

DAYTON LEGAL BLANK CO. 10144

Held June 5, 1978

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, June 5, 1978 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 James Singer  
                   Leonard Stubbs  
                   Jeffrey Silér  
                   J. V. Stone

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  
 Chief of Police William Randolph  
 Municipal Attorney Robert Farquhar  
 Director of Finance William Bettcher

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

Council Meeting - May 15, 1978.  
 Council Work Session Meetings - May 15, 1978.  
   May 22, 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.

Mayor Green administered the Oath of Office to the following Members:  
 Lester R. Stauske, Personnel Appeals Board  
 Kenneth F. Dubis, Personnel Appeals Board  
 Lura I. McEvoy, Arts Commission

Mrs. McLaughlin announced the receipt of the following notices from the Ohio Department of Liquor Control:

An Application for a D-2 Permit transfer from Charles H. Landis DBA Landis Wine Mart to Betty J. Kiger, 9466 Dayton Lebanon Pike.

An Application for a C-1 Permit to Betty J. Kiger, 9466 Dayton Lebanon Pike.

An Application for a C-2 Permit to Goldmans Inc., 8900 Lebanon Pike. Council indicated no objections to the issuance of these Permits.

Mr. William McCrabb; representing The Plantation Company, developers of Wrens Cross, Section 1, in Washington Township falling within the three mile jurisdiction of the City of Centerville; appeared to publicly answer charges levied by the news media, charging poor and inadequate planning on the part of his firm and the City of Centerville. He reviewed sequence of events relative to the development of Wrens Cross. The Preliminary Plan and Record Plan were originally approved by Montgomery County Planning and Washington Township. The Plat was later resubmitted for approval to Washington Township and then to the City of Centerville, at which time sidewalks and some curbing were added. Mr. Sweetman was absent during this item on the agenda.

Mrs. Lake entered the Meeting at this time.

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Mayor Green advised that he represented the City of Centerville and the Mayors and Managers Association at a Meeting held Friday, June 2, 1978 at Wright Patterson Air Force Base.

Mr. Kenning reported the following during his City Manager's Report: Application has been made to Montgomery County for Permissive Tax on eight different projects totaling \$381,000.00.

The various Permissive Tax Projects and Bond Levy Projects throughout the City were reviewed.

The monthly activity report of the Service Department was reviewed for the month of May, 1978.

The Building Inspectors Report for the month of May was also reviewed.

#### ORDINANCE NUMBER 32-78 ZONING ORDINANCE AMENDMENT REZONING

Mr. Reynolds reviewed the Planning Commission Meeting held May 30, 1978. The Commission unanimously recommended to Council that a Public Hearing be set for the rezoning of 4.6 acres of land from Entrance Corridor classification to B-2 classification, that land being situated along the east side of State Route 48 at Fireside Drive, and more particularly known as Ole Spanish Village. Mr. Sweetman moved that Ordinance Number 32-78, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 4.6 Acres, More Or Less, From Centerville Entrance Corridor Classification To Centerville B-2 Classification, be set for Public Hearing on July 17, 1978. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 33-78 ZONING ORDINANCE AMENDMENT REZONING

Mr. Reynolds reviewed Planning Commission's unanimous recommendation that Council set for Public Hearing an Ordinance to rezone approximately .54 acres of land situated along the north side of West Franklin Street from R-1 classification to Architectural Preservation District. This is the last lot on the north side of West Franklin Street having R-1 zoning, the property is owned by Dorothy James Presbaugh. Mrs. Lake moved that Ordinance Number 33-78, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning .54 Acres, More Or Less, From Centerville R-1 Classification To Centerville Architectural Preservation Classification, be set for Public Hearing on July 17, 1978. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### WHISPERING HILLS CONDITIONAL USE

Mr. Reynolds reviewed the Planning Commission's unanimous approval of the amended Preliminary Plan for Whispering Hills to construct a swimming pool and bath house. The property in question is located south of East Whipp Road, east of State Route 48 and north of Alexandersville-Bellbrook Road. The Planning Commission approved the Plan with the provision that screening be provided around the tennis courts to the satisfaction of the City Planning Department. Mr. Sweetman moved that the Conditional Use Request submitted for Whispering Hills be set for Public Hearing on July 17, 1978. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### FIRST NATIONAL BANK

