

Held September 13, 19 76

CENTERVILLE CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 13, 1976

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, September 13, 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 Clyde Powell from the Fairhaven Church of the Christian Missionary Alliance 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 Leonard Stubbs
- Charles McQueeney
- Nora Lake
- 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

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

- Regular Meeting:
  - August 16, 1976.
- Work Session Meetings:
  - August 16, 1976.
  - August 23, 1976.
  - August 30, 1976.
  - August 31, 1976.

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

Mrs. McLaughlin read a letter of resignation from City Beautiful Commission Member William Meinhardt. Mr. Meinhardt is moving outside the City limits.

During his City Manager's Report, Mr. Kenning reported the following:  
The Rahn Road improvement project is nearing completion.  
Zoning Ordinance revisions are progressing well in Planning Commission; the PUD Section will be before Council soon.

Those sections of the Service Department monthly report relating to waste collection were reviewed by Mr. Kenning.

Vehicles operated in the Service Department are being painted and will soon meet City paint standards.

The City's 1976 street lighting program will be completed soon.

Traffic signals for Bigger Road and Alexandersville-Bellbrook Road and for Clio Road and Alexandersville-Bellbrook Road are now being tested by the City.

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## BLACK OAK FOREST PRELIMINARY PLAN

Mr. George Schottmiller, representing the Planning Commission, reported on their Meeting held August 31, 1976. The Planning Commission unanimously approved a Revised Preliminary Plan for Black Oak Forest. Mr. Reynolds located the subject property on a map, being located on the east side of Clyo Road, south of Alexandersville-Bellbrook Road. The Plan has been revised to cul-de-sac Tamarind Trail and eliminate a short cul-de-sac to the south. Planning Commission's approval was subject to approval of the Plan by the Centerville-Washington Township Fire Department. Mr. Spencer moved that Council approve the Revised Preliminary Plan for Black Oak Forest subject to the approval of the Centerville-Washington Township Fire Department. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## DONWOOD HEIGHTS

Mr. Schottmiller reviewed Planning Commission's unanimous approval of the Record Plan for Donwood Heights. This Plan was approved by the Commission subject to screening being placed on the property acceptable to the City of Centerville, said screening to be in accordance with the City's previous approval in 1973. Mr. Reynolds located the subject property on a map, being situated on the south side of Hewitt Road, approximately 80 feet east of the intersection of Millshire Drive; only the southern 25 feet of the property lies in the City of Centerville. The change made to this Record Plan is the reduction by one lot, thus enlarging the size of the remaining lots. Mr. Stubbs moved that Council approve the Record Plan for Donwood Heights subject to screening as recommended by the Planning Commission. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Spencer advised that the Council Finance and Long Range Planning Committee has completed its study of the Capital Improvement Program for 1977 through 1981. Mr. Spencer reminded all in attendance that this is a long range planning document, nothing contained therein is official until approved by Council.

Upon question of Dorothy Wood, 1450 Black Oak Drive, Mr. Kenning advised that the traffic signal will be installed at Clyo Road and Alexandersville-Bellbrook Road this year.

## ORDINANCE NUMBER 48-76 ZONING ORDINANCE AMENDMENT PARK LAKE

The Public Hearing was held concerning a Rezoning Request filed by Park Lake Development Company. The Planning Commission unanimously recommended denial of this Request, thus it comes to Council on an appeal. Mr. Reynolds located the subject property on a map, being situated to the west of Sheehan Road north of the corporation line. Requested is a change for approximately 5.882 acres of land from R-1 to R-3 zone classification; adjacent zoning is R-1, Washington Township Special Use, Agricultural and Washington Township B-3.

Mr. Valdis Lapsins, from the John Judge Engineering Company and representing the Applicant, requested that this Public Hearing be postponed for 60 days; Park Lake is willing to pay the cost for re-advertisement. Mr. Farquhar explained why it was necessary to open the Public Hearing at this time, postponement could be granted by Council during the Hearing if so desired. Mrs. Lake requested that people in attendance be heard if they wish.

Mr. Charles Clark, 300 Townhall Circle, questioned R-3 zoning in a single family residential district, he fears setting of precedent.

