: August 20, 1979.
- August 27, 1979.

Mr. Siler 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 Liouor Control of an Application for transfer of a D1, D2, D3 and D3A Permit for Gaston Enterprises, Inc., DBA White Rabbit Lounge, 889 South Main Street; no objections were offered.

Mr. Kenning reported the following during his City Manager's Report:
 The Centerville Kiwanis has provided plantings in the rear of the Municipal Building between the two buildings.
 Notification has been received from the Montgomery County Engineer that the County Commission has authorized \$200,000.00 for Clyo Road construction. The salt storage facility is now complete per Contractor.
 The Activity Reports of the Service Department and the Building Inspection Division for the month of August were briefly reviewed.

Councilwoman Nora Lake entered the Meeting at this time.

ORDINANCE NUMBER 36-79 ZONING ORDINANCE AMENDMENT TEST

Mr. Kenning reviewed the Planning Commission Meeting held August 28, 1979. Received from the Commission was an Ordinance increasing the Membership on the Board of Architectural Review from five to seven members. Mr. Stone moved that Ordinance Number 36-79, An Ordinance Amending Ordinance Number 15-61, The Zoning Ordinance, As Amended By Ordinance Number 80-71, By Increasing The Memberhsip Of The Board Of Architectural Review From Five (5) Members To Seven (7) Members, be set for Public Hearing on November 5, 1979. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 37-79 ZONING ORDINANCE AMENDMENT REZONING

As recommended by the Planning Commission, Mr. Sweetman moved that

Held September 10, 1979 continued 19

Ordinance Number 37-79, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 18.369 Acres, More Or Less, From Centerville EC Classification To Centerville R4 Classification, be set for Public Hearing on November 5, 1979. Mr. Stone seconded the motion. This is a rezoning for the property located east of State Route 48 and south of North Village Drive (Villager Apartments). A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 38-79 ZONING ORDINANCE AMENDMENT REZONING

Mr. Kenning reviewed a proposed Ordinance recommended by the Planning Commission to rezone the property located along the south side of Alexandersville-Bellbrook Road, just east of the railroad tracks. Mr. Siler moved that Ordinance Number 38-79, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 0.25 Acres, More Or Less, From Centerville R-0-I Classification To Centerville R-4 Classification, be set for Public Hearing on November 5, 1979. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 39-79 ZONING ORDINANCE AMENDMENT REZONING

The Planning Commission also recommended to Council an Ordinance rezoning the property located along the east side of State Route 48, north and south of North Village Drive. Mr. Stubbs moved that Ordinance Number 39-79, An Ordinance Amending Ordinance Number 15 Dated December 11, 1979, The Zoning Ordinance, By Re-Zoning 16 Acres, More Or Less, From Centerville EC Classification To Centerville B2 Classification, be set for Public Hearing on November 5, 1979. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 40-79 ZONING ORDINANCE AMENDMENT REZONING

As recommended by the Planning Commission, Mr. Sweetman moved that Ordinance Number 40-79, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 152.25 Acres, More Or Less, From Washington Township R-4 Classification To Centerville R-1 Classification, be set for Public Hearing on November 5, 1979. This includes that area known as Mount Vernon Estates located in the northeastern portion of the City of Centerville. Mr. Stubbs seconded the motion. A roll Call vote resulted in seven ayes in favor of the motion.

CENTERVILLE SQUARE

During their Meeting on August 28, 1979, the Planning Commission recommended approval of an amendment to the Site Plan for Centerville Square, to permit a roadside sales stand (farmers market) in the grass area between the parking lot and Spring Valley Road. The Development is located at the northwest corner of Spring Valley Road and South Main Street (State Route 48). This condition was approved previously by the Planning Commission to exist on a temporary basis during the month of August. Mr. Schwab reviewed their request. Mr. Siler moved that the Site Plan Amendment for Centerville Square be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

WALNUT HILLS SECTION TWO

Mr. Schwab reviewed the Replat for Walnut Hills Estates, Section Two, a subdivision located south of Centerville Station Road and west of Wilmington Pike. It concerns approximately 2.6 acres of land and reduces Section Two by three lots. The Plan as previously approved included 50 foot wide lots, 0 side yards on one side and 10 foot side yards on the other side. Further investigations revealed the fact that the approved Plan perhaps did not conform to Fire, Building and Zoning Codes without the construction of fire

