

RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DIVISION OF RECORDS MANAGEMENT

Held _____ May 17, _____ 19 76

CENTERVILLE CITY COUNCIL
REGULAR MEETING
MAY 17, 1976

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, May 17, 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 Nicholas Rachford from the Saint Barbara Byzantine Catholic Church and the Pledge of Allegiance to the Flag with Deputy Mayor J. V. Stone presiding. Council Members and City Staff present were as follows:

- Council Members Ralph Spencer
- Charles McQueeney
- Russell Sweetman
- Nora Lake
- 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
- Chief of Police William Randolph
- Municipal Attorney Robert Farquhar
- Administrative Assistant John Levermann

Mr. Stone announced that Councilman Leonard Stubbs will appear at this Meeting later in the evening; Mayor Victor Green is attending another Meeting in the City and will be absent from this Meeting. Mr. McQueeney moved that Mayor Green be excused from this Meeting. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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

- Regular Council Meeting
- May 3, 1976
- Council Work Session Meetings
- April 29, 1976
- May 3, 1976
- May 10, 1976

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

Mrs. McLaughlin announced receipt of the following correspondence:

1. Notice of Intent to Appeal a decision of the Planning Commission rendered April 27, 1976 filed by the B & B Development Company, Inc, concerning a Variance to permit the erection of two signs for the Thomas Paine Settlement on Bigger Road.

2. Appeal filed by Carter Associated Enterprises, Inc. against a decision made by the Board of Architectural Review on April 20, 1976 to deny the placement of a sign at 3 North Main Street. This matter has been set for Public Hearing before Council on June 7, 1976.

Mr. Kenning reported the following during his City Manager's Report: During the past week he attended the Street Light Seminar held in North Carolina.

He reviewed the activities of the Centerville Police Department during

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the month of April, 1976.

Mr. Kenning reviewed for Council a property protection project put into operation with the Police Department.

In excess of 40 additional trees have been planted in the picnic area on the 35 acres Municipal land by the Centerville-Washington Township Jaycees.

BLACK OAK FOREST SECTION ONE

Mr. Elmer Tate, Chairman representing the Planning Commission reported on their Meeting held May 5, 1976. Mr. Reynolds reviewed the Record Plan for Black Oak Forest, Section One and located the subject property on a map. This Plan was approved by the Planning Commission with an unanimous vote. This Section is located on the east side of Clio Road approximately 350 feet south from Alexandersville-Bellbrook Road. The Section will include 56 lots on 35.2 acres of land. A Performance Bond in the amount of \$226,500.00 is recommended for this Section, \$15,000.00 of which would be for the widening and improvement of Clio Road. Sidewalks are included on both sides of Ambridge Road and on the cul-de-sac. This property, though zoned R-3, is being planned for development under R-1 zoning requirements. Mr. Reynolds reviewed the design for the open ditch running through the entire development. Upon question of Mr. Spencer, the Developer advised that construction would begin near Clio Road. Mr. Sweetman made reference to comments by Mr. Schab concerning the drainage facility made during the Work Session held by the Planning Commission to discuss this Development; he questioned why a closed tile has not been required. Mr. Stone questioned anticipated problems with this environmental swale as proposed. Mr. Schab outlined the following:

1. A big storm could cause wash out on the slopes thus requiring correction by the City.
2. City maintenance would be required, the grass area would need mowing.

Councilman Leonard Stubbs entered the Meeting at this time.

Upon request of Mr. McQueeney, Mr. Schab explained a 2-year rain and a 10-year rain. Mrs. Lake questioned the effect this open ditch would have on the people living at the end of the ditch and on the erosion which could take place at this end; Mr. Schab sees the effect as it now exists. Sidewalk on both sides of the street vs brick sidewalk on one side was discussed in Section One. This the Developer proposed, however, Staff recommended sidewalk on both sides of all streets as recommended by the Planning Commission. Mrs. Lake would like to see a revised Plan for this entire Development, other Plans have been received for the same land which did not include a dedicated open ditch. Mr. Spencer moved that Council approve the Record Plan for Black Oak Forest, Section One, subject to receipt of a Performance Bond in the amount of \$226,500.00, an Inspection Fee of \$861.00, an approved Subdividers Agreement and an acceptable Escrow Agreement. Mr. Stone seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mr. Sweetman and Mrs. Lake voted no; Mr. Stubbs abstained.

ORDINANCE NUMBER 31-76 WASTE COLLECTION

The Public Hearing was held concerning Ordinance Number 31-76. Mr. McQueeney sponsored Ordinance Number 31-76, An Ordinance Providing For The Issuance Of \$56,000 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Cost Of Certain Solid Waste Collection Equipment, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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NATIONAL LEGAL PRINTING CO. 19134

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ORDINANCE NUMBER 32-76 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 32-76. Mrs. Lake sponsored Ordinance Number 32-76, An Ordinance Appointing Elmer Tate And Dennis Donnellan To The City Planning Commission Of The City Of Centerville And Establishing Terms Of Office, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 21-76 PUBLIC DEFENDER SERVICES

Mr. Spencer sponsored Resolution Number 21-76, A Resolution Ratifying The Action Of The City Manager In Executing An Agreement With The Montgomery County Board Of County Commissioners For The Provision Of Public Defender Services To Indigents Charged With Misdemeanors In The City Of Centerville, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 22-76 SISTER CITY

Mr. Spencer sponsored Resolution Number 22-76, A Resolution Appropriating \$600.00 From The Contingency Fund For The Sister Cities Committee, 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 33-76 PARKS AND RECREATION

Mr. Stubbs moved that Ordinance Number 33-76, An Ordinance Appointing Nicholas Rachford And William Sowder To The Parks And Recreation Board Of The City Of Centerville And Establishing Terms Of Office, be set for Public Hearing on June 7, 1976. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 34-76 PARKS AND RECREATION

Mr. McQueeney moved that Ordinance Number 43-76, An Ordinance Amending Section 555.14 Of The Centerville Municipal Code By Adding Regulations Relating To The Erecting And Attaching Signs, be set for Public Hearing on June 7, 1976. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

As recommended by the City Staff, Mr. McQueeney moved that the Curb Cut Request for Gregg Harris be tabled. Mr. Spencer 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. Gee*
Mayor

ATTEST:

Marie J. M. [Signature]
Clerk of the Council