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Mr. Dallas Horvath, 300 Village Square Road, moved to Rose Estates because of it's single family character, he does not favor increased density through twin homes. Mr. Horvath cited potential traffic and neighborhood related problems.

Mr. Prem Jain, 9805 Sheehan Road, moved into Rose Estates because it was a single family residential area.

Mr. Robert Taylor, 9715 Stonerock Court, sees no need for a 60 day delay in this Request.

Mr. Tom Carrado, 490 Village Square Road, brought attention to the fact that a Petition was signed by over 100 residents in Rose Estates objecting to this proposed Rezoning; said Petition was submitted to the Planning Commission.

Mr. Lapsin advised that the Applicant has requested a delay in order to acquaint the Rose Estates Civic Association of their intention.

Mr. John Kennedy, 9812 Shawnee Trail, believes that people in attendance at the Planning Commission Meeting clearly understood the proposal, he does not endorse a delay or postponement of this Public Hearing.

Mr. Stubbs sponsored Ordinance Number 48-76, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 5.882 Acres, More Or Less, From Centerville R-1 Classification To Centerville R-3 Classification, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six nays against the motion.

#### ORDINANCE NUMBER 49-76 ZONING ORDINANCE AMENDMENT HAVERSTICK

Mr. Ned Haverstick reviewed for Council the history of the property located at the northeast corner of Centerville Station Road and Clio Road. The Rezoning of this subject property was tabled on August 16, 1976 until this Council Meeting. Owners of the property believe that the present O-S zoning does not produce a market for their Company; B-2 would provide a buffer between industrial zoning and residential zoning. Mr. Haverstick read for Council favorable comments made by area Realtors concerning a neighborhood type shopping center at this corner. He also submitted to Council photographs of surrounding conditions. Three Petitions were submitted: one containing 20 signatures of residents in the Washington Creek area, one containing 35 signatures of residents in Black Oak south and one containing 21 signatures in Franklin East; all in favor of a Phil and Jerry's Store, Bank, Savings and Loan and Dale Fashions at the subject location.

Mr. Haverstick introduced Bill Kessen, 1350 Fenway Court, a Realtor, who advised Council that 35 out of 40 people with whom he spoke to were in favor of a Phil and Jerry's at the northeast corner of Centerville Station Road and Clio Road, he sees the facility an asset to the Community.

Mr. Robert Chappell, 1180 Durham Drive, favors the Rezoning in consideration of other alternatives, he views the proposal as an enhancement for the entire area.

Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the owners, reviewed proposed improvements to Centerville Station Road and Clio Road. The intersection would be improved before construction at the corner.

Mr. Joseph Haverstick, speaking as an appraiser of real estate, believes that properties in the Black Oak Estates area would benefit from this proposed development, it will be an asset to the tax base for Centerville. He reviewed previous construction by the owners in other areas of the City of Centerville.

Upon question of Mr. Walter Sinkhorn, 7800 Millerton Drive, Mr. Haverstick explained why pine trees will be used for a buffer rather than

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a fence and reviewed the use of large compactors in consideration of debris.

Mr. William Burke, 7855 Bigger Road, an Officer in the Black Oak Civic Association, reviewed the history of this property in conjunction with actions by the Civic Association. He encouraged Council's denial of this Rezoning based upon increased traffic, inadequate roadway and the fact that area housewives indicate no need for a supermarket at this location. He fears the destruction of the peace and quiet in the residential neighborhood, and is concerned with potential debris.

Mrs. Dorothy Wood, disapproves of this establishment in her neighborhood.

Mr. Thomas Metz, 1430 Black Oak Drive, fears for safety of children on Black Oak Drive if this development takes place.

Mr. Michael Schram, 8100 Clio Road, Business Manager and Treasurer for St. Leonard's College, expressed concern with noise level and additional traffic, he reminded Council that the additional tax base is based upon assumed profit.

Mr. Waldo Hileman, 1370 Black Oak Drive, sees increased traffic and views this as a poor marketing area.

Mrs. Judy Turley, 7828 Braewood Trail, suggested that a house to house survey be taken to ascertain residents' desires, she endorsed the location of a Phil and Jerry's and Dale Fashions at the subject location.