WALNUT HILLS ESTATES - 1979

Held

September 10, 1979 continued

19

walls between buildings. Through negotiations with the Developer a compromise was reached to provide 15 feet between buildings, thus the reason for this Replat. The Planning Commission unanimously recommended approval of this Record Plan Replat subject to the following recommendations:

1. Change covenants to allow "0" side yard on the southeast of lot 53 and the northeast side of lot 55.
2. Change the covenant to increase the 2 foot side yard requirement on lots 50 through 52 and 58 through 64 to 5 feet.
3. Easement language specify Cable Television as a utility service.

Discussion followed concerning requirements of the various Codes and the distance necessary between buildings. It was pointed out that if the Developer continues with the original Plan as approved, 10 feet would separate buildings; being considered now is an amendment to increase this to 15 feet. Mayor Green suggested that this item be tabled until the Codes can be reviewed and requirements determined. Some Councilmembers encouraged approval of the Replat at this time. Mr. Singer moved to table the Walnut Hills Estates, Section Two Record Plan Replat, until a better understanding of Code requirements can be obtained. Mrs. Lake seconded the motion. A roll call vote resulted in four nays against the motion; Mrs. Lake, Mr. Singer and Mr. Sweetman voted yes. Mr. Stubbs moved that Walnut Hills Estates, Section Two Record Plan Replat, be approved including the recommendation of the Planning Commission as previously outlined. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mrs. Lake, and Mr. Sweetman voted no; Mr. Singer abstained. Mr. Sweetman requested a complete report on the development of Walnut Hills Estates from the City Manager.

WASHINGTON TOWNSHIP PUBLIC LIBRARY

Mr. Schwab reviewed Planning Commission's unanimous approval of a Site Plan Amendment for the Washington Township Public Library, located east of State Route 48 and north of North Village Drive. The amendment is an alteration to the parking area, removing parking spaces in the front of the Library and locating them on an area fronting on State Route 48. A space is also deleted from the area of the access drive. The number of spaces included exceeds the number required by the Zoning Ordinance. Mr. Siler moved that the Site Plan Amendment for the Washington Township Public Library as submitted, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

CAPITAL IMPROVEMENT PROGRAM 1980-84

Mr. Stubbs reported for the Finance Council Committee. The Capital Improvement Program for 1980-84 has been reviewed, minor changes made and approved by the Finance Committee. The Program prioritizes and provides funding for the various projected improvements. Street improvements are the top priority items. Mr. Stubbs moved that Council approve the Capital Improvement Program for 1980-84, as submitted. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Reverend Nicholas Rachford presented to Council a publication entitled "Historic Preservation Law" to be placed in the City's Law Library. He obtained this booklet while in Washington, D.C.

BETTY LITSAKOS CONDITIONAL USE

The Public Hearing was held concerning a Conditional Use Request submitted by Betty Litsakos for the property located at 7266 Far Hills Avenue. Requested is OR, a Professional Office in Residence. Mr. Schwab located the subject property on a map and reviewed surrounding zoning and uses. Adequate parking will be provided to the rear of the building, the

Held

September 10, 1979 continued

19

garage opened to serve as a drive-through access to the parking area. The Planning Commission recommended approval of this Plan subject to the present configuration of screening density along the north property line and the east property line being retained. Discussion followed concerning the location of the curb cut to the south to serve as a common driveway if and when the vacant land to the south is developed and a lot split takes place.

Mr. Robert Buckingham, a Real Estate Agent representing the Applicant, reviewed the proposal. He reiterated the fact that the lot will probably be split sometime in the future. He explained how the present garage would serve as a canopy into the parking area. Council members emphasized the need for fewer curb cuts onto State Route 48.

Mr. Fred Henley, 521 Sunnyclyff Place and property owner to the east of the subject property, questioned the density of the present buffer between properties during the winter months. He suggested that the present screening be supplemented with evergreens.

