

Minutes of

REGULAR

Meeting

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Held June 2, 19 75

CENTERVILLE CITY COUNCIL  
REGULAR MEETING  
JUNE 2, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, June 2, 1975 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Douglas Myer, Epiphany Lutheran Church and the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Council Members and City Staff present were as follows:

Deputy Mayor J. V. Stone  
Councilwoman Nora Lake  
Councilmen Leonard Stubbs  
Charles McQueeney  
Ralph Spencer  
Russell Sweetman  
Clerk of Council Marilyn McLaughlin  
City Manager Darryl Kenning  
Municipal Attorney Robert Farquhar  
Chief of Police William Randolph  
Director of Finance William Bettcher  
Service Director Richard Bishop  
City Planner Garth Reynolds  
City Engineer Karl Schab  
Administrative Assistant John Levermann

The Minutes of the Meeting of ~~June 2~~<sup>May 19</sup>, 1975 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of ~~June 2~~<sup>May 19</sup>, 1975 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stone abstained.

The Oath of Office was administered to Centerville Bicentennial Commission Member Nancy Landl by Mr. Farquhar.

Mr. Kenning reported the following during his City Manager's Report: He reviewed the Ohio City Managers Association Conference held the previous week. A written report will be forthcoming to Council.

Tests have been completed for Police Officers and Police Cadets, interviews will begin during the week.

Preliminary plans for improvements in the Architectural Preservation District have been completed; they will be submitted to the Board of Architectural Review for submission to Council within 45 days.

Speed limits on Wilmington Pike have been co-ordinated; a Resolution will be forthcoming.

Mr. Farquhar reviewed the Russell E. Freasure and Zelma L. Freasure vs City of Centerville cases filed in the Common Pleas Court of Montgomery County. The Injunction was dismissed concerning the City's removal of blacktop in front of the Freasure property; briefs are being filed relative to the installation of brick sidewalk, green area and partial removal of the asphalt parking area. Mr. Farquhar recommended that no action be initiated by the City concerning the blacktopped area until the Court has decided the second issue.

Upon question of Mr. Stubbs, Mr. Bishop advised that grass clippings are being collected with the regular refuse collection. Separate collection will begin when the new packers are in full operation. Mr. McQueeney hopes that the City is doing everything possible to keep refuse collection costs down; he does not want to see costs increased to warrant an increase

Held June 2, 1975 continued

19

in fee.

Mr. Kenning reported that the summer recreation program will soon be in full operation; information will be distributed in the schools.

ORDINANCE NUMBER 33-75 ZONING ORDINANCE AMENDMENT

The Public Hearing was held concerning Ordinance Number 33-75. Mr. Farquhar explained the proposed Ordinance; it adds two new definitions and amends one in the Zoning Ordinance as it relates to Dwelling, Family and Housekeeping Unit. This Ordinance is to serve as a stop gap while a complete Group Home Ordinance is under consideration. A complete Group Home Ordinance is presently being considered by the Planning Commission and should be before Council within 60 to 90 days. The vote in Planning Commission resulted in four positive votes based upon the fact that this is an interim Ordinance and was recommended by Mr. Farquhar.

Mrs. Carolyn Weng, 220 Virginia Avenue, representing the Centerville Units of the League of Women Voters of the Greater Dayton Area, pointed out the fact that the MVRPC is progressing on the development of guidelines for Group Home Ordinances. The League questions the intent of this proposed Ordinance Number 33-75; what does it include or exclude, what is its intent toward foster children, foster care for adults, foreign students, live-in help and tuition students whose parents have moved? The League questioned overall objectives and the need and plans for residential care facilities on the part of social agencies and they question the legal status of Group Home Ordinances in the United States. Mrs. Weng solicited Councilmen's comments either formal or informally at this Meeting.

Susan Turner, 334 Delaware Avenue, representing the National Organization for Women, offered her non-support for passage of the proposed Ordinance; the organization supports a more open policy towards Group Homes. They will submit in writing to the City Planner their guidelines.

Mrs. Marian Laing, 205 South Hill Court, opposed the Ordinance as proposed based on its discriminatory nature; she views this as a permanent not a stop gap measure.

Mrs. Roberta Fisher, 208 Bradstreet Road, sees Ordinance Number 33-75 as unstraight, uncaring and unhuman.

