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CENTERVILLE CITY COUNCIL
REGULAR MEETING
DECEMBER 1, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, December 1, 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 Donald Norvell from the First Penecostal 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:

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

Mr. Stone announced that Mayor Paul Hoy is attending the National League of Cities Conference in Florida, thus his absence at this Meeting. Mr. Spencer moved that Mayor Paul Hoy be excused from this Meeting. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Council Meeting of November 17, 1975 and of the Council Work Session on November 17, 1975 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of these two Meetings be approved, as distributed. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Sweetman abstained.

The Oath of Office was administered to Arts Commission Member Steven Simon by Mr. Farquhar.

Mr. Farquhar also administered the Oath of Office to Youth Board Member James Rachal.

Mrs. McLaughlin advised that the following two notices have been received from the Ohio Department of Liquor Control:

1. Application for a D3, D2 and D1 Permit by Raymond E. Morris, 121-23 North Main Street.
2. Application for a D1 Permit by Associated Hosts of Ohio, Inc., DBA Smugglers Inn, 121 and 133 North Main Street. Mr. Sweetman questioned the two permits being for the same address. Mr. Kenning requested that these items be deferred until the next Council Meeting to provide the City Staff further review.

Mr. Kenning reported the following during his City Manager's Report:
The formal closing on the South Suburban Property took place on Friday, November 21, 1975. The Service Department is 80% operational from that location.

40 tons of salt were scattered during the recent snow fall on City

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streets.

Traffic counts are being made in the vicinity of Franklin and Main Streets.

Mr. Kenning reviewed the enforcement of the sign Ordinance, violators are being required to comply.

Upon question of Mr. Stubbs, Mr. Kenning explained how the old Municipal Garage will be used for recreational activities, storage for the police department and general maintenance equipment. Cruisers will also be housed in this facility when not in use.

As questioned by Mr. Sweetman, Mr. Kenning advised that he will develop a plan for utilization of space in the new Municipal Facility for Council's review.

HUNTER SAVINGS ASSOCIATION CURB CUT

Planning Commission Member Bruce Baker reported on their Meeting held November 25, 1975. Mr. Reynolds explained the Curb Cut Request submitted by Hunter Savings Association for their property located on the east side of Far Hills Avenue across from the PK Home Shopping Center. The proposed Curb Cut is situated across from the Curb Cut into PK's. As recommended by the City Staff, the Applicant has agreed to installing this Cut with a 30 foot turning radius on both sides of the drive. Mr. Sweetman moved that this Curb Cut Request be approved as recommended. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Spencer announced the Meeting of the Council Finance Committee set for Saturday, December 6, 1975 to begin at 8:30 P.M. to discuss the 1976 Budget for the City of Centerville. The Meeting will be held in the Law Library.

Mr. Stone reported on the Council Legal Committee Meeting held November 19, 1975. The Committee recommended that the proposed changes to the Income Tax Ordinance be adopted. The amendments will be before Council at a later date. The Committee chose not to pursue a Garage Sale Ordinance at the present time.

ORDINANCE NUMBER 76-75 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 76-75. The Ordinance as proposed removes the requirement that one Planning Commission Member be a Member of City Council.

Mr. Bruce Baker, Member of the Planning Commission, expressed his concern with passage of this Ordinance, he fears a lack of communications between Council and the Planning Commission, the Ordinance does not provide a substitute vehicle.

Mr. S. Wilson Gillingham, 170 South Village Drive and ex-Planning Commission Member, believes the Ordinance to be in order, communications can be provided through the City Planner.

As questioned by Marie Grimm, representing the League of Women Voters, Mr. Farquhar advised that Planning Commission Membership differs in Municipalities, some do and some don't require a Member to be a City Councilman.

Mr. Stone explained the fact that this amendment is proposed because Councilmen now have so many subjects to cover and so many Meetings to attend.

Mr. McQueeney explained how the proposed Ordinance erases any possible influence by a Council Member upon the Commission. Mr. McQueeney stressed the need for Council to receive Planning Commission Minutes in time for Council action, abbreviated information is not adequate.

