

DATON LEGAL BLANK CO. 10144

Held September 11, 19 78

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 11, 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 Jeffrey Siler
- Leonard Stubbs
- Nora Lake
- J. V. Stone
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- 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 Councilman James Singer was on vacation, thus his absence at this Meeting. Mr. Sweetman moved that Councilman Singer be excused from this Meeting. Mr. Siler 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 - August 21, 1978.
- Council Work Session Meeting - August 14, 1978.
- August 21, 1978.
- August 28, 1978.

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

Mrs. McLaughlin announced the receipt of a Notice from the Ohio Department of Liquor Control of an Application for a D5 Permit for Norman Hyams, 2 Loop Road in the City of Centerville. This would permit the sale of beer and wine in container for carry out and the sale of beer, wine and spirituous liquor by the glass on the premise until 2:30 A.M. Council indicated no objection to this Application.

Mayor Green issued a Proclamation designating September 17 through September 23, 1978 as Lupus Erythematosus Awareness Week in Centerville.

Mayor Green extended congratulations to Sher Lynnette Patrick, resident of Centerville, for accomplishing third runner-up in the Miss America Pageant and for bringing recognition to our Community.

Mr. Kenning reported the following during his City Manager's Report: The Montgomery County Commissioners have approved the following Centerville projects for 1978/79 Permissive Tax monies: \$50,000 for the Main/Franklin Streets project, \$30,000 for the North Main Street project and \$80,000 to partially cover the local share of the State Route 725 bridge construction.

A brief status report was given concerning various street improvement

Sept 11
 Held August 21, 1978 continued 19

projects, current and projected, in the City of Centerville.

The Architectural Preservation District Ordinance amendment will be considered by the Planning Commission during their Meeting scheduled for September 12, 1978.

Mrs. Lake questioned construction activity which is occurring on the Richard Beekman property located on the north side of Alexandersville-Bellbrook Road, zoned I-1. She requested that a report be prepared by the City Manager and presented to Council during their next Meeting outlining what has been done on the subject property, what is going on and the normal procedure for same. Mr. Schab explained the fact that no permit has been issued for construction on this Industrial zoned land, and there has been no construction except for the movement of dirt. Mr. Kenning advised that a permit was granted for expansion of the present residence and this permit is under investigation at this time. Mr. Beekman reviewed what he has done with his property thus far, he has no intention of building any structure without a permit. Mrs. Lake offered her concern with the movement of dirt and what effect this might have on residents down stream should we receive a heavy rainfall.

Mr. Sweetman advised that the Council Finance Committee has reviewed the Capital Improvement Program for 1979/83. A Meeting will be scheduled for the Committee to receive public input concerning the Budget for next year, in the near future.

Mr. Charles Woeste, 354 Zengel Court, appeared before Council to question the City's position which resulted in the elimination of soccer at the Sugar Valley Field and what can be done so that parks can be used by all residents paying tax dollars for those purposes. Mayor Green explained the problems being experienced by residents in the area of Sugar Valley at soccer game time and what has been done to solve the problems. Mr. Stubbs reviewed the meetings held between the City, Park District, residents and Soccer Asso. concerning problems at Sugar Valley. He pointed out the fact that organized sports were never intended to take place at neighborhood parks and it is the intent of the Park District to follow through with this position. Dr. Richard Van Vleck, 1445 Seminary View Drive, a resident in the area of Sugar Valley Field, explained the fact that they are soliciting a solution to the traffic problem not the elimination of sports at this neighborhood park.

ORDINANCE NUMBER 42-78 ZONING ORDINANCE TEXT AMENDMENT

The Public Hearing was held concerning Ordinance Number 42-78. Mr. Woeste offered his endorsement for passage. Mr. Siler sponsored 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 Is In Working Condition, 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 43-78 SUBDIVISION REGULATIONS

The Public Hearing was held concerning Ordinance Number 43-78. Mr. Farquhar reviewed the fact that this legislation is merely a housekeeping change to the Subdivision Regulations for the City of Centerville. Mr. Sweetman sponsored 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

DAYTON LEGAL BLANK CO. 10144

Held ^{Sept 11} ~~August 21~~, 1978 continued _____ 19____

Licensed To Do Business In The State Of Ohio In Lieu Of A Performance Bond Or Certified Check, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 44-78 SUBDIVISION REGULATIONS

The Public Hearing was held concerning Ordinance Number 44-78. Mr. Sweetman questioned whether the Developer should be responsible for the deposit of dirt or debris by vehicles or equipment traveling to or from a construction area. Many times during and after the development process, lots are sold to builders and the property no longer is under the control of the Developer. Mr. Farquhar advised that the Ordinance was prepared on the pretense that the problem generally exists during the development stage. Mr. Sweetman proposed that the responsibility be placed upon the property owner as well as the Developer. Mr. Sweetman moved that this Ordinance be tabled for a Council Work Session Meeting for future study.