Mrs. Mattie Breslin, 178 Poinciana Drive, representing the Centerville Human Relations Council, echoed previous comments.

As questioned by Mr. Larry Falter, 9502 Normandy Lane, Mr. Farquhar explained that the present Zoning Ordinance does not prohibit half way houses, homes for ex-convicts or homes for addicts in any part of the City.

Mr. Harry Ebeling, President of the Mental Health Association of Montgomery County agreed that the subject of Group Homes has lingered long enough. He wonders if this interim Ordinance will accomplish what it is designed to accomplish.

Mr. Robert Muzechuk, 9535 Sheehan Road sees a need for clearer definitions contained in the Zoning Ordinance; Group Homes need control in Centerville. The proposed Ordinance merely controls Group Homes in Centerville, it does not prohibit them.

Mrs. Ruth Bonner, 7840 Bigger Road, objects to being restricted as to who may reside in her home.

Upon question by Mr. McQueeney, Mr. Farquhar explained how, under the proposed Ordinance, up to four persons not blood relatives could live together in a single family dwelling.

Mr. Stubbs offered his non-support for paragraph C., Housekeeping Unit, in the subject Ordinance. He is concerned with the fact that passage of this interim Ordinance relieves the pressure for a permanent Ordinance.

Mrs. Lake recommended that Council not accept this Ordinance, it can imply something beyond what it is meant to do; she echoed Mr. Stubb's concern for relieving the pressure for a permanent Ordinance.

Held

June 2, 1975 continued

19

Mr. McQueeney believes that there are some very well meaning applications for Group Housing in Centerville, he recognizes a jeopardy to residents in Centerville in consideration of some other type homes, he does not want residents in the City subjected to experiments in rehabilitation.

Mr. Spencer sponsored Ordinance Number 33-75, An Ordinance Amending Ordinance 15-61, The Zoning Ordinance, By Changing Definitions And Adding Definitions, and moved that it be passed. Mr. Sweetman seconded the motion. Mr. Farquhar explained the fact that the Ordinance would prohibit all type Group Homes in excess of four people in all single family residential areas. The Ordinance does not regulate State or County owned homes now in existence or put into existence in the future. Mr. Sweetman is concerned that this matter will linger until the MVRPC presents a set of guidelines, he urged the Centerville Planning Commission to proceed with the matter of Group Homes with haste. A roll call vote on the motion resulted in six nays against the motion; Mr. Spencer voted yes.

Mr. Gary Maxton, Chairman of the Centerville Planning Commission reviewed their Meetings held May 13, 1975 and May 27, 1975. He assured Mr. Sweetman that the Planning Commission will work on the matter of Group Homes until proposed legislation is prepared.

Mr. Maxton reviewed an Ordinance which amends the Zoning Ordinance as it relates to the regulation of signs; it regulates the height and size for signs in the City of Centerville.

Mr. Maxton asked that consideration be given to the attendance of the Municipal Attorney or his alternate at all Commission Meetings and Work Sessions. Mr. Kenning will pursue this for future Meetings and he will attempt to attend the Meetings himself.

#### ORDINANCE NUMBER 55-75 ZONING ORDINANCE AMENDMENT

Mr. Stone moved that Ordinance Number 55-75, An Ordinance Amending Ordinance Number 28-73 Relating To The Regulation Of Signs, be set for Public Hearing on July 21, 1975. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### ORDINANCE NUMBER 54-75 BICENTENNIAL COMMISSION

The Public Hearing was held concerning Ordinance Number 54-75. Mr. Stubbs sponsored Ordinance Number 54-75, An Ordinance Appointing Nancy S. Landl As A Member On The Bicentennial Commission Of The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

#### R. & R. INVESTMENT TRUST REZONING

Mr. Reynolds located on a map the property included in the Rezoning Request filed by the R. & R. Investment Trust and explained the proposed zoning. The subject property is located on the west side of Wilmington Pike at the proposed extension of Clio Road. The property is bounded by Washington Township R-3, Centerville I-1, B-2 and R-3 zoning. Mr. Reynolds reviewed the staff's recommendation concerning this Rezoning; Mr. Rippe is in agreement with the recommendation. Discussion following concerning the fact that the Ordinance before Council includes an area which the staff has recommended the zoning not be changed: that portion zoned I-1 north of proposed Clio Road. The legal description in the Ordinance does not correspond with the recommendation of the City Staff in some other areas also. Mr. Farquhar advised that since the Rezoning has changed from what was considered by the Planning Commission it should be returned to them for their recommendation. Mr. Sweetman moved that Council direct the Municipal Attorney to prepare an Ordinance to correspond with the map as

