

Held

April 5, 1976

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CENTERVILLE CITY COUNCIL
REGULAR MEETING
APRIL 5, 1976

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, April 5, 1976 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Raymond Kallagher from the Church of the Incarnation and the Pledge of Allegiance to the Flag with Mayor Victor Green presiding. Council Members and City Staff present were as follows:

Deputy Mayor J. V. Stone
Councilwoman Nora Lake
Councilmen Charles McQueeney
Russell Sweetman
Ralph Spencer
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
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
Administrative Assistant John Levermann

Mayor Green advised that Councilman Leonard Stubbs is ill, thus his absence at this Meeting. Mr. Sweetman moved that Councilman Leonard Stubbs be excused from this Meeting. Mrs. Lake 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:

Regular Council Meetings:

March 15, 1976
March 22, 1976

Council Work Sessions:

March 13, 1976
March 15, 1976
March 22, 1976
March 29, 1976

Mrs. Lake moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Green recognized and introduced Camp Fire Girls, Group Tashumwa, in attendance at this Meeting.

Mrs. McLaughlin advised of the following correspondence:

1. Letter of resignation from City Beautiful Commission Member Sue Spencer effective April 1, 1976.
2. Letter of resignation from Parks and Recreation Board Member William Pees.
3. Notice of intent to appeal filed by the Standard Oil Company concerning the refusal of the Board of Architectural Review to grant a sign permit at North Main Street and Bradstreet, decision rendered March 16, 1976.

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Mayor Green reviewed a request received from the Dayton Bar Association for cooperation in proclaiming May 1, 1976, Law Day U.S.A.; said Proclamation to be prepared for the next Council Meeting.

Mayor Green issued a Proclamation declaring "Plant A Tree Week" in the City of Centerville: April 5 through April 11, 1976, said program initiated by the City Beautiful Commission in cooperation with the Centerville-Washington Township Jaycees.

Upon question of Mrs. Lake, special recognition will be given to the Centerville Co-eds for their National achievement. Legislation will be prepared for presentation at a future Council Meeting.

Mayor Green reported that three young men in the Community are becoming Eagle Scouts this evening, a total of six thus far in 1976.

Mayor Green announced the recent appointment of Mr. Kenning to the Executive Board of the Mayors and Managers Association.

During his City Manager's report, Mr. Kenning reported the following: Traffic signalization will be installed at school zones, improvements will be made at other locations. Additional roadway striping has been completed.

Garden plots are being assigned, additional plots will be prepared. There will be a lecture on gardening tips offered to the public at the Municipal building, April 13, 1976.

Safetyville Square will begin June 21, 1976.

Mr. Kenning reviewed activities of the Service Department for the month of March, 1976.

Upon question of Mr. Sweetman, Mr. Kenning advised that the Fire Chief has approved the painting of 60 fire plugs in various areas of the City. Mr. Kenning will review with Chief Staley the policy on painting fire plugs in residential areas by the property owners themselves.

STATE FARE INSURANCE CONDITIONAL USE

Mr. George Schottmiller, Planning Commission Member, reported on their Meeting held March 30, 1976. He reviewed the Conditional Use Request filed by State Farm Insurance Dayton Service Center to be located in an R-3 district at the northeast corner of Zengel Drive and State Route 48. As recommended by the Planning Commission, Mr. Sweetman moved that the subject Conditional Use be set for Public Hearing on May 3, 1976. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ZONING ORDINANCE AMENDMENT HAVERSTICK REZONING

Mr. Schottmiller reviewed Planning Commission's unanimous approval of the Rezoning Request filed by Ned J. Haverstick, a change of approximately 6.3 acres from R-4 and O-S to B-2 zone classification; property located at the northeast corner of Centerville Station Road and Clyo Road. Mr. Stone moved that this Rezoning Request be set for Public Hearing on June 7, 1976. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ARTHUR TREACHER'S FISH AND CHIPS

Mr. Schottmiller reviewed Planning Commission's unanimous approval of the Site Plan for Arthur Treacher's Fish and Chips. Approval was granted subject to the mansard roof being extended around the building, the mansard roof being of wood shakes and not of plastic, sign to be confined to the

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mansard roof, building to be moved back 30 feet relating to the Plan before the Planning Commission and subject to a complete Plan package being submitted reflecting Planning Commission's approval.

Mr. Reynolds located the proposed construction on a map, being situated on the east side of North Main Street between the Siebenthaler Garden Center and the McDonalds Restaurant. He reviewed alternatives as recommended by the Transportation Coordinating Committee for this immediate area to provide proper vehicular traffic flow.

