

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

MAYOR GREEN PLANS CO. 1976

Held August 16

19 76

CENTERVILLE CITY COUNCIL
REGULAR MEETING
AUGUST 16, 1976

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, August 16, 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 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 Charles McQueeney
Ralph Spencer
Leonard Stubbs
Nora Lake
Russell Sweetman
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
Acting Municipal Attorney Stephen Hunter
Administrative Assistant John Levermann

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

Regular Meeting
August 2, 1976
Work Session Meetings
August 2, 1976
August 9, 1976

Mr. Stubbs moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mrs. McLaughlin advised that an Appeal had been received from Park Lake Development, Inc. concerning the Planning Commission's denial of their rezoning request for property in Rose Estates. A requested change from R-1 to R-3 zone classification.

Mrs. McLaughlin reported that a Notice of Intent to Appeal a decision of the Planning Commission was filed by John Brainard concerning his request to rezone property in Oak Creek IV from R-2 to R-3 zone classification. An Appeal was not received within the prescribed time.

Mayor Green announced a Meeting being held Thursday, August 19, 1976 to begin at 10:00 A.M. of the Committee for Levy Renewal for Mental Health and Mental Retardation; Meeting to be held in the lecture hall of the Old Court House; interested Officials are invited to attend.

Mr. Kenning reported the following during his City Manager's Report:
Final preliminary engineering has been received for the special assessment project including the extension of Clyo Road.

Held

August 16, 1976 continued

19

Traffic signalization has been received for installation on Alexandersville-Bellbrook Road.

The resurfacing of Alexandersville-Bellbrook Road will begin the current week.

Improvements to Rahn Road are well underway, weather permitting, completion should be in a couple weeks.

The Police Department has received a LEAA Federal Grant Award for emergency play back equipment.

The Safetyville Square Program has been completed with an attendance total of 228 children.

The tennis Tournament has been completed with 400 entries.

Upon question of Mr. Stubbs, Mr. Kenning advised that electricity is being connected to the sirens for the Disaster Warning System. The emergency antenna should be received within the week.

Poles are being set for additional street lights. Engineering drawings are being reviewed by the City Staff.

Mr. Charles Rush, 534 Duberry Place, appeared to obtain the status of the complaint registered by Mr. Charles Harmon concerning the Mother Hubbard Nursery School operated on Willowhurst Street. Mr. Reynolds reviewed his findings, it appears to be a legal non-conforming use.

Washington Township Trustee Duane Snyder requested that Council determine a time to meet with the Board of Trustees to discuss the recent Washington Township Citizens Committee Report.

ORDINANCE NUMBER 43-76 ZONING ORDINANCE AMENDMENT LEMON REZONING

The Public Hearing was held concerning the rezoning request filed by Paul Lemon for property located at the north east corner of East Franklin Street and Cemetery Drive. Mr. Reynolds located the property on a map and reviewed adjacent zoning. This property is located at the eastern boundary of the AP District. Requested is a change from R-2 to AP classification. The Planning Commission recommended denial of this rezoning, it is being heard upon an appeal to Council.

Mrs. Paul Lemon, 155 East Franklin Street, submitted pictures to Council of the property in question. She reviewed the history of the structure occupying the land and reviewed for Council their reasons for requesting a rezoning. She proposes to establish an antique shop within the dwelling.

Mr. Kenneth Poff, 146 East Ridgeway Road, neighbor of the property, offered his objection to the rezoning in consideration of traffic on Cemetery Drive.

Mrs. John Eby, 136 East Ridgeway Road, reviewed traffic problems on narrow Cemetery Drive.

Mr. Charles Null, 130 East Franklin Street, questioned how the present boundaries for the AP District were set. Mr. Stone explained how they were determined, he believes that this home should have been included in the District.

Mr. McQueeney would like to hear some logic for a change before the AP District is extended.

Mrs. Lake believes that the District was designed to provide uniqueness in the central business district, she believes that the boundaries on East Franklin Street already extend too far.

Mr. Stubbs sees no change in this area since the last rezoning for this same property, same request was denied.

Mayor Green expressed his concern with B-1 uses being permitted in the entire Architectural Preservation District.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held August 16, 1976 continued 19

Mr. Roy Gueltig, 143 East Franklin Street, believes the entire old part of the City should be included in the Architectural Preservation District.

Mr. Stone sponsored Ordinance Number 43-76, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 0.605 Acres, More Or Less, From Centerville R-2 Classification To Centerville A-P Classification, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six nays against the motion; Mr. Stone voted yes.

