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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Tuesday, September 6, 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 John Hollebeek from the Christian Reformed Church of Kettering 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 Ralph Spencer
 Russell Sweetman
 Leonard Stubbs
 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 Parks and Recreation John Dunathan
 Director of Finance William Bettcher
 Chief of Police William Randolph
 Municipal Attorney Robert Farquhar

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

Council Meetings:
 August 15, 1977.
 August 22, 1977.
 Council Work Session Meetings:
 August 15, 1977.
 August 22, 1977.
 August 29, 1977.

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

Mayor Green read a letter received from the Montgomery County Commissioners announcing a workshop to be held on September 12, 1977 concerning Legislative Needs for Resource Recovery.

Upon the receipt of the Final Report and Addendum to the Final Report submitted by the Assessment Equalization Board concerning the North Main Street Sidewalk Special Assessment Project, Mr. Spencer moved that the Report be accepted as submitted. Mr. Sweetman seconded the motion. A roll call vote resulted in five eyes in favor of the motion.

The following items were reported during Mr. Kenning's City Managers Report:

The Activity Report of the Service Department for the month of August, 1977 was briefly reviewed.
 The Asphalt Resurfacing Project for 1977 is proceeding on schedule.
 The Maple Avenue Improvement Project (Bond Levy Project) is out for bids.
 Centerville is ahead of last year's building construction; total valuation of new housing units is currently \$7,188,700 as compared to \$3,666,700 in 1976.

Mr. Kenning briefly reviewed the Housing Survey prepared for Centerville through an urban planning grant from the Department of Housing and Urban Development under 701 funds.

Councilwoman Nora Lake entered the Meeting at this time.

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ORDINANCE NUMBER 41-77 ZONING ORDINANCE AMENDMENT TEST

Mr. Reynolds reviewed the Planning Commission Meeting held August 30, 1977. At this Meeting, the Commission unanimously recommended to Council the passage of an Ordinance to establish procedures for sidewalk sales to be permitted in business districts. Mr. Stubbs moved that Ordinance Number 41-77, An Ordinance Establishing Procedures Permitting Sidewalk Sales In Business Districts And Amending Ordinance 15-61 The Zoning Ordinance, be set for Public Hearing on October 17, 1977. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. This proposed Ordinance will be reviewed during a Council Work Session Meeting prior to it's Public Hearing.

ORDINANCE NUMBER 42-77 ZONING ORDINANCE AMENDMENT TEXT

Mr. Reynolds revised Planning Commission's 4 to 3 vote to recommend the approval of an Ordinance to Council which would delete the January 1, 1978 requirement for the removal of non-conforming signs. Mr. Spencer moved that Ordinance Number 42-77, An Ordinance Amending Section 32.05 Of Ordinance 15-61 As Amended, be set for Public Hearing on October 17, 1977. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

COUNCIL APPOINTMENT

Mr. Spencer moved that James E. Singer be appointed to fill the unexpired term of Charles McQueeney as Councilman. Mr. Sweetman seconded the motion. Mr. Stubbs reviewed the qualifications of one other Applicant, he views this Applicant as being better qualified than Mr. Singer. Mr. Sweetman pointed out the fact that Mr. Singer lost to Mr. McQueeney by just 14 votes during the past election; Mr. Singer has again petitioned for his name to be placed upon the ballot for election in November. A roll call vote resulted in five ayes in favor of the motion; Mr. Stubbs abstained.

ORDINANCE NUMBER 30-77 ZONING ORDINANCE AMENDMENT MEEKER/WOODMAN REZONING

The Public Hearing was held concerning Ordinance Number 30-77, an Ordinance to rezone approximately 97.4 acres of land from Washington Township R-3 and Centerville I-1 to Centerville R-1, R-3 and R-4 zone classifications. The Rezoning Request was filed by Woodman Lanes, Inc. and David Meeker. Mr. Reynolds located the subject property on a map, being situated along the east side of Bigger Road south of Thomas Paine Parkway and north of Alexandersville-Bellbrook Road; and reviewed the proposed zoning. R-1 zoning would provide for 20,000 square foot single family lots, R-3 doubles at a density of 7,500 square feet of land per dwelling unit and R-4 multi-family at a density of 8,000 square feet per dwelling unit. The Planning Commission recommended approval of this Plan by a unanimous vote. Mr. Reynolds explained the fact that the Plan as presented does conform to the Comprehensive Development Plan for the City of Centerville.

Discussion followed concerning the effect this Rezoning will have on the lot located at the south east corner of Thomas Paine Parkway and Bigger Road. Mayor Green pointed out the fact that perhaps changing the I-1 will make the lot to the north undevelopable. Mr. Reynolds reviewed some limitations which this lot will inherit if the Rezoning is granted.

Mr. Norman Fear, Mills-Wright, Inc., expressed his opposition to the Rezoning based upon the additional construction costs which will result upon the lot to the north. Mr. Reynolds reviewed a possible solution to the problem and recommended that this be discussed between the property owners.

Mr. Robert Archdeacon, Ralph L. Woolpert Company and representing the Applicants, explained the fact that the Rezoning as Requested complies with the desires of City Council, however he would be willing to work with Huber Management and would not object to a variance being granted in rear yard

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requirements, if this would resolve the problem for the corner lot.