Mr. Reynolds explained the Site Plan for the First National Bank proposed to be located on the north east corner of Centerville Station Road and Clio Road. The zoning of the land is O-S. He located the property on a map and reviewed adjacent zoning. Colonial type architecture is proposed for the building. The Site Plan as reviewed by the Planning Commission includes one curb cut, facilitating two directional traffic, near the

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eastern portion of the property along Centerville Station Road. A temporary access will be provided near the north portion of the property along Clio Road until Clio Road is improved at which time the First National Bank will install a permanent curb cut to meet City standards. With the completion of improved Clio Road, access from the north to the Bank will be eliminated. Due to some changes on the Site Plan, the Landscaping Plan as prepared was not adequate, however, the Bank did agree to post a \$7,000.00 Bond to assure that an appropriate Landscaping Plan will be submitted to the Planning Commission and Council for approval within 45 days. Parking meets City requirements. Upon question and concern of Mr. Sweetman, Mr. Schab explained the fact that the sidewalk along this property on Centerville Station Road will be replaced. Mr. Sweetman expressed concern with ingress and egress from the same curb cut along Centerville Station Road. He suggested that this curb cut be designated right in, right out only, as well as the curb cut on Clio Road. Mrs. Lake was concerned with the number of curb cuts that may exist along Centerville Station Road when the remainder of the land is developed. Discussion followed concerning the possibility of common curb cuts. The Planning Commission unanimously approved the Site Plan for First National Bank subject to the City Staff working out the engineering solutions on the curb cuts and their geometric design. Mr. Sweetman moved that Council approve the Site Plan for a First National Bank facility to be located at the north east corner of Centerville Station Road and Clio Road with the condition that the Developer come back to City Council for the approval of curb cuts and a Landscape Plan in detail, at the earliest possible date, and that a Landscape Bond in the amount of \$7,000.00 be posted with the City, and conditioned upon the Bank's continued agreement as evidenced in their letter dated June 2, 1978 addressed to the City of Centerville from Senior Vice President and Cashier Mr. Charles R. Hoschouer. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Siler abstained.

#### GREENBRIER COMMONS SECTION TWO

Mr. Reynolds reviewed the Preliminary Plan for Greenbrier Commons, Section Two, located the property on a map and explained adjacent zoning. The overall density is 143 units; E-C zoned land. The Planning Commission approved this Preliminary Plan including the amended Preliminary Plan for the entire project. Discussion followed concerning future assessment for the extension of Clio Road. Mr. Farquhar will prepare an opinion concerning the proper parties to be assessed for the extension of Clio Road, due to the fact that this is a Condominium project. Mr. Singer moved that Council approve the Preliminary Plan for Greenbrier Commons, Section Two as recommended by the Planning Commission and including the amended Preliminary Plan. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman announced the Council Finance Committee Meeting scheduled for Wednesday, June 7, 1978 to begin at 7:30 P.M. at the South Suburban Annex.

Mr. Sweetman gave a status update concerning Cable TV in our area. Cable has been turned on in various sections of Centerville. Applications are being received for a new Executive Director.

Mr. Charles Rush, 534 Duberry Place, appeared to question the proposed median for State Route 48 south of Whipp Road. Mr. Kenning advised that a review of this entire project will be forthcoming when all items have been put together.

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## BEERMAN REALTY COMPANY CONDITIONAL USE

The Public Hearing was held concerning the Conditional Use Request submitted by the Beerman Realty Company to construct a Shopping Center in a B-3 zoned district. Mr. Reynolds located the property on a map; being situated along the west side of State Route 48, north of Sheehan Road; and reviewed adjacent zoning. Included in the entire project is 12.4 acres of land. Mr. Reynolds reviewed the following motions unanimously approved by the Planning Commission:

Motion to approve landscaping including a continuous 4 foot high mounded buffer situated within the 100 foot buffer strip on the west side of the project. Walk through areas and swales should be designed so that the mounded areas overlap thus obstructing a clear view through any gaps in the mound itself.

Motion to approve storm drainage swale 18" pipe system along the front line of the property as worked out between the Developer and the City Engineer.

Motion to approve parking lot lighting scheme using the special non-side glaring fixture specifications which were submitted by the Developer's architect. The effect of the lighting is to be similar to the existing Rubicon Cadillac parking lot lighting.

