

Held May 2

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, May 2, 1977 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an invocation given by Reverend Donald Crank from the Southminster Presbyterian Church and the Pledge of Allegiance to the Flag with Mayor Victor Green Presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor J. V. Stone

Councilmembers Charles McQueeney

Leonard Stubbs

Ralph Spencer

Russell Sweetman

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Assistant City Manager John Levermann

City Planner Garth Reynolds

Service Director Richard Bishop

City Engineer Karl Schab

Director of Finance William Bettcher

Municipal Attorney Robert Farquhar

Mayor Green announced that Councilwoman Nora Lake was out of town representing MVRPC and the City of Centerville, thus her absence at this Meeting. Mr. Spencer moved that Councilwoman Nora Lake be excused from this Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Council Meeting:

April 18, 1977.

Council Work Session Meetings:

April 18, 1977.

April 25, 1977.

April 29, 1977.

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

The Oath of Office was administered to Arts Commission Member Alice Nye by Mayor Green.

Mayor Green also administered the Oath of Office to Youth Board Member Robert Sands.

Mayor Green advised that two letters were received, one from Centerville City Schools and one from the Centerville-Washington Park District concerning the development of Washington Creek, Section Five. Copies of these letters will be provided to Council for discussion at a later date.

Mayor Green issued the following Proclamations:

Municipal Clerk's Week - May 9 - May 15, 1977.

Clean Up Time in the City of Centerville - May 14 - May 21, 1977.

Centerville Coeds - Recognition of achievements in competition.

Name for Park in Black Oak Forest Subdivision - Forest Walk Nature Park.

Mr. Sweetman reminded people in attendance that the City provides extra pick-up for trash upon request.

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Mr. Kenning reported the following during his City Manager's Report:
The Deed for the park land in the Black Oak Forest Subdivision has been received by the City of Centerville.

The street line striping program has been completed in the City; being a state grant project.

The one day seminar on Zero Base Budgeting attended by Mr. Kenning upon request of Council was reviewed.

The April activity report for the Service Department was briefly discussed; chipper calls and special pick-ups have increased considerably.

Mr. Kenning announced the Public Hearing to be held concerning Federal Revenue Sharing Funds scheduled for Wednesday, May 4, 1977 to begin at 7:00 P.M.

The block-by-block survey, a federal grant project, is now approximately 60% complete.

Mr. Kenning advised that the City advertised for bids for residential waste collection by private contractor. Bids were received better than anticipated, thus he would like to ask bidders for a 90 day extension in order to review and study the results in depth. Mr. Stubbs moved that the City Manager's recommendation regarding the extension of bids for 30 to 90 days on private trash hauling be followed and that the Council, during this period of time, study the matter of public vs private trash pick-up. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 20-77 ZONING ORDINANCE AMENDMENT DAYTON SUBURBAN REZONING

Mr. Reynolds reviewed the Planning Commission Meeting held April 19, 1977. He reviewed Planning Commission's unanimous recommendation for approval of Dayton Suburban, Inc.'s Rezoning Request. The subject property is located along the north extension of Applecreek Road, the east extension of Princewood Avenue and Hyde Park Drive, approximately 325 feet north of the intersection of Rahn Road and Applecreek Road. Requested change is from Washington Township R-4 to Centerville R-2, R-3 and R-4. Mr. Sweetman moved that Ordinance Number 20-77, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-zoning 26.321 Acres, More Or Less, From Washington Township R-4 Classification To Centerville R-2, R-3 And R-4 Classifications, be set for Public Hearing on June 20, 1977. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

PELBROOK FARM SECTION FOUR

Mr. Reynolds reviewed Planning Commission's unanimous approval of the Revised Preliminary Plan for Pelbrook Farm, Section Four. The property is located south of Alexandersville-Bellbrook Road and west of Pelbrook Farm Drive. All lots curb cut into a cul-de-sac providing no direct access onto Alexandersville-Bellbrook Road. The project consists of 10.6 acres, 16 lots. Mr. Sweetman moved that the Revised Preliminary Plan for Pelbrook Farm, Section Four be approved, as submitted. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

GREENBRIER COMMONS SECTION 1-B

Mr. Reynolds reviewed the Record Plan for Greenbrier Commons, Section 1-B. This is a 2.2 acre condominium project located north of Alexandersville-Bellbrook Road and west of Bigger Road. The Plan consists of 1 lot accommodating 20 units. The Planning Commission unanimously recommended approval of this Record Plan. Mr. Sweetman moved that the Record Plan for Greenbrier Commons, Section 1-B be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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Mr. Sweetman announced the ground breaking ceremony to be held Tuesday, May 3, 1977 at 12:00 noon concerning Cable TV in the south suburbs.