WASHINGTON TOWNSHIP LIBRARY

Mr. Reynolds reviewed the Site Plan for the Washington Township Library proposed to be located on the east side of State Route 48, north of North Village Drive and adjacent to the new proposed Hunter Savings facility. He reviewed the proposed extension of Fireside Drive to the rear of this property to tie into an easement already obtained from Hunters, to provide public access to the rear of properties along Far Hills Avenue. The Architect for the Library has agreed to the dedication of a 40 foot easement for future roadway purposes. Mr. Kenning reviewed the following two alternatives which Council must consider: an easement of 40 feet would provide for the necessary right-of-way but would mean that the ditch be inclosed; a 70 foot easement would permit the construction of the roadway aside of the ditch, The 40 foot easement would be the most feasible but would also be the most costly. Mrs. Lake suggested that the possibility of acquiring a 70 foot easement be pursued. Mr. Stubbs encouraged the dedication of a 40 foot easement and the additional be pursued if and when needed. Mr. Kenning brought attention to the fact that the construction of this roadway is in the future and it is difficult to ascertain at this time exactly what will be necessary for its construction. Mr. Stubbs moved that Council approve the Site Plan for the Washington Township Library subject to the dedication of a 40 foot easement along the rear property line. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Lake voted no. Mr. Reynolds pointed out the fact that any change to the Site Plan including development on the 30 feet adjacent to the 40 foot easement would require Council's approval, thus affording the City the opportunity to obtain the additional easement if needed for roadway purposes in the future. The Plan, as approved, includes alternate parking (23 spaces) which may or may not be constructed depending upon finances available.

PELBROOK COMMERCIAL DEVELOPMENT

Mr. Reynolds reviewed the Preliminary Site Plan for Pelbrook Commercial Development proposed to be located at the southwest corner of Alexandersville-Bellbrook Road and Wilmington Pike. The transportation system for the entire Pelbrook Farm area was also reviewed. The Development as proposed conforms to all zoning requirements of the City of Centerville and includes a drainage way through the project with buildings on both sides to create an open mall concept. Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Developer, advised that they are seeking preliminary Site Plan approval as soon as possible so that engineering plans can begin. They will agree to file a Petition with the City of Centerville for the improvement of an additional lane on Alexandersville-Bellbrook Road, that portion of Wilmington Pike within the City of Centerville and the extension

Held September 11, 1978 continued 19

of John Elwood Drive through the multi-family to the Greene County Corporation Line on an assessment basis. Upon Site Plan approval from the City of Bellbrook (for that portion of the development located in Greene County), they will file a similar Petition for the improvement of Wilmington Pike in Green County and the extension of Bellmeade Drive to connect to Wilmington Pike, to complete the transportation system for the entire area. All roadway improvements will be done on an assessment basis and will be done at the same time regardless of what section of the Development is constructed first. Mr. Archdeacon also advised that covered walkways will be provided between buildings in the commercial development as well as pedestrian bridges across the drainage way. Mr. Stone moved that the Preliminary Site Plan for Pelbrook Commercial Development be approved. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

In consideration of a General Sidewalk Policy issued by the Trustees of Washington Township, Mr. Stone moved that this Policy be forwarded to the City Planning Commission for their review and comments. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 47-78 SISTER CITY COMMITTEE

Mr. Stone moved that Ordinance Number 47-78, An Ordinance Appointing John Spoor To The Sister City Committee Of The City Of Centerville, Ohio And Establishing A Term Of Office, be set for Public Hearing on September 18, 1978. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 60-78 CONTRACT WITH PUBLIC DEFENDER

Mr. Stubbs sponsored Resolution Number 60-78, Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Office Of The Montgomery County Public Defender For The Representation Of Indigent Defendants Charged With Violations Of City Ordinances Of The City Of Centerville, and moved that it be passed. Mr. Sweetman 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. Green
Mayor

ATTEST:

Marilyn McLaughlin
Clerk of the Council