Motion to approve the street layout as submitted with all non-dedicated 60 foot right-of-way on State Route 48 in front of the project dedicated.

Motion exempting the signage on the westernmost building complex, to approve the presented freestanding sign for the shopping center including the following variances:

7.5 feet on the setback (17 1/2 feet from the right-of-way).

9 feet on the height (25 feet high).

65 square feet on the area (115 square feet total).

An additional condition being that no sign will be added to the approved freestanding sign (with the only possible exception being a single movie marquee sign).

Motion to approve the layout and design of the Centerville Place Shopping Center.

Motion to approve the presented architecture and landscaping of Citizens Federal Bank and a single ground mounted sign as presented with the following variances:

7 feet total from the right-of-way.

7 feet total height.

35 square feet per face and 70 square feet total sign area.

Motion to require a letter from the Developer indicating a willingness to work together with the interested parties in solving the Marco Lane and Elder-Beerman entrance drive offset intersection problem.

Motion to require a letter from the Developer indicating their cooperation in seeking to obtain a suitable dedication of right-of-way along State Route 48 from the existing Elder-Beerman Complex in accordance with the current thoroughfare plan.

Motion to permit the erection of the presented temporary sign for the period of the construction of the Shopping Center.

Motion to recommend that Council set a Public Hearing on Centerville Place within 30 days.

Mr. Sweetman expressed concern with the landscaping plan and the pathways through the buffer zone. He was concerned with the signage as requested and he believes that a traffic light is a must for the area.

Mr. Tim Logan, representing the Developer, advised that a landscaping plan has been submitted to the City of Centerville for the 100 foot buffer. He agreed to install a traffic light if permitted by the State of Ohio and the City of Centerville. Discussion followed concerning the size and height

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of the signs and the possible theater marquee sign.

Mr. John Sotiropoulis, appeared concerning the water run off from the parking lot onto properties east of State Route 48. Mr. Logan advised that they have done everything on their property possible to alleviate the problem.

Upon question of Mr. Rush, Mr. Logan reviewed additional lanes to be provided on State Route 48 in front of the Shopping Center. Three full lanes will be provided with a fourth lane for deceleration.

Mr. Robert Seeley, property owner directly across State Route 48 from this development, described what he believes to be a very serious water drainage problem during heavy rainfalls. If the plan is to drain the water from the parking areas through a 42 inch pipe under Route 48 into an 18 inch pipe on the east side, he believes the problem will be even greater. He suggested that a retainage pond be provided behind the proposed Kroger store to hold the water for a reasonable amount of time so that all the water does not flow across the street. Mr. Logan advised that a retaining pond would not be economically feasible or good engineering due to the slope and material of the soil. He explained how the problem was recognized from the onset, however, he believes that the only real solution is doing something downstream. The 18 inch pipe was installed on the east side of State Route 48 after the construction of the Elder Beerman Store and after the subject property was zoned for a Shopping Center. Beerman Realty has provided to receive the water upstream and carry it through their property downstream adequately. Much discussion followed concerning the water drainage problem and the 18 inch pipe which receives the water downstream.

Attorney Thomas Whelley, representing Robert Riordan, cited areas in which the City could be liable for pushing additional water downstream. Mr. Farquhar advised that the City is required to do whatever possible to alleviate the problem, and this the City has done.

Discussion followed concerning the building proposed for Citizens Federal Savings and their proposed sign. Mr. Sweetman suggested that this sign be externally lighted with flood lights rather than internally lit.

Further discussed was an increased amount of landscaping in the buffer area, the height of the main sign and no marquee.

Mr. Stubbs moved that the Conditional Use Request submitted by the Beerman Realty Company be granted and that a Zoning Certificate be authorized to be issued on the condition that a satisfactory Landscaping Plan for the rear of the property at the mound be concluded between the Developer and the City Staff, that the Developer agree to erect a sign no higher than 20 feet, that the Developer secure the agreement from Citizens Federal Savings to erect a ground mounted sign no higher than 7 feet to be constructed of matching brick and to be externally lit, and that the Developer voluntarily agree to abandon the provision for a theater marquee sign, and subject to the submission to the City of Centerville of a minimum Bond of \$20,000.00 for interior site work and landscaping of the property and a Performance Bond in the amount of \$49,000.00 for the widening of Dayton-Lebanon Pike and for the drainage system. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 29-78 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 29-78. Mr. Stubbs sponsored Ordinance Number 29-78, An Ordinance Appointing Marian S. Simmons To The City Planning Commission For The City Of Centerville, Ohio, For The Unexpired Term Of Robert Hopperton, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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ORDINANCE NUMBER 31-78 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 31-78. Mr. Stone sponsored Ordinance Number 31-78, An Ordinance Appointing M. Brian Bergsten To The City Planning Commission For The City Of Centerville, Ohio, For The Unexpired Term Of George Schottmiller, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

