

Held November 6,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, November 6, 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 Glenn Copeland from the Normandy United Methodist 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 Jeffrey Siler  
 Leonard Stubbs  
 James Singer  
 Nora Lake

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

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

Council Meetings - October 16, 1978.  
 - October 23, 1978.

Council Work Session Meeting - October 16, 1978.

Mr. Singer 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, however Mr. Sweetman, Mr. Siler and Mayor Green abstained from the Minutes of the Meeting of October 23, 1978.

Mayor Green presented to Sher Lynn Patrick a plaque in appreciation of her achievement as Miss Ohio for 1979.

Councilman J. V. Stone entered the Meeting at this time.

Mrs. McLaughlin announced the receipt of a notice from the Ohio Department of Liquor Control of an application for transfer of a License issued to Kroger Company, a change from 8900 Lebanon Pike to 1023 South Main Street: C1 and C2 permits to sell low and high powered beer, malt liquors and wine in original containers for carry out only. Council indicated no objection to this transfer.

Mayor Green made reference to correspondence received concerning traffic safety at the intersection of Davis Road and Lyons Road. Mr. Kenning advised that this matter has been referred to the Engineering Department for review and study.

Mr. Stubbs advised that he has filed a request for an investigation with the Montgomery County Board of Elections into the campaign activities of Daryl H. Long. Centerville Tax Limitation Committee. Mr. Long has advised Mr. Lake that this is a Committee of one.

Mayor Green issued a Proclamation designating November 19 through 25, 1978 as National Family Week in Centerville.

DAYTON LEGAL BLANK CO. 19144

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Mr. Kenning reviewed the following during his City Manager's Report: Larry Marsh, Electrical Inspector for Centerville, has been elected Chairman of the Southwest Division of International Association of Electrical Inspectors.

The Service Department Activity Report was reviewed for the month of October, 1978. Initial loads of salt have been received in preparation of the winter months.

On Wednesday, November 8, 1978 at 8:00 A.M. in the Washington Township Hall, Mr. Schab and the Consultant will meet with Members of the Architectural Preservation area to review Plans for the Main and Franklin Street Improvement Project.

The Whipp Road Safety Improvement Project is near complete, some additional reflectors will be installed soon.

There were fifty entries in the third Annual Pumpkin Contest held October 26, 1978.

Mr. Kenning reviewed the Building Inspectors Report for the month of October. The total permits issued to date is 1273, down 4% from 1977, however the estimated cost is up 16%.

The bridge replacement work on State Route 725 is underway, weather permitting the work could be completed before year end.

Upon question of Mr. Stubbs, Mr. Reynolds advised that preliminary drawings should be submitted by the Consultant for the North Main Street/Fireside Drive improvement, to the City within the next two weeks.

#### ROSE ESTATES SECTION FOURTEEN

Mr. Reynolds reviewed the Planning Commission Meeting held October 31, 1978. The Planning Commission unanimously recommended approval of the Record Plan for Rose Estates, Section Fourteen which is the final Section of this Subdivision. Mr. Reynolds located the property on a map, being located south of Spring Valley Road, West of Sheehan Road and north of the Corporation Line, containing 11.7 acres of land, zoned R-1, consisting of 24 lots. Sidewalk will be constructed on one side of Shawnee Trail and both sides of Rose Arbor Drive, in accordance with the sidewalks constructed in adjacent Sections of the Plat. Mr. Schab recommended that a Performance Bond in the amount of \$83,000.00 and an Inspection Fee of \$301.50 be required. Mr. Singer moved that the Record Plan for Rose Estates, Section Fourteen, be approved subject to the receipt of a Performance Bond in the amount of \$83,000.00, a Subdividers Agreement and an Inspection Fee of \$301.50. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stubbs reviewed the Joint Meeting held between the City and the Township hosted by the Citizens Committee for Cooperative and Responsive Government. He requested that the following two items be placed on the agenda for the next Council Work Session Meeting:

- Shopping list proposal for .07 mil expenditures.
- Consideration of changes in 3 mile jurisdiction.

Mr. Sweetman advised that the public access channel will be turned on, relative to Cable TV, Wednesday, November 8, 1978 at 7:00 P.M.

#### FAMOUS CHICKEN RECIPE

The Public Hearing was held concerning an Appeal filed by the Blommel Sign Company in behalf of Famous Chicken Recipe against a decision of the Board of Architectural Review. The applicant has requested permission to erect an internally illuminated plastic free-standing sign, 7'11" high by 9'5" wide to be installed approximately 17' above grade at their present location: 278 North Main Street. Mr. Kenning reviewed the denial of this

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application by the BAR. The Board rejected the proposed sign for the following reasons: it is not compatible with the Ordinance due to the internal lighting, use of non opaque materials and it exceeds the Board's guidelines for sign surface area. Mr. Jack Blommel, Vice President of Blommel Sign Company and representing Famous Chicken Recipe, presented to Council their reasoning for said sign, they believe an illuminated sign is necessary in order to compete with other fast food operations in the area. Mr. Reynolds pointed out the fact that the sign as proposed exceeds the height and size as permitted in other business zoned areas in the City of Centerville; the sign would be 19 feet high and would consist of 55 square feet of sign area per face. Mr. Singer moved that this Appeal be tabled for further study by Council. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stubbs voted no.