ORDINANCE NUMBER 40-76 CITY PROPERTY

The Public Hearing was held concerning Ordinance Number 40-76. Mr. Kenning reviewed the proposed Ordinance, it provides for Bonds to retire the Notes used to purchase the Municipal facility on South Suburban Road. Mr. Spencer sponsored Ordinance Number 40-76, An Ordinance Providing For The Issuance Of \$200,000 Of Municipal Garage Bonds, 1976 Series, Of The City Of Centerville, Ohio, For The Purpose Of Acquiring Certain Real Estate In The City, Together With Improvements And Furnishings Located Thereon And Therein, And Paying Necessary Costs Incidental To Such Acquisition, For Municipal Garage And Related Purposes, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 41-76 ADMINISTRATIVE CODE

The Public Hearing was held concerning Ordinance Number 41-76. The proposed Ordinance establishes the organization and procedure section of the Administrative Code. Mr. McQueeney sponsored Ordinance Number 41-76, An Ordinance Enacting Volume II, Organization And Procedure, Of The Administrative Code, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 42-76 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 42-76. Mr. Spencer sponsored Ordinance Number 42-76, An Ordinance To Appoint A Member To The Sister City Committee For The City Of Centerville For A Term Of Three Years, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McQueeney suggested that the Washington Township Trustees set a date for a joint Meeting. Mr. Snyder will solicit same with the Trustees and Council will then set the time and place for such a Meeting.

ORDINANCE NUMBER 44-76 CHARTER

Mr. Spencer sponsored Ordinance Number 44-76, An Emergency Ordinance To Provide For An Election On The Adoption Of Amendments To The Centerville Charter For The City Of Centerville, Ohio, As Reported By The Centerville Charter Review Commission And Amended By The City Council, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stone voted no.

ORDINANCE NUMBER 45-76 CHARTER

Mr. Spencer moved that Ordinance Number 45-76, An Ordinance To Provide For An Election On The Adoption Of Amendments To The Centerville Charter For The City Of Centerville, Ohio, As Reported By The Centerville Charter Review Commission And Amended By The City Council, be set for Public Hearing on September 13, 1976. Mr. McQueeney seconded the motion. A roll call

Held

August 16, 1976 continued

19

vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 46-76 STATE ROUTE 725

Mayor Green reviewed the following changes to be made to proposed Ordinance Number 46-76, an Ordinance to provide for improvement to State Route 725, the area just east of the west Corporation Line:

first paragraph to read - "WHEREAS, the Director of Transportation is considering improving a portion of the public highway which is described as follows: Widen and resurface S.R. 725 from improved five lane section under I-675 (MOT-675-0.00 project) to the existing 4 lane wide section within the City of Centerville, approximately 0.12 miles east of the west Corporation Line; starting point is approximately 0.71 miles east of the east end of the existing five lane section in front of Dayton Mall."

delete the word "Municipality" in Section V paragraph b. Mr. Spencer sponsored Ordinance Number 46-76, An Emergency 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. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 47-76 STATE ROUTE 725

Mr. Spencer moved that Ordinance Number 47-76, 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, be set for Public Hearing on September 13, 1976. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 33-76 ADVANCE OF TAXES

Mr. Kenning reviewed a proposed Resolution requesting an advance on taxes collected by Montgomery County, to beef up cash flow for the City. Mr. Spencer sponsored Resolution Number 33-76, A Resolution Requesting An Advance Of Forty Five Thousand (\$45,000.00) Dollars Out Of The Current Collection Of Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 34-76 NORTH MAIN STREET

Mr. McQueeney sponsored Resolution Number 34-76, A Resolution Declaring It Necessary To Improve North Main Street In The City Of Centerville By The Installation Of Brick Sidewalks, Concrete Approaches And Related Improvements, Beginning On The West Side Of Said Street At The Centerville Corporation Line (Which Is Located Approximately 600 Feet South Of Williamsburg Lane), And Continuing Therefrom Southward For Approximately 318 Feet To The Southeast Corner Of The Robert Reed Property (Deed Book 2299, Page 116); And Continuing On Said West Side In Front Of The Zimmerman Property (Deed Book 2102, Page 747) For A Distance Of Approximately 104 Feet From A Point Approximately 483 Feet South Of The Corporation Line To 587 Feet South Of The Corporation Line; And Beginning On The East Side Of Said Street At The Northwest Corner Of The Gerber Property (Deed Book 2230, Page 664) Which is Located Approximately 170 Feet South Of Bradstreet Road, And Thence Southwardly For Approximately 730 Feet To A Point 180 Feet North Of Irongate Drive, and moved that it be passed. Mr. Spencer 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.

ATTEST: Maile J. W. Paul Approved: Victor A. Green

Clerk of the Council

Mayor