At this time, attention was brought to the fact that the Notice of Public Hearing and the title of the Ordinance were incorrect in that they referred to Rezoning to R-1, R-2 and R-3 zone classifications. Mr. Farquhar advised that it would be necessary to reschedule this Public Hearing due to the error in advertisement. Mr. Spencer moved that Ordinance Number 30-77, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 97.4 Acres, More Or Less, From Washington Township R-3 And Centerville I-1 Classification To Centerville R-1, R-3 And R-4 Classifications, be set for Public Hearing on October 17, 1977. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman was not present for this item on the agenda.

Mr. Sweetman was absent for the remainder of this Meeting.

Mr. John McIntire, 200 Weller Avenue, expressed his opposition to any additional R-3 and R-4 zoning in the City of Centerville.

ORDINANCE NUMBER 40-77 PERSONNEL

The Public Hearing was held concerning Ordinance Number 40-77. Mr. Kenning expressed his satisfaction with the Agreement reached between the City of Centerville and the Dayton Public Service Union, Local Number 101, American Federation of State, County, and Municipal Employees and recommended that it be adopted. Mr. Stubbs sponsored Ordinance Number 40-77, An Ordinance Authorizing And Directing The City Manager To Enter Into An Agreement With Local 101 Of The Dayton Public Service Union, American Federation Of State, County And Municipal Employees, AFL-CIO Relative To Wages, Hours And Other Terms Of Employment And Providing For Retroactivity Of Pay Increases, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RAHNWOOD ESTATES

Mr. Reynolds reviewed the Preliminary Plan for Rahnwood Estates, a 47 lot development located north of Rahn Road, east of Princewood Drive and Hyde Park Drive and west of the Railroad Tracks. In accordance with Council's previous suggestion, the Developer has agreed to widen Princewood Drive on the south side from the intersection of Burning Bush Lane and on the west side of Applecreek Road to the intersection of Hyde Park Drive; this will provide adequate on-street parking for the two-family development area. The Developer will also provide a 6 foot blacktop walkway between lots 36 and 37 to provide access to the playground to the west; this walkway will be lined with a 4 foot chain-link fence on each side. A sidewalk will also be included along the west side of Burning Bush Lane. All changes will be incorporated on the Record Plan. The Planning Commission unanimously recommended approval of this Plan to Council. Mr. Stone moved that the Preliminary Plan for Rahnwood Estates as presented and agreed to by the Developer, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Preston Dawes, Director, appeared to review for Council the Quarterly Report from the South Montgomery Youth Services. Upon question by Mr. Stone, Mr. Dawes explained why cases are dropped by the client and the counselor. cases are dropped when a crisis ends, when a client constantly cancels appointments and when the case is served by another agency. As requested by Mr. Stubbs, variables in numbers will be addressed in the Annual Report.

RESOLUTION NUMBER 37-77 HEALTH CONTRACT

Mr. Kenning reviewed a proposed Resolution to authorize an Agreement

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with the Montgomery County Combined General Health District concerning the establishment of a rehabilitation program for alcoholics. The City would contribute 10% of the funds received through Liquor Permit Fees. Mr. Stubbs sponsored Resolution Number 37-77, An Resolution Authorizing And Directing The City Of Centerville To Enter Into An Agreement With The Montgomery County Combined General Health District Concerning Establishment Of A Rehabilitation Program For The Prevention Of Alcoholism And For The Treatment And Rehabilitation Of Alcoholics And Providing For The Payment Of Fees, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 38-77 MAIN STREET/SPRING VALLEY ROAD IMPROVEMENT

Mr. Kenning reviewed his recommendation concerning the Main Street/Spring Valley Road Improvement Project. He recommended that items 40, 41, 42, 43, 44, 46 and 47 be deleted from the bid, making the total amount \$31,682.00 which is within the amount budgeted. This is a Permissive Tax Project, the City will pay 20% of the total cost of the Project. Mr. Stone sponsored Resolution Number 38-77, A Resolution Accepting Portions Of The Bid Of R. B. & S. Construction Company To Supply Sidewalk Installation And Other Improvements Along Main Street/Spring Valley Road 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. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Kenning will solicit Washington Township's financial assistance in this Project.

ORDINANCE NUMBER 43-77 ZONING ORDINANCE AMENDMENT AP DISTRICT REZONING

Mr. Stone moved that Ordinance Number 43-77, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning Land Hereinafter Described From Architectural Preservation District To Centerville R3 And R4 Classifications, be set for Public Hearing on October 17, 1977. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 44-77 STREET NAME CHANGE

Mrs. Lake moved that Ordinance Number 44-77, An Ordinance Changing The Name Of A Portion Of Kentshire Drive To Marshall Road, be set for Public Hearing on September 19, 1977. Mr. Stubbs seconded the motion. Mr. Kenning advised that the portion of Kentshire being changed is located in the Village South Plat; there are two homes affected and three vacant lots. Property owners agree that this is the appropriate time to make the change. A roll call vote resulted in five ayes in favor of the motion.

Upon question of Mr. Stubbs, Mr. Kenning will review the right turn arrow in the east bound lane of West Franklin Street at Main Street to determine whether it should read "Right turn only". The change will be made or Mr. Kenning will report back to Council.

There being no further business, the Meeting was adjourned.

Approved: *Victor A. Kenning*
Mayor

ATTEST:
Marilyn J. Slaughter
Clerk of the Council