#### ORDINANCE NUMBER 51-78 ARTS COMMISSION

The Public Hearing was held concerning Ordinance Number 51-78. Mr. Sweetman sponsored Ordinance Number 51-78, An Ordinance Appointing R. Paul Perkins, Jr., And Von H. Cellars To The Arts Commission For The City Of Centerville, Ohio, And Establishing Terms Of Office, 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 52-78 PARKS AND RECREATION BOARD

The Public Hearing was held concerning Ordinance Number 52-78. Mr. Stubbs sponsored Ordinance Number 52-78, An Ordinance Appointing Jan Massey To The Parks And Recreation Board For The City Of Centerville, Ohio, For The Unexpired Term Of Ralph H. Alkire, 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 53-78 BOARD OF TAX APPEALS

The Public Hearing was held concerning Ordinance Number 53-78. Mr. Singer sponsored Ordinance Number 53-78, An Ordinance Appointing Charles G. Taylor To The Board Of Tax Appeals For 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.

#### ORDINANCE NUMBER 54-78 CITY BEAUTIFUL COMMISSION

The Public Hearing was held concerning Ordinance Number 54-78. Mr. Stone sponsored Ordinance Number 54-78, An Ordinance Appointing Ann Whipp And Susan L. Weber To The City Beautiful Commission Of The City Of Centerville, Ohio, And Establishing Terms of Office, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Councilman Jeffrey Siler left the Meeting at this time.

#### ORDINANCE NUMBER 55-78 INDUSTRIAL DEVELOPMENT REVENUE BONDS

The Public Hearing was held concerning Ordinance Number 55-78. Attorney Richard Spoor, from Peck Shaffer and Williams, Bond Counsel, reviewed the proposed Ordinance. This Ordinance as well as Ordinance Number 56-78 cause the first and second mortgages to exist on the Centerville Place Shopping Center. Two Ordinances have been prepared in the event the second mortgage is not necessary. Mr. Farquhar pointed out the fact that there is no liability for the City concerning these Bonds. Mr. Singer sponsored Ordinance Number 55-78, An Ordinance Authorizing The Issuance Of \$1,000,000 Industrial Development Revenue Bond Series B, Of The City Of

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Centerville, Ohio, For The Purpose Of Financing A Portion Of A "Project" For Centerville Associates, Ltd.; Authorizing The Issuance Of Additional Bonds; Providing For The Pledge Of Revenues For The Payment Of Said Bond; Authorizing A Bond Purchase Agreement And Loan Agreement Appropriate For The Security Of Such Revenues And To Secure Further The Payment Of Said Bond, 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 56-78 INDUSTRIAL DEVELOPMENT REVENUE BONDS

The Public Hearing was held concerning Ordinance Number 56-78. Mr. Singer sponsored Ordinance Number 56-78, An Ordinance Authorizing The Issuance Of \$2,400,000 Industrial Development Revenue Bond Series A, Of The City Of Centerville, Ohio, For The Purpose Of Financing A Portion Of A "Project" For Centerville Associates, Ltd.; Authorizing The Issuance Of Additional Bonds; Providing For The Pledge Of Revenues For The Payment Of Said Bond; Authorizing A Bond Purchase Agreement And Loan Agreement Appropriate For The Security Of Such Revenues And To Secure Further The Payment Of Said Bond, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Councilman Jeffrey Siler entered the Meeting at this time.

#### WASHINGTON TOWNSHIP LIBRARY

Mr. Kenning reviewed Council's previous action concerning the Site Plan for the new Washington Township Library. The Site Plan was approved by Council subject to the dedication of a 40 foot easement along the rear property line, said Library to be located on the east side of Far Hills Avenue, adjacent to the new Hunter Savings Building. Mr. Kenning advised that a verbal legal opinion has been received from Attorney Patrick Carney advising that the City has no legal right to require the dedication of this right of way with Site Plan approval. In consideration of this, Mrs. Lake moved that the condition placed with the Site Plan approval for the new Library that being: subject to the dedication of a 40 foot easement along the rear property line, be removed, noting that the Library Board has instructed its architect to redesign the Site Plan for the new Library to accommodate a roadway west of the drainage channel, in order to avoid the problems and expense of enclosing the channel if a road is installed in the future. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### RESOLUTION NUMBER 67-78 APPRECIATION

Mr. Stubbs sponsored Resolution Number 67-78, A Resolution Of Appreciation For The Services Of James Rachal As A Member Of The Youth Board Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### SOUTHEAST YOUTH COUNCIL APPOINTMENT

Mr. Kenning recommended that Police Lt. William Lickert be appointed to the Southeast Youth Council to fill the vacancy created by the resignation of Janet McClellan. Mr. Sweetman moved that Police Lt. William Lickert be appointed to the Southeast Youth Council of Montgomery County. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved: Victor A. Green

Mayor

ATTEST:

Marie J. Laughlin  
Clerk of the Council