Mr. McQueeney advised that a Bond Levy Campaign Committee has been formed.

ORDINANCE NUMBER 21-77 ZONING ORDINANCE AMENDMENT HAVERSTICK REZONING

The Public Hearing was held concerning the Rezoning Request filed by Ned Haverstick for property located at the north east corner of Centerville Station Road and Clio Road. Requested is a change of 6.1 acres of land from O-S and R-4 to B-1 zone classification. Mr. Reynolds located the property on a map and reviewed present and requested zoning. The Planning Commission recommended approval of this rezoning by a 5-2 vote. The point was made that a grocery store would be permitted in a B-1 zone while a supermarket requires B-2 zoning; the size and area served constitutes the difference.

Mr. Ned Haverstick, Applicant, explained how, under B-1 zoning, he could develop an establishment which would serve the immediate neighborhood well. He submitted to Council a bulletin distributed to Black Oak residents which he believes was overstated, calling the establishment a "Supermarket". Mr. Haverstick believes that under B-1 zoning, he could provide services for the immediate neighborhood with very attractive architecture; an anchor tenant is necessary on this major corner location, a supermarket would serve this purpose.

Mr. James Singer, 1408 Ambridge Road, President of the Black Oak Civic Association, presented to Council a petition signed by 866 area residents in opposition to the B-1 zoning as requested.

Mrs. Joyce Roberts, 131 North Johanna Drive, expressed her concern with proposed increased traffic.

Upon question of Mr. Stubbs, Mr. Singer believes traffic would be greater for B-1 zoning use as opposed to Office-Service because of longer and evening hours.

Mr. Chuck Wagner, 7851 Millerton Drive, pointed out the fact that people living in the area do not want nor need the services being proposed by Mr. Haverstick.

Mr. Larry Berberich, Berberich and Associates, 94 Compark Drive, presented to Council a petition signed by 254 area businessmen stating their opposition to the subject rezoning.

Mr. Robert Wood, 1450 Black Oak Drive, questioned a bank being the focal point for this area as so stated by Mr. Haverstick.

Mr. Ed. Cluett, 7898 Millerton Drive, has major concerns (noise, safety and cleanliness) with potential traffic during all hours of the day should a grocery operation be permitted on the subject corner.

Mrs. Sandy Berberich, 7798 Raintree Road, is concerned with danger to public safety in and around the intersection of Clio Road and Centerville Station Road.

Brother Michael Schrand, Business Manager, St. Leonard College, 8100 Clio Road, believes the rezoning in question would not be in the best interest of the health, safety and welfare of the Citizens of Centerville.

Mrs. Pat Harootyan, 7805 Raintree Road, expressed her opposition to potential increased traffic, she wants better control over new businesses in the area.

Mrs. Christine Snyder, 7897 Raintree Road, is concerned with setting an undesirable precedence for future zoning; Clio Road now acts as a barrier between industrial and business zoning and residential zoning; the barrier should remain, Clio Road and Centerville Station Road should not become business strips.

Mr. Gary Comfort, 7839 Braewood Trail, believes that in order for businesses in this area to survive, they must extend services beyond the

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immediate neighborhood.

Mr. Bob Shrader, 1330 Carrilon Woods Drive, is concerned with potential late hours in a shopping complex.

Mr. David Horaker, 7795 Windy Hill Court, believes Mr. Haverstick has made conflicting remarks in his presentations concerning development of this corner.

Mr. Spencer sees no need for a shopping center on every corner in Centerville, he believes necessary facilities should be made before such a rezoning is considered; the people at this Public Hearing have indicated that they do not want this development.

Mr. Stubbs read for the audience permitted uses under O-S zoning, uses which can occur at the subject location.

Mr. Stone offered concern with possible empty storerooms in the future.

Mayor Green outlined the importance of maintaining zoning as planned. He believes the subject property would be marketable under residential zoning.