STANDARD OIL COMPANY

Mr. Reynolds reviewed the Preliminary Plan for Standard Oil Company. The property is located west of Wilmington Pike and just south of proposed I-675. The zoning is B-2. The Plan as presented has been coordinated between the City of Centerville, the Wilmington Pike Task Force and the Developer. The Staff recommended approval of this Preliminary Plan. Mr. Stone moved that the Preliminary Plan for Standard Oil Company be approved as presented. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

BLACK OAK ESTATES FOUR SECTION THREE

Mr. Kenning reviewed Mr. Schab's recommendation concerning the release of the Performance Bond posted on Black Oak Estates Four, Section Three. The property in question has been sold and replatted, thus the Bond should be released. A new Bond has been received for the replat; the Inspection Fee paid for the original Plat shall be applied to the replat. Mr. Sweetman moved that the Performance Bond posted on Black Oak Estates Four, Section Three, be released in accordance with the recommendation of the City Engineer. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stubbs left the Meeting during this item on the agenda.

ORDINANCE NUMBER 34-78 BOND LEVY IMPROVEMENTS

Mr. Sweetman sponsored Ordinance Number 34-78, An Ordinance Providing For The Issuance Of \$2,000,000 Of Road And Street Improvement Bonds Of The City Of Centerville, Ohio, For The Purpose Of Widening, Extending, Opening, Resurfacing, Grading, Draining And Changing The Line Of Various Roads, Streets And Highways In The City Of Centerville, And Installing Sidewalks, Curbs, Gutters And Traffic Signals At Selected Locations Within The City Of Centerville, And To Discharge \$400,000 Of Notes Previously Issued In Anticipation Of A Like Amount Of Such Bonds, And Declaring An Emergency, 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 35-78 PACKER TRUCK

Mr. Sweetman sponsored Ordinance Number 35-78, An Ordinance Providing For The Issuance Of \$28,000 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Cost Of Certain Solid Waste Collection Equipment, And Declaring An Emergency, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 46-78 BRIDGE CONSTRUCTION

Mr. Sweetman sponsored Resolution Number 46-78, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Board Of County Commissioners Of Montgomery County, Ohio For The Construction Of Bridge Number MOT-725-2188 On State Route 725 Within The Corporate Limits Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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RESOLUTION NUMBER 47-78 APPRECIATION

Mr. Stone sponsored Resolution Number 47-78, A Resolution Of Appreciation For The Services Of Faye L. Duncan 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 six ayes in favor of the motion.

RESOLUTION NUMBER 48-78 MICROFILM EQUIPMENT

Mr. Kenning reviewed the two Bids received for the purchase of Microfilm Equipment for use in the Police Department:

3 M Company	\$13,624.00
Bell and Howell	16,136.25

Mr. Kenning recommended that Council accept the Bid submitted by the 3 M Company in the amount of \$13,624.00. This is a L.E.A.A. funded project (95%). The low bid is within 1% of the project estimate. Mr. Sweetman sponsored Resolution Number 48-78, A Resolution Accepting The Bid Of 3 M Company To Supply Microfilm Equipment 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 six ayes in favor of the motion.

ORDINANCE NUMBER 36-78 CCIC AS AGENCY

Mr. Sweetman sponsored Ordinance Number 36-78, An Ordinance Designating Centerville Community Improvement Corporation As Agency Of The City Of Centerville, Ohio. And Authorizing Execution Of Agreement With Such Agency Under Revised Code Section 1724.10, And Declaring An Emergency, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved: *Victor A. Hean*  
 Mayor

ATTEST:

*Marilyn J. Hoyle*  
 Clerk of the Council