Mr. Sweetman requested that the City Manager attend Planning Commission Meetings if it can be arranged.

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Mrs. Lake believes that a Council Member should not have voting power on the Planning Commission, this gives one person two votes on a given issue.

Mr. Stubbs believes that the City Manager should attend Commission Meetings at his own discretion, he requested that Council receive Planning Commission Meeting Agendas also.

Mr. Spencer sponsored Ordinance Number 76-75, An Ordinance To Amend Ordinance No. 25-69 For The Purpose Of Removing The Requirement That One Member Of The City Planning Commission Be A Member Of The City Council, and moved that it be approved. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 77-75 ZONING ORDINANCE AMENDMENT TEXT

The Public Hearing was held concerning Ordinance Number 77-75, an amendment to the Zoning Ordinance as it relates to Group Homes.

Mrs. Sharon Alt, 1425 Taitwood Drive, read a letter addressed to Mayor Hoy and City Council signed by 47 residents, objecting to the designated "Conditional Use" as applied to "Residence Family Home". They proposed a new definition for "Residence Family Home" making it a "Permitted Use".

Mrs. Alice Wiseman, 1495 Taitwood Drive, read a statement in behalf of Ruth Bahner, indicating her objection to item "HH" in the proposed Ordinance. She sees the Ordinance spotted with outdated definitions.

Mrs. Margaret Heinrichs, 291 Glenburn Drive, pointed out the fact that licensing is not presently available for all Residence Family and Residence Group Homes. She proposed an amendment to the Ordinance to require all such Homes to meet standards of the Division of Mental Retardation of the Department of Mental Health and Mental Retardation in lieu of the license requirement.

Mr. Jim Small, representing the South Community Mental Health Center, expressed his concern with the fact that some people needing a residential atmosphere have not been included in the definitions.

Mrs. Roberta Fisher, 208 Bradstreet Road, supported the suggested changes to the proposed Ordinance, she encouraged Council to make these minor changes and then approve the Ordinance.

Mrs. Marie Grimm, representing the League of Women Voters, raised various questions concerning the definitions included in Ordinance Number 77-75.

Mrs. Carol Lague, 90 Zengel Drive, believes that the Ordinance should be amended to include "Recovering Mentally Ill" in the Residence Family Home and the Residence Group Home categories.

Mr. Bruce Baker, Member of the Planning Commission, explained for Council, Planning Commission's considerations in drafting this Ordinance. Public Hearings were held on various drafts, Organizations were contacted for input and visitations were made to various type Homes. The proposed Ordinance merely breaks into four categories the definition for Group Homes contained in Centerville's present Zoning Ordinance and provides that certain Homes be permitted as a "Conditional Use".

Mrs. Marion Laing, 205 South Hill Court, sees paragraph "HH" in the proposed Ordinance as insulting. She suggested tabling the Ordinance for further study and consultation with the Legal Rights Services (Law Reform Project).

Mr. Robert Muzechuk, 9535 Sheehan Road, questioned the discussion covering what type Home is and is not permitted. The Court has ruled that Group Homes fall under eminent domain.

Mr. S. Wilson Gillingham, former Member of the Planning Commission and the Sub-Committee which studied Group Homes, reviewed the Sub-Committee's consideration of the proposed Ordinance. He believes passage of the Ordinance should not be delayed, the Ordinance can be amended in the

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future. He pointed out the fact that paragraph "HH" is included in all cases; paragraph "II" includes other type uses excluded in the Ordinance.

Mr. Harry Ebeling, Public Affairs Chairman of the Mental Health Association of Montgomery County, endorsed the major thrust of the Ordinance, however, he believes that the Mentally Ill should be included in paragraphs G and H.

As questioned by Mr. Stubbs, Mr. Farquhar advised that the Home previously referred to by Mr. Muzechuk cannot be included in the proposed Ordinance, it is a County operated Home.

Upon question of Mr. Stubbs, Mr. Farquhar explained the difference between a "Permitted Use" and a "Conditional Use".