Mrs. Pat Harootyan, 7805 Raintree Road, questioned who would replace pine trees used as a buffer if and when they die. She expressed concern with potential trash, grocery carts setting around and rodents. She believes people have moved to Centerville because it is unique, not commercialized.

Mrs. Sherri Johnston, 1310 Centerville Station Road, is concerned with additional traffic at a four way stop and with the lights required to service this shopping center.

Mrs. Pat Barone, 1465 Bimni Drive, suggested that this land be donated to the City for Park purposes, if the owners find it not serviceable under it's present zoning.

Mrs. Sandra Krabal, 7875 Raintree Road, sees no need for a shopping center on every corner in the City of Centerville.

Mr. Philip Marriott, 8035 Brainard Woods Drive, believes that business in Centerville should be confined to the center of town.

Councilman Russell Sweetman entered the Meeting at this time.

Mrs. Ruth Hopkins, 1455 Black Oak Drive, views the Centerville Mill as "Ye Olde Centerville", she sees no need to buffer this from the Black Oak area.

Mrs. Nancy Pearsons, 1445 Taitwood Drive, expressed concern for children walking to and from the high school and sports at the St. Leonard's College.

Mrs. Barbara Weil, 7793 Windy Hill Court, does not see Centerville Council's responsibility to make the Haversticks profitable.

Mr. Gerry Deboer, 1470 Bimni Drive, does not believe zoning should constantly be changed.

Mrs. Sherri Merrick, 1440 Bimni Drive, is concerned with noise from truck traffic should this proposal be approved.

Mr. Mel Oelrich, 7899 Raintree Road, indicated his objection to the proposed Rezoning.

Mrs. Christine Snyder, 7897 Raintree Road, stated his opposition to the subject Rezoning. She moved to Black Oak Estates because of residential character. People move out and away from things by free choice.

Mrs. Sharon Alt, 1425 Taitwood Drive, believes Black Oak is a very nice area in which to live because of it's residential character.

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Mr. Thomas Metz, also sees no need for buffering the Centerville Mill from Black Oak.

Mr. McQueeney reminded residents in attendance that alternatives at this corner must be considered, Clio Road must be widened, traffic must be expedited, this Community must be developed. He believes the possibility of 24 hour service is a strong objection, perhaps this could be controlled by City Ordinance.

Mrs. Lake complimented the Haversticks for their construction in Centerville and the Dayton area. She pointed out the fact that there is existing B-2 zoning in the area upon which the Phil and Jerry's Store could locate. Mrs. Lake is concerned with impact upon the total area, with development which results from a large shopping area and with additional business traffic.

Mayor Green expressed concern with other business uses permitted in a B-2 zone classification. He believes B-1 zoning could be more acceptable to residents and City Council.

Mr. Stubbs reminded people in attendance that City Council must have consideration for the future of Centerville. He shares concerns as presented at this Meeting.

Mr. Stone sponsored Ordinance Number 49-76, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 6.3 Acres, More Or Less, From Centerville R-4 And O-S Classifications To Centerville B-2 Classification, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six nays against the motion; Mr. Sweetman abstained. Mr. Sweetman explained his abstention in fairness to not having heard the owner's presentation and citizens' comments. Mr. McQueeney suggested that the property owners consider other alternatives by which the supermarket could be located at this northeast corner of Centerville Station Road and Clio Road.

#### ORDINANCE NUMBER 45-76 CITY CHARTER

The Public Hearing was held concerning Ordinance Number 45-76. Mr. Russell Dustman, 64 Shadybrook Drive, requested that this Ordinance be tabled to afford Council the opportunity to reassign a Charter Review Committee made up of residents inside and outside the City limits of Centerville, to revise proposed amendments to the Charter in consideration of annexation. Mr. Stubbs explained the fact that these are only house-keeping changes. Mr. Farquhar advised that the Charter Review Committee can be composed of only residents of the City of Centerville, that these changes have been recommended by the Charter Review Committee after a complete study of the Charter in accordance with requirements of the present Charter. Mr. McQueeney pointed out the fact that the Charter amendments deal with only City problems, the Charter can be amended after annexation is approved by the voters. Mr. Stubbs sponsored 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, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 47-76 SR 725 IMPROVEMENT

The Public Hearing was held concerning Ordinance Number 47-76. Mr. Sweetman sponsored Ordinance Number 47-76, An Ordinance Enacted By The City of Centerville, Montgomery County, Ohio In The Matter Of The Hereinafter 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 seven ayes in favor of the motion.

