

Held December 20

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CENTERVILLE COUNCIL MEETING  
REGULAR MEETING  
DECEMBER 20, 1976

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, December 20, 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. Councilmembers and City Staff present were as follows:

Councilmembers Nora Lake  
Leonard Stubbs  
Russell Sweetman  
Charles McQueeney  
Clerk of Council Marilyn McLaughlin  
City Manager Darryl Kenning  
City Planner Garth Reynolds  
City Engineer Karl Schab  
Service Director Richard Bishop  
Director of Parks and Recreation John Dunathan  
Municipal Attorney Robert Farquhar  
Director of Finance William Bettcher  
Assistant City Manager John Levermann

Mr. Stone announced that Mayor Green will arrive later during the Meeting; Councilman Ralph Spencer has been detained at his place of employment and will be absent for the entire Meeting. Mr. Sweetman moved that the foregoing Members of Council be excused from this Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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

Council Meeting:  
December 6, 1976.  
Council Work Session Meetings:  
December 6, 1976.  
December 13, 1976.

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

Mrs. McLaughlin advised that an Appeal was filed by Dr. Joseph Woods against a Planning Commission decision rendered on November 30, 1976 denying his variance request for a sign on Loop Road.

ORDINANCE NUMBER 65-76 ZONING ORDINANCE AMENDMENT VARIANCES

Mr. Elmer Tate, Chairman of the Planning Commission reported on their Meeting held December 7, 1976. The Commission unanimously recommended approval of an Ordinance to change the powers of the Planning Commission with respect to variances. Mr. McQueeney sponsored Ordinance Number 65-76, An Emergency Ordinance Amending Ordinance 15-61, The Zoning Ordinance, By Changing The Powers Of The Planning Commission With Respect To Variances, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.



## RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

OPTIONAL FORM NO. 101-114

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## ORDINANCE NUMBER 66-76 ZONING ORDINANCE AMENDMENT VARIANCES

Mr. Sweetman moved that Ordinance Number 66-76, An Ordinance Amending Ordinance 15-61, The Zoning Ordinance, By Changing The Powers Of The Planning Commission With Respect To Variances, be set for Public Hearing on February 7, 1977. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

## ZONING ORDINANCE AMENDMENT MEEKER/WOODMAN LANES REZONING

The Public Hearing was held concerning six Ordinances to rezone land as follows:

Washington Township R-3 to Centerville R-2, 32.5 acres.

Washington Township R-3 to Centerville R-3, 42.5 acres.

Centerville I-1 to Centerville R-4, 2.7 acres.

Washington Township R-3 to Centerville R-4, 6.4 acres.

Centerville I-1 to Centerville B-2, 4.2 acres.

Washington Township R-3 to Centerville B-2, 4.7 acres.

Mr. Reynolds reviewed this Rezoning Request filed by David Meeker and Woodman Lanes, and located the subject property on a map; being situated east of Bigger Road, south of Thomas Paine Parkway and north of Alexandersville-Bellbrook Road. The Planning Commission recommended approval of rezoning land to R-2, R-3 and R-4, but recommended denial of the two B-2 rezoning requests. The residential rezonings correspond to the Comprehensive Plan for the City of Centerville.

Mayor Green entered the Meeting at this time and presided.

Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Applicants, summarized their request. Proposed rezoning bordering Clyo Road extension correspond with present zoning classifications to the north. Residential areas have been designed in accordance with topographical features of the land. A City Park has been considered for the north eastern corner of the property. The land would be developed as a Residential Development Plan or Planned Unit Development. Under B-2 zoning the City would have better controls over development than under I-1 zoning in the vicinity of major intersections.

Mr. Russell Woodall, 1878 East Alexandersville-Bellbrook Road, questioned what business would occupy the B-2 zoning which is not already located nearby. He is also concerned with anticipated increase in traffic.

Mrs. Helen Razor, 7121 Bigger Road, indicated her concern with the development of the property to the south if the B-2 rezonings are granted.

Mr. Daniel Seever, 1836 East Alexandersville-Bellbrook Road, is concerned with a proposed road traveling through the property and intersecting into Alexandersville-Bellbrook Road opposite Marwyck Drive, thus creating a major intersection. He sees no need for additional business development.

Dr. Harold Kelso, 2212 East Alexandersville-Bellbrook Road, believes that Clyo Road should serve as the boundary for residential development to the south.

Mr. Rodney Richley, 2243, East Alexandersville-Bellbrook Road, is concerned with potential water problems with the installation of storm sewers in the subject area.

Mr. Archdeacon advised that the drainage ditches through the development will remain in their natural state in order to eliminate water problems.

Mr. Sweetman indicated concern with the density permitted under R-4 zoning. He sees the submittal of a Rezoning Request for the property to the south when and if these rezonings are granted.



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Mr. Paul Moody, representing the property owners, reviewed assessments which will be encountered in the development of this land; for this reason the B-2 zoning has been requested in order to offset some of these assessment costs. Mayor Green suggested that consideration be given to the development of this land according to R-1 single family zoning. He suggested that these Rezoning Requests be further reviewed during a Council Work Session on Monday, January 10, 1977. Mr. McQueeney reminded concerned residents that Work Sessions are open sessions, everyone is welcome to attend. The Meeting will be held in the Community Room in the Centerville Municipal Building at 7:30 P.M.

Mrs. Emerson Vandever, 7220 Bigger Road, is also opposed to the proposed business zoning.

Upon question of Mr. Stone, Mr. Reynolds advised that the Planning Commission recommended denial of the B-2 zoning based upon the fact that it does not correspond with the Comprehensive Development Plan for Centerville in this area.

