

DAYTON LEGAL BLANK CO. 10144

Held July 17, 1978

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, July 17, 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 J. V. Stone
  - Leonard Stubbs
  - James Singer
  - Jeffrey Siler
- Clerk of Council Marilyn McLaughlin
- Acting City Manager William Randolph
- Administrative Assistant Joseph Minner
- 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 Councilwoman Nora Lake arrived after the Meeting had been adjourned on Thursday, June 29, 1978. Mr. Sweetman moved that Councilwoman Nora Lake be excused from the Council Meeting held June 29, 1978. Mr. Stubbs 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 - June 29, 1978.
- Council Work Session Meetings - June 29, 1978.
- July 10, 1978.

Mr. Stubbs moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion; however, Mr. Sweetman abstained from the Minutes of the Meetings on June 29.

Mrs. McLaughlin advised that a letter of resignation had been received from City Beautiful Commission Member Richard Sachs.

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control for the transfer of a D5 Permit from El Grande, Inc. to Miami Valley Food Service Inc., 6318 Far Hills Avenue. Council indicated no objection to this transfer.

Mr. Reynolds reviewed the Planning Commission Meeting held June 27, 1978.

Councilwoman Nora Lake entered the Meeting at this time.

ORDINANCE NUMBER 42-78 ZONING ORDINANCE AMENDMENT TEXT

Mr. Reynolds advised that an Ordinance to provide that a Certificate of Occupancy for a residential structure not be issued until it has been determined that the fire hydrant serving said structure is in working condition received a favorable review and recommendation from the Planning Commission. Mr. Singer moved that Ordinance Number 42-78, An Ordinance Amending Ordinance Number 15-1961, The Zoning Ordinance By Providing That A Certificate Of Occupancy For A Residential Structure Shall Not Be Issued Until It Has Been Determined That The Fire Hydrant Designed To Serve The Structure



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Is In Working Condition, be set for Public Hearing on September 11, 1978. Mr. Sweetman seconded the motion. Mr. Sweetman brought attention to the concern of Mr. James Hickey, Planning Commission Member, that the wording referred to not only new homes but whenever an addition would be made to an existing home. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 43-78 SUBDIVISION REGULATIONS

Mr. Reynolds reviewed Planning Commission's unanimous approval of an Ordinance to provide for the submission of a Letter of Credit in lieu of a Performance Bond to guarantee the performance of a Developer. Mr. Stubbs moved that Ordinance Number 43-78, An Ordinance Amending Section 1123.17 A. I.b, A2, A3 And A4 Of The Centerville Municipal Code By Permitting A Developer To Secure Performance Of His Obligations Under A Subdivider's Agreement By Furnishing The City With An Irrevocable Letter Of Credit In A Form Approved By The Municipal Attorney From A Bank Or Lending Institution Licensed To Do Business In The State Of Ohio In Lieu Of A Performance Bond Or Certified Check, be set for Public Hearing on September 11, 1978. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 44-78 SUBDIVISION REGULATIONS

Mr. Reynolds reviewed Planning Commission's 4-2 vote in favor of an Ordinance initiated by the City Administration in an attempt to alleviate the problem of mud being deposited on City streets during construction. This Ordinance comes to Council without a recommendation from the Planning Commission. Mr. Stubbs moved that Ordinance Number 44-78, An Ordinance Amending Ordinance Number 1123.17 Of The Centerville Municipal Code By Adding A Requirement That A Developer Will, During The Course Of Development, Clean All City Streets Daily To Remove Any Dirt Or Debris Deposited Thereon By Reason Of Said Development And Providing For The City To Perform Said Work And Back-Charge The Developer In The Event The Developer Fails To So Clean The City Streets, be set for Public Hearing on September 11, 1978. Mr. Stone seconded the motion. Mr. Sweetman questioned whether this should be required on a daily basis and whether this is the responsibility of the developer. A roll call vote resulted in seven ayes in favor of the motion.

#### WHISPERING HILLS

Mr. Reynolds reviewed a proposed amendment to the Record Plan for Whispering Hills, Section One. The Developer has requested that the Plat name be changed from Whispering Hills to Hidden Hills and that two street names be changed. Mr. Sweetman moved that the Record Plan for Whispering Hills, Section One be changed to Hidden Hills, Section One, and that Bristle Cone Drive be changed to Shadow Lake Trail and Wake Robin Circle to Hidden Hills Drive. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

In response to a recent newspaper article, Mayor Green requested that the City Staff investigate the issuance of permits for the burning of debris to residents in our Community. Mrs. Lake suggested that the Staff obtain guidelines being followed by EPA concerning this matter.

#### WHISPERING HILLS CONDITIONAL USE

The Public Hearing was held concerning a Conditional Use request filed by Whispering Hills to provide for a pool and bath house within the development. Mr. Reynolds located the subject property on a map and reviewed the request. The property is located south of Whipp Road and borders the Penn Central Railroad Tracks. The Plan is a slight rearrangement



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of the common area to provide for a swimming pool and bath house with a slight shifting of the tennis Courts. Screening will be provided along the east side of the area. Considerable mounding and landscaping will also be provided. Discussion followed concerning lighting of the tennis courts, outside membership and the proximity of the tennis courts to adjacent property. Council expressed concern as to whether the adjacent property owners were aware of the proposed relocation of the tennis courts. Mr. Sweetman moved that this matter be tabled until a Council Work Session Meeting in order to deal with the concerns offered during this Public Hearing. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stubbs voted no. Maps of the area will be sent to affected residents to better detail for them what is proposed; this matter will be discussed during the Council Work Session Meeting scheduled for July 31, 1978.

