

Held

April 3,

1978

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 3, 1978 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Garfield Judkins from the First Baptist Church 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 Nora Lake

J. V. Stone

Leonard Stubbs

James Singer

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

City Planner Garth Reynolds

Service Director Richard Bishop

City Engineer Karl Schab

Director of Parks and Recreation John Dunathan

Director of Finance William Bettcher

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

Mayor Green advised that Councilman Jeffrey Siler was on vacation, thus his absence at this Meeting. Mr. Sweetman moved that Mr. Siler be excused from this Meeting. Mr. Singer 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 Meetings - March 6, 1978.

- March 27, 1978.

Council Work Session Meetings - March 6, 1978.

- March 14, 1978.

- March 27, 1978.

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

Mrs. McLaughlin announced the receipt of letters of resignation from Arts Commission Member Alice Nye and Planning Commission Member Roland McSherry. Mr. Stubbs suggested that Council speak with Mr. McSherry before accepting his resignation; Mayor Green will contact him.

Mayor Green issued a Proclamation designating the week of April 3, 1978 as Epiphany Lutheran Church Week in Centerville, in recognition of the dedication of their new facility.

Mayor Green announced the Meeting scheduled for Monday, April 10, 1978 for Council to answer any questions residents may have concerning the proposed 1/4% Income Tax Issue. The Meeting will begin at 7:30 P.M. in the Council Chambers.

Mr. Kenning listed presentations concerning the proposed Income Tax increase scheduled during the week of April 3, 1978.

Mr. Kenning reported the following during his City Manager's report:  
The \$10,000.00 grant awarded the City of Centerville for the acquisition of the Temple Property has been switched to a development grant to cover repair, restoration and rehabilitation work of the property.

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The March activity report of the Service Department was reviewed. Mr. Kenning updated Council on the following improvement projects: Clys Road/Alexandersville-Bellbrook Road intersection, the light has been energized on flash, construction is underway. Maple Avenue, work has resumed. Spring Valley Road/South Main Street, construction has resumed, project should be completed in approximately 30 days. Rolling Oak Drive/Ambridge Road, site preparation will begin in a few days.

Main Street/Franklin Street intersection, preliminary engineering has been completed.

North Main Street, engineering is in process, negotiations with the State of Ohio are proceeding.

Mr. Stubbs, making reference to the decline in calls for special pickups detailed in the Service Department Activity Sheet, pointed out the fact that, if the Income Tax issue passes April 11, 1978, this extra charge will be eliminated.

## RESOLUTION NUMBER 26-78 APPRECIATION

Mr. Stone read Resolution Number 26-78 a Resolution of Appreciation to Loren Gannon, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Gannon was presented a plaque in appreciation of his services as a Member of the Board of Architectural Review.

## ORDINANCE NUMBER 19-78 ZONING ORDINANCE AMENDMENT REZONING

Mr. Reynolds reviewed the Planning Commission Meeting held March 28, 1978. He reviewed Planning Commission's unanimous approval of the rezoning of approximately 303 acres of land from Washington Township R-4 to Centerville R-1, located north of Whipp Road, south of the Kettering/Centerville Corporation line, east of Marshall Road and west of the Penn Central Railroad Tracks. This change in zoning would not affect the use of the property. Mrs. Lake moved that Ordinance Number 19-78, An Ordinance Amending Ordinance Number 15-1961, The Zoning Ordinance, By Re-zoning Approximately 303 Acres From Washington Township R-4 Classification To Centerville R-1 Classification, be set for Public Hearing on May 15, 1978. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## CARRIAGE SQUARE SECTION THREE

Mr. Reynolds reviewed the Record Plan for Carriage Square, Section Three, consisting of a 4.2 acre lot located on the south side of Hewitt Road and west of Bigger Road, zoned Entrance Corridor. The right of way is consistent with plans for the improvement of Bigger Road and with the bridge approach structure for proposed I-675. The Planning Commission unanimously recommended approval of this Record Plan. Mr. Sweetman moved that the Record Plan for Carriage Square, Section Three be approved, as presented. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs announced a Safety Council Committee Meeting to be held Wednesday, April 5, 1978 to begin at 9:30 P.M., after the presentation on the proposed Income Tax issue.

Mr. Nelson Rogers, 707 Kings Row Avenue, appeared before Council in response to recent articles in the newspapers concerning the group organized to oppose the construction of I-675. He suggested that a plan be developed to endorse the completion of I-675 and be sponsored on a continuing basis.

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Mayor Green outlined for Mr. Nelson how Centerville has endorsed this construction and how this roadway is included in Centerville's plans for future development. Mr. Stubbs suggested that this item be placed on the ballot so that residents can express their desires.

#### TACO BELL RESTAURANT

The Public Hearing was held concerning the Appeal filed by Dybvig and Heinz Realtors concerning the denial of an Application to construct a Taco Bell Restaurant on South Main Street by the Board of Architectural Review during their Meeting on March 7, 1978. The property in question was located on a map, being a one half acre lot situated on the east side of South Main Street across from Peach Grove Avenue. The design of the building proposed is the standard style for a Taco Bell.

Mr. Jack Heinz, one of the owners of the property, reviewed their Application. He believes that compatibility of the entire development is important (front yards, parking and signage); he believes that the building (size and style) is compatible with the adjacent buildings. Mr. Heinz outlined how he sees this development satisfying the preamble of the Ordinance which created the Architectural Preservation District. He advised that he would be willing to discuss alternatives with Council for this construction, but that he is limited in the style of the building. Photos were offered to Council showing the present structure on the lot and of other buildings built within the AP District. Mr. Heinz indicated that in talking with property owners along South Main Street he failed to find one person opposed to the Taco Bell Building.