Held June 2, 1975 continued

19

proposed by the staff. Mr. Stubbs seconded the motion. Following further discussion, Mr. Sweetman and Mr. Stubbs withdrew their motion and second. Mr. Stone moved that this matter be referred back to the Planning Commission for their consideration and recommendation in accordance with the plan as recommended by the staff. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

## CHEVY CHASE

Mr. Kenning reviewed a progress report submitted by Mr. Schab concerning landscaping and screening at Chevy Chase Park. The work as of May 30, 1975 was only 30% complete; perimeter planting and screening from single family residential properties has not been undertaken. Mr. Kenning recommended and Mr. McQueeney moved that Council authorize the City Manager to send a formal notice of violation of the Landscaping Bond to Housing Associates, Inc. along with a notice for them to appear before Council on June 12, 1975 to explain why provisions in the Agreement have not been met. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

## POLICE VEHICLE BIDS

Mr. Kenning advised that no bids were received concerning the rebid for the purchase of four police vehicles. He recommended that monies be applied to current police cruisers to extend their life until new models are available.

## ORDINANCE NUMBER 56-75 CABLE TV

Mr. Stone moved that Ordinance Number 56-75, An Ordinance To Amend The Centerville Municipal Code By Adding Thereto A New Part Numbered 17 Entitled Cable Television Franchise, Which New Part Grants A Non Exclusive Cable Television Franchise To Continental Cablevision Of Miami Valley, Inc. And Provides For The Regulation And Control Thereof, be set for Public Hearing on June 16, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. McQueeney expressed reservations in joining this consortium; he requested that local news media make the Public Hearing well known to obtain input from Citizens relative to Cable TV. Mayor Hoy is concerned with questions about Cable TV which have not been addressed during the study.

Mr. McQueeney advised that the Council Committee appointed to re-write Council Rules has developed a final draft with emphasis on open Meetings, better communication with the Citizens and providing more streamline Meetings. Recommendations were received from the Municipal Attorney and will be incorporated into the Rules. This item will be on the agenda for the next Council Meeting.

## RESOLUTION NUMBER 29-75 RECREATION

Mr. Stone sponsored Resolution Number 29-75, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The Centerville-Washington Park District For A Summer Playground Program On Parks Within The City, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

## CHEVY CHASE

Mr. Kenning reviewed a recommendation made by Mr. Schab concerning the Performance Bond for street construction and installation of a drainage system in the Chevy Chase Park. Mr. Schab recommended that this Performance Bond in the amount of \$161,000.00 be released subject to receipt of a Maintenance Bond of \$8,050.00 and subject to recording of public easements along all storm sewer lines which carry water from public

Held

June 2, 1975 continued

19

streets across the private areas of the project. Mr. Stubbs moved that Council release the Performance Bond in the amount of \$161,000.00 for street construction and installation of a drainage system in Chevy Chase Park in compliance with the recommendation of the City Staff, recommendation being that the release be subject to the receipt of a Maintenance Bond of \$8,050.00 and subject to recording of public easements along all storm sewer lines which carry water from public streets across the private areas of the project. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 30-75 BICENTENNIAL COMMISSION

Mr. McQueeney sponsored Resolution Number 30-75, A Resolution Authorizing And Directing The Centerville Bicentennial Commission To Cooperate With And Operate Jointly With The Washington Township Bicentennial Commission, 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. Farquhar advised that Washington Township will enact similar legislation.

COUNCIL POLICE 75-3 SIDEWALK AND CURB

Mr. Kenning read and reviewed proposed Council Policy Memo Number 75-3. The Policy generally states that sidewalk and curb will be installed in areas deemed necessary for the safety and well being of the Community in areas which are primarily business at a cost to the City based on 45% of the installation costs. Mr. McQueeney moved that Council adopt the policy contained in Policy Memo Number 75-3. Mr. Stone 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.

Approved:

  
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Mayor

ATTEST:

  
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