Mr. Sweetman moved that the Rezoning Requests submitted by Woodman Lanes and David Meeker be tabled until after the January 10, 1977 Work Session Meeting. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### ORDINANCE NUMBER 64-76 BOARD OF TAX APPEALS

The Public Hearing was held concerning Ordinance Number 64-76. Mr. Sweetman sponsored Ordinance Number 64-76, An Ordinance Appointing Robert Hensley, Stephen Mikula and Dale Rodman To A Term Of One Year Each On The Centerville Board Of Tax Appeals, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### R & R DEVELOPMENT PRELIMINARY PLAN

Mr. Reynolds reviewed the revised Preliminary Plan for R & R Development, a subdivision proposed to be located on the west side of Wilmington Pike, south of the proposed I-675. This Preliminary Plan differs from the original Plan in that the access road paralleling the Clyo Road extension extends to the western boundary of the property. Mrs. Lake moved that Council approve the revised Preliminary Plan for R & R Development (the most recent stifted map) as presented subject to the approval of the Centerville-Washington Township Fire Department. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

#### WHISPERING HILLS PRELIMINARY PLAN

Mr. Reynolds reviewed the revised Preliminary Plan for Whispering Hills, a subdivision proposed to be located south of Whipp Road, west of Kentshire Drive and east of State Route 48. Streets in the Development will be 28 feet wide back to back of curb. Some changes have also been made in anticipated curb cut locations. Easements have been provided to create a walkway across the railroad tracks. The Centerville-Washington Township Fire Department has indicated agreement with this revised Plan. Mrs. Lake questioned the Fire Department's approval of the driveway to the west off the main roadway, this is a narrow drive with little turnaround. Mr. Al Wahbe, representing the Developer, advised that the Fire Department is concerned only with reaching the front of buildings. Mr. Sweetman wanted a more detailed report from the Fire Department; he questioned access to the front of buildings by emergency equipment, accesses could be blocked by parked vehicles. Mr. Stubbs was also concerned with emergency vehicles having adequate access to buildings. Mr. McQueeney moved that Council approve the revised Preliminary Plan for Whispering Hills contingent upon



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written approval by the Centerville-Washington Township Fire Department. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Stubbs and Mr. Sweetman voted no.

**BLACK OAK FOREST SECTION ONE**

Mr. Kenning reviewed the City Engineer's recommendation to reduce the Performance Bond on Black Oak Forest, Section One. Mr. Stubbs moved that the \$226,500.00 Performance Bond posted on Black Oak Forest, Section One, be reduced to \$78,450.00 as recommended by Mr. Schab. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman was absent during this item on the agenda.

**RESOLUTION NUMBER 55-76 HEALTH SERVICES**

Mr. Kenning reviewed a proposed Resolution for Centerville to enter into an Agreement with the Montgomery County Combined General Health District for the establishment of a program for the prevention of alcoholism and for the treatment of rehabilitation of alcoholics. Mr. Stone sponsored Resolution Number 55-76, A 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. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman was absent.

**RESOLUTION NUMBER 56-76 CITY PROPERTY**

Mr. McQueeney sponsored Resolution Number 56-76, A Resolution Ratifying The Action Of The City Manager In Executing A Contract For Consultant And Planning Services With KZF Environmental Design Consultants, Inc. For The Benjamin Archer Park, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman was absent.

**ORDINANCE NUMBER 67-76 SUBDIVISION REGULATIONS**

Mr. Stubbs moved that Ordinance Number 67-76, An Ordinance Repealing Ordinance No. 62-76 And Amending Ordinance 10-1958 As Amended And Section 1115.02 (d) Of The Municipal Code Relating To Fees To Be Charged Under The Subdivision Regulations of Centerville, Ohio, be set for Public Hearing on January 3, 1977. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the Motion; Mr. Sweetman was absent.

**ORDINANCE NUMBER 68-76 APPROPRIATIONS**

Mrs. Lake sponsored Ordinance Number 68-76, An Emergency Ordinance To Amend Ordinance 98-75, To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1976, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

**ORDINANCE NUMBER 69-76 APPROPRIATIONS**

Mrs. Lake moved that Ordinance Number 69-76, An Ordinance To Amend Ordinance 98-75, To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1976, be set for Public Hearing on January 3, 1977. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.



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RESOLUTION NUMBER 57-76 INCOME TAX

Mr. McQueeney sponsored Resolution Number 57-76, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Between The General Fund, Capital Improvements Fund, Permissive Tax Fund, Street Construction And Maintenance Fund And The Federal Revenue Sharing Fund Of The City Of Centerville, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 70-76 APPROPRIATIONS

Mr. Sweetman sponsored Ordinance Number 70-76, An Emergency Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1977, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 71-76 APPROPRIATIONS

Mr. Stubbs moved that Ordinance Number 71-76, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1977, be set for Public Hearing on January 3, 1977. Mr. Sweetman seconded the motion. Mrs. Lake expressed concern with the fact that Parks and Recreation moneys are allocated from the Federal Revenue Sharing Fund. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 72-76 PERSONNEL

Mrs. Lake sponsored Ordinance Number 72-76, An Emergency Ordinance To Amend Ordinance 100-75 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 73-76 PERSONNEL

Mrs. Lake moved that Ordinance Number 73-76, An Ordinance To Amend Ordinance 100-75 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on January 3, 1977. Mr. McQueeney 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:   
Mayor

ATTEST:

  
Clerk of the Council