Mrs. Lake moved that the Conditional Use Request submitted by Betty Litsakos for the property located at 7266 Far Hills Avenue be approved subject to the driveway being located south of the building which can be used as a common driveway in the future, and subject to the planting of a four foot high evergreen hedge sufficiently dense to provide interruption of sight along the east side of the property. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 32-79 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 32-79. Mr. Sweetman sponsored Ordinance Number 32-79, An Ordinance Amending Ordinance Number 15-1961, The Zoning Ordinance By Defining Promotional Devices And Prohibiting Their Use in All Zoning Districts, and moved that it be passed. Mr. Siler seconded the motion. Upon question of Mr. Stone, Mr. Farquhar explained the fact that a Variance could be obtained from this restriction for a specific occasion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 35-79 INDUSTRIAL DEVELOPMENT REVENUE BONDS

The Public Hearing was held concerning Ordinance Number 35-79. Mr. Stone sponsored Ordinance Number 35-79, An Ordinance Authorizing The Issuance Of A \$735,000 Industrial Development First Mortgage Revenue Bond (Hyams Project) Of The City Of Centerville, Ohio, For The Purpose Of Making A Loan To Assist Norman Hyams In The Financing Of Costs Of A "Project" Within The Meaning Of Chapter 165, Ohio Revised Code; And Authorizing The Execution Of A Loan Agreement Pertaining To The Project, and moved that it be passed. Mr. Sweetman seconded the motion. Mrs. Lake clarified the fact that her vote reflects previous concerns and is not against the specific project. A roll call vote resulted in six ayes in favor of the motion; Mrs. Lake voted no.

RESOLUTION NUMBER 41-79 PUBLIC DEFENDER

Mr. Sweetman sponsored Resolution Number 41-79, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission Providing For Legal Counsel To Indigent Persons Charged With Violations Of The City's Municipal Ordinances, The Outcome Of Which Could Result In The Loss Of Liberty Of Said Persons: Providing For The Payment For Said Services And Providing For A Term Commencing January 1, 1980 And Terminating On December 31, 1980, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Held

September 10, 1979 continued

19

ORDINANCE NUMBER 41-79 PROPERTY ACQUISITION

Mr. Sweetman moved that Ordinance Number 41-79, An Ordinance Authorizing And Directing The City Of Centerville To Purchase The Property Described Herein From Phillips Marketing Properties, Inc. And Further Authorizing And Directing The Payment Of The Sum Of \$8,555.75 To Phillips Marketing Properties, Inc. For Same, be set for Public Hearing on October 1, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 42-79 FIRE LANES

Mr. Stubbs moved that Ordinance Number 42-79, An Ordinance Amending Chapters 351 And 1511 Of The Centerville Municipal Code By Granting To The City Manager The Power To Establish Fire Lanes And To Prohibit The Parking Of Vehicles Therein, be set for Public Hearing on October 1, 1979. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 42-79 BONDS AND NOTES

Mr. Siler sponsored Resolution Number 42-79, Resolution Requesting Fiscal Officer To Certify Maximum Maturity Of Bonds And Notes, 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 43-79 BONDS AND NOTES

Mr. Stone sponsored Ordinance Number 43-79, An Ordinance Providing For The Issuance Of \$30,000 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, 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 seven ayes in favor of the motion.

ORDINANCE NUMBER 44-79 PREVAILING WAGE LAW

Mr. Siler sponsored Ordinance Number 44-79, An Emergency Ordinance Amending Section V Of The Centerville Administrative Code By Providing For Wages And Hours On Public Works, 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 45-79 PREVAILING WAGE LAW

Mr. Sweetman moved that Ordinance Number 45-79, An Ordinance Amending Section V Of The Centerville Administrative Code By Providing For Wages And Hours On Public Works, be set for Public Hearing on October 1, 1979. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 43-79 HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Mr. Stone sponsored Resolution Number 43-79, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement With The Board Of County Commissioners Of Montgomery County, Ohio, Concerning The Participation Of The City Of Centerville With Montgomery County, Ohio, In Projects Under The Housing And Community Development Act Of 1974, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mrs. Lake requested that the City Manager respond to a letter received from the Ohio Municipal League asking for statements opposing USEPA's proposed water quality standards for Ohio. The State of Ohio will lose approximately \$106 million dollars in construction money the end of this

Held September 10, 1979 continued 19

month.

There being no further business, the Meeting was adjourned.

Approved: *Victor B. Green*
Mayor

ATTEST:

Marie S. ...
Clerk of the Council