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RESOLUTION NUMBER 35-76 YOUTH CENTER

Mr. Stone sponsored Resolution Number 35-76, A Resolution Continuing The Youth Center Until December 31, 1976 And Continuing The Present Lease On The Present Youth Center Facilities On A Month-To-Month Basis Until December 31, 1976, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 36-76 NO SMOKING AREAS

Mr. Spencer sponsored Resolution Number 36-76, A Resolution Designating The City Manager As The Administrative Person Charged With A Duty To Designate No Smoking Areas In The Public Buildings Of The City Of Centerville, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 37-76 ANNEXATION

Mr. Stone sponsored Resolution Number 37-76, A Resolution Committing The Council Of The City Of Centerville To The Appointment Of The Then Present Members Of The Board Of Township Trustees Of Washington Township, Ohio, To Vacancies Created By The Resignations Of Councilwoman Lake, Councilman Spencer And Councilman Stone Which Resignations Will Be Submitted In The Event That The Entire Unincorporated Area Of Washington Township, Montgomery County, Ohio Is Annexed To The City Of Centerville Following A Favorable Vote By The Electors Of Said Unincorporated Area On November 2, 1976, and moved that it be passed. Mrs. Lake seconded the motion. Mr. Dustman questioned proposed Resolution Number 37-76. He believes that residents in Washington Township might wish for certain Councilmembers to remain on Council upon annexation. Mrs. Lake explained the fact that this Resolution puts in writing the wishes of Township residents for representation on City Council should annexation be approved. Mr. Stone explained that this is a voluntary act by each Councilmember. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 38-76 CITY PROPERTY

Mr. Kenning reviewed a proposed Contract between the Board of County Commissioners of Montgomery County and the City of Centerville for Housing and Community Development Act monies for acquisition of the Temple property, monies amounting to \$55,000.00. Mr. McQueeney sponsored Resolution Number 38-76, A Resolution Authorizing And Directing The City Manager To Execute A Contract With Montgomery County, Ohio For Acquisition Of Temple Property, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 39-76 SIDEWALK AND CURB RAMPS

Mr. Kenning reviewed a proposed Resolution to provide improved sidewalks and curb ramps in the central business district through Housing and Community Development Act monies, estimated not to exceed \$4,000.00. Mr. Stone sponsored Resolution Number 39-76, A Resolution Authorizing And Directing The City Manager To Execute A Contract With Montgomery County, Ohio For The Installation Of Curb Ramps In The Central Business District-Sidewalk Improvement To Facilitate Handicapped Persons Pursuant To The Housing And Community Development Act Of 1974, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 40-76 CITY PROPERTY

Mr. Kenning reviewed Resolution Number 40-76, a Resolution which authorizes a Contract for Housing and Community Development Act monies, not to exceed \$11,000.00 for the development of a 35 acre Community Center

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Meeting

OPTIONAL FORM NO. 1013

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Master Plan by a qualified consultant. Mr. McQueeney sponsored Resolution Number 40-76, A Resolution Authorizing And Directing The City Manager To Execute A Contract With Montgomery County For Development Of A 35 Acre Community Center Master Plan By A Qualified Consultant, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Green deferred action on the 1977-1981 Capital Improvement Program until the September 20, 1976 Council Meeting.

Mr. Russell Dustman requested that Council consider removing the question of annexation from the November ballot. Mr. Stone reviewed Meetings held between Councilmembers, Washington Township Citizens Committee for Annexation Members and Washington Township Trustees to discuss the possibility of removing this question from the November ballot.

There being no further business, the Meeting was adjourned.

Approved: *Victor A. Green*  
Mayor

ATTEST:

*Marilyn J. ...*  
Clerk of the Council of the  
City of Centerville, Ohio