**ORDINANCE NUMBER 32-78 ZONING ORDINANCE AMENDMENT OLE SPANISH VILLAGE REZONING**

The Public Hearing was held concerning Ordinance Number 32-78, an Ordinance to rezone approximately 4.6 acres of land from Entrance Corridor to B-2 zone classification. Mr. Reynolds located the property on a map and reviewed the request. The property is located along the east side of State Route 48, approximately 2,300 feet south of the intersection of Whipp Road with State Route 48, and is more particularly known as Ole Spanish Village. The rezoning as proposed represents a decrease in uses permitted but an increase in signage area permitted. This is the first of several rezonings along State Route 48 in the Entrance Corridor strip, rezonings will be requested to rezone the land more appropriate to existing uses. The Planning Commission unanimously recommended this City initiated rezoning to Council. Mrs. Lake encouraged the City to move forward to rezoning remaining adjacent land in the EC district. Mr. Stubbs sponsored Ordinance Number 32-78, An Ordinance Amending Ordinance Number 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, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mayor Green and Mr. Sweetman abstained.

**ORDINANCE NUMBER 33-78 ZONING ORDINANCE AMENDMENT PRESBAUGH REZONING**

The Public Hearing was held concerning Ordinance Number 33-78, an Ordinance to rezone approximately .54 acres of land from R-1 classification to Architectural Preservation. Mr. Reynolds reviewed this City initiated rezoning and located the subject property on a map, being located along the north side of West Franklin Street approximately 1,550 feet west of the intersection of Main Street with Franklin Street. This rezoning if granted will close the gap in the Architectural Preservation District along the north side of West Franklin Street. The Planning Commission unanimously recommended approval of this rezoning subject to the restrictions that have been applicable to other properties on West Franklin Street. Mr. Sweetman sponsored Ordinance Number 33-78, An Ordinance Amending Ordinance Number 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, 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 38-78 CITY BEAUTIFUL COMMISSION**

The Public Hearing was held concerning Ordinance Number 38-78. Mr. Stubbs sponsored Ordinance Number 38-78, An Ordinance Appointing Shirlea Moore To The City Beautiful Commission Of The City Of Centerville, Ohio, And Establishing A Term Of Office, and moved that it be passed. Mr. Singer



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

ORDINANCE NUMBER 39-78 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 39-78. Mr. Singer sponsored Ordinance Number 39-78, An Ordinance Appointing Mary Herminghausen To The City Beautiful Commission Of The City Of Centerville, Ohio, And Establishing A Term Of Office, 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 51-78 CONGRATULATIONS

Mr. Singer sponsored Resolution Number 51-78, A Resolution Of Congratulations to Sher Patrick, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stubbs reminded Council that a decision should be made soon concerning the continuation of the Youth Center. It had been decided that the City would fund the Center until September 1, 1978, no decision has been made following September 1. Mr. Dunathan advised that Washington Township has indicated that they will financially support the Youth Center through the end of the year as long as the City so does. Mayor Green suggested that the City explore alternatives for the location of the Youth Center in the future. Mr. Singer requested that a recommendation be received from the City Manager concerning the continuation of the Youth Center and that this include a forecast of available revenue for the remainder of this year. Mr. Kenning will provide a report to Council July 31, 1978 for consideration at the August 7, 1978 Work Session Meeting.

RESOLUTION NUMBER 55-78 GASOLINE

Mr. Randolph reviewed for Council proposed Resolution Number 55-78, emergency legislation to purchase gasoline from the City's present supplier. Mr. Bettcher explained the fact that this Resolution takes the place of going to bid, which would only result in receiving one bid from the present supplier, due to FEA allocation regulations which state that unless the current agreement is mutually terminated or the FEA changes their mandatory petroleum allocation program, other suppliers cannot bid for the City's gasoline and diesel fuel needs. Mr. Stone sponsored Resolution Number 55-78, A Resolution Declaring The Case Of Real And Present Emergency Arising In Connection With The Purchase Of Gasoline And Diesel Fuel And Authorizing And Directing The City Manager To Enter Into A Contract For The Purchase Of Gasoline And Diesel Fuel Without Advertising, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

CENTERVILLE STATION SECTION ONE

Mr. Schab reviewed his recommendation concerning Bond reduction for Section One of Centerville Station. He recommended that the Bond posted to assure the widening of Centerville Station Road in the amount of \$5,600.00 be reduced to \$4,000.00. This amount to be posted in the form of a "Letter of Credit" approved by the Municipal Attorney. Mr. Sweetman moved that the Bond posted on Centerville Station, Section One be reduced from the original \$5,600.00 to \$4,000.00. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Siler abstained.

There being no further business, the Meeting was adjourned.

Approved: Victor A. Green

Mayor

ATTEST:

Marilyn J. Laughlin  
Clerk of the Council