Mr. Spencer sponsored Ordinance Number 21-77, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-zoning 6.1 Acres, More Or Less, From Centerville O-S And R-4 Classification To Centerville B-1 Classification, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in five nays against the motion; Mr. McQueeney abstained (because of personal interest in adjacent land).

WHISPERING HILLS CONDITIONAL USE REQUEST

The Public Hearing was held concerning the Conditional Use Request for a Residential Development Plan for Whispering Hills. Mr. Reynolds located the subject property on a map and outlined the Development Plan, being situated off East Whipp Road, west of State Route 48 and east of Kentshire Drive. The Plan consists of 22 acres, more or less; 45 lots on Centerville R-1 zoned land. The Planning Commission unanimously approved the Record Plan for Whispering Hills subject to approval of the Conditional Use by City Council. The project includes large areas of open space. The courtyards will be constructed to maintain traffic in an emergency situation.

Mr. Gerald Westbrook, 6211 Laurelhurst Lane, Attorney representing area property owners, explained the following Plat Restrictions which have been negotiated between the adjacent property owners and the Developer:

"Reserve "D" shall at all times remain and be preserved in its natural state as open space conserved as a buffer between the railroad and the homes on Millbank Avenue. No trees shall be cleared from Reserve "D", except for Woodland Management purposes and no recreational facilities shall be installed therein."

"Within the 40' easement along the west line of lot 45, said line being 140' long, to provide for erosion control to protect adjacent properties, there shall be no grading or removal of trees therein."

"The driveway for the residence to be constructed on Lot 45 shall be located along the north line of Lot 45 to receive water runoff from the houeroof and carry the water to Millbank Drive."

The signed Plat Restrictions were provided to the City of Centerville. Upon question of Mr. Sweetman, Developer Dale Smith advised that they will maintain the drainage tile in this area at all times.

Mr. Schab recommended that a Performance Bond in the amount of \$138,000.00 and an Inspection Fee of \$452.00 be required. Sidewalk will be on one side only into the first cul-de-sac and on the south side of Kentshire Drive. Mr. Stone moved that Council approve the Conditional Use and Record Plan for Whispering Hills subject to receipt of the specified Plat Restrictions, subject to the receipt of a Performance Bond in the amount of \$138,000.00, a Subdividers Agreement and an Inspection Fee of \$452.00 and subject to

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designated building pad areas. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman requested that the Developer advise prospective property owners that the rail line running through this property may some day become the Dart Line.

ORDINANCE NUMBER 19-77 BOARD OF ARCHITECTURAL REVIEW

The Public Hearing was held concerning Ordinance Number 19-77. Mr. Stubbs sponsored Ordinance Number 19-77, An Ordinance To Appoint Garfield James Judkins To The Board Of Architectural Review Of The City Of Centerville, Ohio And Establishing A Term Of Office, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

PELBROOK FARM SECTION SIX

Mayor Green advised that Paul Lapp has requested that the Appeal filed concerning Pelbrook Farm, Section Six, be withdrawn.

ORDINANCE NUMBER 22-77 SISTER CITY COMMITTEE

Mr. Sweetman moved that Ordinance Number 22-77, An Ordinance To Appoint James W. Albrecht To The Sister City Committee Of The City Of Centerville, Ohio And Establishing A Term Of Office, be set for Public Hearing on May 16, 1977. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 23-77 YOUTH BOARD

Mr. Stubbs moved that Ordinance Number 23-77, An Ordinance To Appoint Christine A. Thompson To The Youth Board Of The City Of Centerville, Ohio And Establishing A Term Of Office, be set for Public Hearing on May 16, 1977. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 24-77 CITY BEAUTIFUL COMMISSION

Mr. Sweetman moved that Ordinance Number 24-77, An Ordinance To Appoint Nancy Lee Schardt To The City Beautiful Commission Of The City Of Centerville, Ohio And Establishing A Term Of Office, be set for Public Hearing on May 16, 1977. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 17-77 APPRECIATION

Mr. Sweetman sponsored Resolution Number 17-77, A Resolution Of Appreciation For The Services Of David S. Tooker As A Member Of The Personnel Appeals Board Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Upon question of Mayor Green, Mr. Reynolds will pursue the completion of landscaping at the State Farm Insurance building on North Main Street.

There being no further business, the Meeting was adjourned.

Approved: Robert Green
Mayor

ATTEST:

Maureen J. McLaughlin
Clerk of the Council