Mr. Farquhar advised that to incorporate changes as discussed during the Public Hearing, the Ordinance must be directed to the Planning Commission for a substance change. He proposed amending the Ordinance in the future upon review of the Developmental Disability Law Reform Project. Mr. Farquhar pointed out the fact that the Planning Commission has the right to waive requirements under Conditional Use provisions.

Mrs. Lake believes it important that Centerville have licensing, we must remember that Homes are being created for people in our Community.

Mr. Spencer sponsored Ordinance Number 77-75, An Ordinance Amending Ordinance 15-61, The Zoning Ordinance, By Changing Definitions, Adding Definitions And Adding Conditional Use Requirements For Group Homes, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 89-75 PERSONNEL APPEALS BOARD

Mr. McQueeney sponsored Ordinance number 89-75, An Ordinance Appointing John E. Riley To The Personnel Appeals Board Of The City Of Centerville And Establishing A Term Of Office, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

CHEVY CHASE PARK

Miss Pam Borton, Manager of the Chevy Chase Park Apartment Complex, informed Council that they have formally submitted a Variance Application to the Planning Commission which includes their Site Plan variation.

ORDINANCE NUMBER 90-75 PARKS AND RECREATION BOARD

Mr. Sweetman moved that Ordinance Number 90-75, An Ordinance Appointing James R. Bramlage To The Parks And Recreation Board Of The City Of Centerville, Ohio For The Unexpired Term Of Barbara Ann Heglund, be set for Public Hearing on December 15, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 91-75 SISTER CITY COMMITTEE

Mr. McQueeney moved that Ordinance Number 91-75, An Ordinance To Appoint A Member To The Sister City Committee For The City Of Centerville For A Term Of Three Years, be set for Public Hearing on December 15, 1975. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

BLACK OAK ESTATES FIVE, SECTION TWO

Mr. Kenning reviewed his recommendation for release of the Performance Bonds posted on Black Oak Estates Five, Section Two. Mr. Spencer moved that the Performance Bonds of \$8,414.00 for sidewalks and \$98,249.25 for street construction and the drainage system posted on Black Oak Estates Five, Section Two, be released subject to the receipt of a Maintenance Bond in the amount of \$5,350.00. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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OLE SPANISH VILLAGE

Mr. Kenning reviewed his recommendation to release the \$22,000.00 Performance Bond on Ole Spanish Village subject to the receipt of a Maintenance Bond in the amount of \$1,100.00. Mr. Spencer moved that the Performance Bond posted on Ole Spanish Village be released in accordance with the recommendation of the City Manager. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 63-75 RECYCLING CENTER

Mr. Kenning reviewed the one year, \$1.00, lease proposed between the City of Centerville and the Recycling Center for property on South Suburban Road. Mr. Sweetman sponsored Resolution Number 63-75, A Resolution authorizing The City Manager To Enter Into A Lease With Centerville Recycling Center, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 92-75 PERSONNEL APPEALS BOARD

Mr. Sweetman moved that Ordinance Number 92-75, An Ordinance Appointing Robert Hensley, Dale Rodman And Stephen Mikula To A Term Of One Year Each On The Centerville Board Of Tax Appeals, be set for Public Hearing on December 15, 1975. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 64-75 35 ACRES MUNICIPAL LAND

Mr. Kenning reviewed the Bids received for the installation of an access drive and the construction of a parking lot on the 35 acres Municipal land. He recommended accepting the Bid of Smalley Construction Company, Inc. in the amount of \$7,795.00; this being just under the City Engineer's estimate of \$8,000.00. Mr. Stubbs sponsored Resolution Number 64-75, A Resolution Accepting The Bid Of Smalley Construction Company, Inc. To Supply Installation Of Access Drive And Construction Of A Parking Lot To The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Work will begin as soon as possible, weather permitting.

Mr. Stone reviewed for Council the Dedication Ceremony held in recognition of Centerville and Washington Township as a Bicentennial Community.

Mrs. Lake invited interested residents to apply for appointment on the Planning Commission.

Mrs. Lake requested that some items included on the Planning Commission report be discussed during the next Council Work Session.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of Council