Mr. William Pierce, 6031 Cobbleskill Court, behind and adjacent property owner, expressed his concern with general nuisances associated with this type business. He urged Council to give serious consideration to area residents and traffic problems in this vicinity. Mr. Farquhar explained the fact that Council is considering the use in this case, not the Site Plan, and if this use cannot be determined to affect the public health, safety and welfare, the zoning certificate should be issued.

Mr. Joseph Buchanan, Attorney for the Siebenthaler Company, explained how all requirements of the Zoning Ordinance have been complied with for the issuance of a zoning certificate.

Upon question of Mrs. Pierce, Mr. Farquhar advised that screening is required on the Siebenthaler land if the Arthur Treacher's use abutts a residential use. Mr. Reynolds reviewed the type screening required by the Zoning Ordinance: a living type screen or a fence.

Mr. Sweetman moved that Council authorize the issuance of a zoning certificate for Arthur Treacher's Fish and Chips to be located on Far Hills Avenue in the City of Centerville with the screening to be in accordance with the requirements of the Zoning Ordinance and in agreement with the City Administration. Mr. Spencer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Lake voted no. Mr. McQueeney and Mrs. Lake encouraged the Staff to resolve adequate screening for the concerned residents in the area. Mayor Green hopes that the property owner (Siebenthaler Company) will consider constructing an exit along his rear property line and will provide adequate screening to avoid headlights shinning upon adjacent residences.

ROSE ESTATES SECTION TEN

Mr. Schottmiller reviewed Planning Commission's unanimous approval of Section Ten, Rose Estates; sidewalk was waived along the northwest side of Redbarn Trail. Mr. Kenning and Mr. Schab recommended approval of this Record Plan. Mr. Sweetman moved that Council approve the Record Plan for Rose Estates, Section Ten, subject to the receipt of a Subdividers Agreement, a Performance Bond in the amount of \$22,500.00 and an Inspection Fee of \$134.21. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

BLACK OAK FOREST

Mr. Schottmiller reviewed Planning Commission's unanimous approval of the Preliminary Plan for Black Oak Forest; approval was granted subject to the alignment of Deer Run Road and Rhododendrom Trail with Compark Road to the west, subject to adequate plans being submitted for the creek on Tamarind Trail, subject to the width of Tamarind Trail being at 100 feet and the turn around on Tamarind Trail as approved by Staff, and subject to the resolution of the Deed that is presently in escrow for construction of the park site. Mr. Reynolds located the subject property on a map. Tamarind Trail would consist of two lanes on either side of a swale. The Plan will conform to the Clyo Road Thoroughfare Plan. Mr. Sweetman expressed concern with the future maintenance and condition of the swale. Planning Commission Member Roland McSherry advised that the Planning Commission has requested an engineering study for Tamarind Trail. The first

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Section of this Development will not include the swale; the swale will be addressed at the time that particular Section comes before the Planning Commission for final approval. Mr. Farquhar pointed out the fact that the swale being in public right-of-way would become the responsibility of the City of Centerville.

Upon request of Mr. Spencer, Mr. Reynolds reviewed the comparison between this Preliminary Plan and the Plan approved previously for the same land. Walnut Walk Preliminary Plan was approved accommodating 285 units and including a 11 acre park, this R-3 zoning permits multi-family dwellings. The Preliminary Plan for Black Oak Forest includes 119 single family lots with a 9 acre park.

Mr. McQueeney expressed his concern with this being developed under R-3 zoning, zoning which provides for other permitted uses. Mrs. Lake also felt that the property should be rezoned to single family zoning.

Mr. Stone moved to approve the Preliminary Plan for Black Oak Forest subject to solving the problem with the open ditch and inclusive of the requirements of the Planning Commission. Mr. Sweetman seconded the motion. Mr. Schab advised that there are alternatives to be considered concerning the open ditch. A roll call vote resulted in six ayes in favor of the motion.

FRANKLIN EAST SECTION TWO

Mr. Schottmiller reviewed Planning Commission's unanimous approval of the Record Plan for Franklin East, Section Two. Mr. Reynolds located the subject property on a map. This Plan includes single family residences on R-3 and R-4 zoned land, lot sizes ranging from 7,500 to 20,000 square feet. Mr. Kenning and Mr. Schab recommended approval of this Record Plan subject to the receipt of a Subdividers Agreement, a Performance Bond in the amount of \$96,500.00 and an Inspection Fee of \$503.00 and subject to a sum of money from the developer being received as their share for the development of one lane of Clyo Road adjacent to this subdivision. Mr. McQueeney expressed concern with building single family residences on 7,500 square foot lots in consideration of the fact that this is not permitted under any other zoning in the Zoning Ordinance. Mr. Spencer moved that the Record Plan for Franklin East, Section Two be approved subject to the receipt of a Subdividers Agreement, a Performance Bond in the amount of \$96,500.00, an Inspection Fee of \$503.00 and subject to a sum of money placed in escrow for the future widening of Clyo Road by one additional lane, amount to be determined by the City Manager. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. McQueeney encouraged the preparation of legislation to provide for Planned Unit Developments.