Mr. Bill Baeder, 35 Benzell Drive, owns property directly behind the proposed Taco Bell Restaurant. He is concerned with aesthetics, traffic conjection and sees his neighborhood as a cut through from the High School to the Taco Bell. He is also concerned with potential water run off from the parking area onto his property.

Mr. William Boyko, 45 Benzell Drive, offered his concern with the design of the building. The effect this building would have on adjacent properties must be considered.

Mr. John Petzold, Attorney for Taco Bell, advised that Taco Bell would be willing to discuss alternatives with Council but that the building must be mission style design.

Mr. Stubbs would like to consider a traffic study (ingress and egress) before a decision is rendered by Council concerning this Appeal. Mrs. Lake pointed out the fact that drainage must also be considered. Rev. Judkins, Member of the Board of Architectural Review, advised that the Application to build this Restaurant was denied by the Board of Architectural Review based upon the fact that they found the architecture of the building objectionable and upon the feelings of residents in the neighborhood; considered also was ingress and egress to the property. Mayor Green advised that this matter will be further discussed during a Council Work Session Meeting so that all aspects can be considered.

#### WOODLEY DEVELOPMENT COMPANY CONDITIONAL USE

The Public Hearing was held concerning the Conditional Use Request submitted by the Woodley Development Company to permit the construction of a parking lot at the southwest corner of Hewitt Road and Bigger Road in the City of Centerville to serve a commercial building which will be erected in the City of Kettering on the same lot. Mr. Reynolds reviewed the Plan for construction; all City of Centerville requirements have been met; parking is a permitted use under the Entrance Corridor zoning which the property is classified. The development of this land corresponds with the previous development of adjacent land to the west along Hewitt Road. Mr. Ralph Woodley, Developer, agreed to the recommendation of the City Engineer that:

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1. a catch basin be installed at the end of an existing tile draining water in an easterly direction across Bigger Road, 2. a right-of-way of 45 feet west of the centerline be dedicated to the public, and 3. the owner's agreement that he will not be opposed to the widening of Bigger Road and that he will agree to be part of the improvement project. Mrs. Lake moved that the Conditional Use submitted by the Woodley Development Company be approved as submitted. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## ORDINANCE NUMBER 15-78 STREET NAME CHANGE

The Public Hearing was held concerning Ordinance Number 15-78. Mr. Patricia Search, a potential homeowner on a street in Black Oak Estates, explained their request that the name of this street be changed from Stanford Court to Ghirardelli Circle. Stanford Court is very similar to Stamford Place, a street in Washington Township, and could lead to confusion at a time of emergency. Mr. Stone sponsored Ordinance Number 15-78, An Ordinance Changing The Name Of Stanford Court To Ghirardelli Circle, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## ORDINANCE NUMBER 17-78 BIGGER ROAD

The Public Hearing was held concerning Ordinance Number 17-78. Mr. Kenning reviewed the proposed Ordinance, concerning the improvement of Bigger Road in the City of Centerville and a small portion in the City of Kettering. Mr. Sweetman sponsored Ordinance Number 17-78, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Transportation And Repealing Ordinance 9-76, 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 18-78 ARTS COMMISSION

The Public Hearing was held concerning Ordinance Number 18-78. Mr. Sweetman sponsored Ordinance Number 18-78, An Ordinance Appointing Lesley L. Sybert To The Arts Commission Of 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.

## RESOLUTION NUMBER 28-78 EQUIPMENT

Mr. Kenning reviewed a proposed Resolution to provide for the issuance of notes and bonds to pay the cost of the purchase of nine vehicles for municipal use. Mr. Stubbs sponsored Resolution Number 28-78, A Resolution Requesting Fiscal Officer To Certify Maximum Maturity Of Bonds And Notes, 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 20-78 EQUIPMENT

Mr. Sweetman sponsored Ordinance Number 20-78, An Ordinance Providing For The Issuance Of \$40,854 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Cost Of Acquiring Nine Motor Vehicles For Municipal Use, And Declaring An Emergency, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## RESOLUTION NUMBER 27-78

Mr. Kenning reviewed three Contracts for Health Services to the City of Centerville by the Montgomery County Combined General Health District for the year 1978. The Contracts include public health services, housing services and the Dayton Free Clinic and Counseling Service. Mr. Stone sponsored

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Resolution Number 27-78, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Montgomery County Combined General Health District For The Year 1978, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 29-78 APPRECIATION

Mr. Sweetman sponsored Resolution Number 29-78, A Resolution Of Appreciation For The Services Of Virginia Siler As A Member Of The Arts Commission 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 30-78 APPRECIATION

Mr. Stubbs sponsored Resolution Number 30-78, A Resolution Of Appreciation For The Services Of Alice Nye As A Member Of The Arts Commission Of The City Of Centerville, Ohio, 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 21-78 YOUTH BOARD

Mr. Stone moved that Ordinance Number 21-78, An Ordinance Appointing Christine Thompson To The Youth Board Of The City Of Centerville, Ohio, And Establishing A Term Of Office, be set for Public Hearing on April 17, 1978. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs requested that Mr. Kenning review for Council all ramifications concerning the Bill before the State Legislators relative to the incorporation of Townships.

Mr. Kenning advised that he will replace Mr. Levermann as Alternate to the Transportation Coordinating Committee.

There being no further business, the Meeting was adjourned.

Approved:

  
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Mayor

ATTEST:

  
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Clerk of the Council