CANDLEWYCK SOUTH

Mr. Reynolds reviewed the revised Record Plan for Candlewyck South; requested is a modification of lot lines of four lots. Planning Commission unanimously approved this request. Mr. Stone moved that the revised Record Plan for Candlewyck South be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman abstained.

Mr. William Zahrt, representing the City Beautiful Commission, presented to Council their awards program to encourage citizen involvement in beautifying Centerville. Mrs. Rosemary Teigler explained the certificate. Judging will be provided by the Centerville-Washington Township Jaycees.

ORDINANCE NUMBER 20-76 WHIPP ROAD

The Public Hearing was held concerning Ordinance Number 20-76. Said

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Ordinance authorizes the City Manager to enter into an agreement with the Director of Transportation concerning the widening and reconstruction of Whipp Road. Mr. McQueeney sponsored Ordinance Number 20-76, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Transportation, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 22-76 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 22-76. Mr. Stone sponsored Ordinance Number 22-76, An Ordinance Appointing Michael Thill To The Centerville Planning Commission For The Unexpired Term Of William McCrabb III, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 25-76 BOARD OF ARCHITECTURAL REVIEW

The Public Hearing was held concerning Ordinance Number 25-76. Mr. Spencer sponsored Ordinance Number 25-76, An Ordinance To Appoint James Gallagher To The Board Of Architectural Review Of The City Of Centerville, Ohio For A Term Of Three Years, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 13-76 WASTE DISPOSAL

Mr. Kenning reviewed a proposed Agreement with the Montgomery County Commissioners to provide for waste disposal at the County reduction plant of Centerville's solid waste. All changes have been made to the Agreement as previously requested by Council. Mr. Stone sponsored Resolution Number 13-76, A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Board of County Commissioners Of Montgomery County, Ohio To Provide For Waste Disposal At The Montgomery County Reduction Plant And To Provide Payment Therefore, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

CHEVY CHASE

Enclosures around dumpsters in the Chevy Chase Apartment Project were discussed by Council; said enclosures are falling down. Mr. Farquhar advised that eventual deterioration of these enclosures would be controlled under a housing code. Mayor Green requested that the City Staff review the adoption of a housing code for the City of Centerville.

ORDINANCE NUMBER 26-76 WASTE COLLECTION

Upon question of Mayor Green, Mr. Stone advised that the age limit of sixty-two for waste collection exemptions was the intent of the Council Legal Committee. Mr. Stone moved that Ordinance Number 26-76, An Ordinance Amending Chapter 957, Refuse Collection, Of The Centerville Municipal Code By Providing Certain Hardship Exemptions For Senior Citizens And Providing For Reimbursement To The City For The County Disposal Fee From Owners Of Property Subject To Said Fee And Not Presently Serviced By Centerville Refuse Collection, be set for Public Hearing on April 19, 1976. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 14-76 MAPLE AVENUE

Mr. Sweetman sponsored Resolution Number 14-76, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With KZF

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Environmental Design Consultants, Inc. For An Engineering Study In Connection With Improvement Of Maple Avenue In The City Of Centerville, Ohio, From A Point Commencing At The Intersection Of Maple Avenue And East Franklin Street Northwardly To A Point Approximately 900 Feet North Of East Franklin Street, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 27-76 EMPLOYEE COMPENSATION

Mr. McQueeney moved that Ordinance Number 27-76, An Ordinance Amending Ordinance 100-75 Establishing Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on April 19, 1976. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 15-76 EAST FRANKLIN STREET

Mr. Kenning reviewed the following two bids received for the purchase of the \$7,500 East Franklin Street Special Assessment Bonds, Second Series, dated April 1, 1976:

Magnus Company	6 1/2% Interest Rate	\$4.25 Premium
Sweney Cartwright & Co.	7% Interest Rate	No premium

Mr. Kenning recommended accepting the bid of Magnus Company. Mr. Sweetman sponsored Resolution Number 15-76, A Resolution Awarding Certain Bonds And Fixing A Rate Of Interest. (East Franklin Street Assessment), and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McQueeney suggested that Council consider backing the County Commissioners in their intervention into the rate increase applied for by the Dayton Power and Light Company. This will be an agenda item for the next Council Work Session.

There being no further business, the Meeting was adjourned.

Approved: *Victor A. Green*

Mayor

ATTEST:

Marilyn S. McLaughlin
Clerk of the Council