

RECORD OF PROCEEDINGS

PATTON LEGAL BLANK CO. 10111

Held April 5, 19 82

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 5, 1982 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Preston Dawes, Pastor of the Heritage United Presbyterian Church and City Chaplain, and the Pledge of Allegiance to the Flag with Mayor J. V. Stone presiding. Councilmembers and City Staff present were as follows:

- Deputy-Mayor Nora Lake
- Councilmembers James Singer
 - Russell Sweetman
 - Charles Taylor
 - Shirley Heintz
- Clerk of Council Marilyn McLaughlin
- City Manager Darryl Kenning
- Assistant City Manager Joseph Minner
- City Planner Alan Schwab
- Service Director Richard Bishop
- City Engineer Karl Schab
- Director of Finance William Bettcher
- Chief of Police William Randolph
- Acting Municipal Attorney Gayle Young

Mayor Stone advised that Councilman Jeffrey Siler was out of the City, thus his absence from this Meeting. Mrs. Lake moved that Mr. Siler be excused from this Meeting. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

- Council Meeting - March 15, 1982.
- Council Work Session Meetings - March 15, 1982.
- March 22, 1982.
- March 29, 1982.

Mr. Sweetman moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion; however, Mr. Singer abstained from the March 29, 1982 Work Session Meeting Minutes, Mr. Taylor abstained from the Minutes of the Work Session Meeting held March 22, 1982.

Mayor Stone recognized Ohio State Representative Robert Corbin in the audience; Mr. Corbin gave a brief update on proposed legislation currently before the House of Representatives, Bills to permit Municipalities to self insure liability on property damage and to resolve the financial problems of the State.

Mayor Stone introduced Mr. Roger Lucas in attendance at this Meeting and outlined his many activities and contributions to the Centerville Community over the past several years. Mayor Stone read and presented to Mr. Lucas a Honorary Citizen of Centerville award in recognition of these accomplishments.

Mrs. McLaughlin advised that a Notice of Intent to Appeal and the Appeal has been filed by Dale R. Smith, against a decision rendered by the City Planning Commission during their Meeting on March 30, 1982, concerning a Rezoning Application for Hidden Hills, Section Two, a change from R-1 to R-3 zone classification. The Appeal has been set for Public Hearing before Council.

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Mayor Stone read a Certificate of Recognition prepared for Ronald Budzik, to be signed by all members of Council and presented to Mr. Budzik. This is in recognition and appreciation for his many contributions to the Centerville Community.

Mr. Kenning reported the following during his City Manager's Report: Through the Miami Valley Cable Television Council, a new program has been developed to introduce the Mayors of member Cities to their constituents and to citizens of other Cities. This will be a monthly program with Mayors participating in rotation.

The Activity Report for the Service Department for the month of March, 1982 was briefly reviewed.

Mr. Kenning advised that this Council Meeting was being telecast on color TV, using a one camera system. A two color system should be in operation soon.

A Public Hearing has been scheduled for Tuesday, April 27, 1982 to begin at 6:30 P.M. in the Centerville Municipal Building concerning potential uses of Federal Revenue Sharing dollars for 1983.

Mr. Kenning reviewed the Planning Commission Meeting held March 30, 1982. The Commission recommended denial of a Rezoning Request filed by Dale R. Smith for Hidden Hills, to rezone approximately 2.9719 acres, more or less, from R-1 zone classification to R-3 zone classification. The property is located around the cul-de-sac which is the southern terminus of Marshall Road. However, this decision has been appealed to City Council and a Public Hearing set.

MCDONALD'S RESTAURANT

Mr. Schwab reviewed a Site Plan Amendment submitted for the McDonald's Restaurant located at 6004 Far Hills Avenue in Centerville. Proposed is the addition of a playground area in front of the present facility. This would reduce the present number of parking spaces to 44, the City Staff recommended a total number of 67 spaces needed for this fast food facility and playground area. The Planning Commission recommended denial of this Site Plan Amendment based upon the following conditions:

1. Employees are currently parking off-site. Mr. Schwab stated that this is hard to ascertain; however, staff has observed the former Arthur Treachers lot as well as the Washington Square Shopping Center being utilized for parking.

2. Approximately 15 employees are on duty during lunch. With this number of employees on duty, it is probable that at least 8 of those people drive to work which means that number of spaces are in use.

3. The 4 additional tables proposed and the 1,800 square foot play area will generate an additional parking requirement (rather than a reduction of parking).

4. The 10 parking spaces proposed to be removed are prime parking spaces.

5. The traffic conflict point at the drive-in window exit would be worsened by the proposed changes.

6. Sidewalks along the playground area should be at least 4 feet wide.

Upon question of Mrs. Lake, Mr. Schwab advised that the property to the rear of the restaurant is under different ownership and is occupied by a storage building, this could be pursued for the development of a playground area in the future. Mr. Singer moved that Council sustain the recommendation of the Planning Commission to deny the proposed Site Plan Amendment for the McDonald's Restaurant located at 6004 Far Hills Avenue. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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DAYTON LEGAL BLANK CO. 10114

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ORDINANCE NUMBER 7-82 SISTER CITY COMMITTEE

The Public Hearing was held concerning Ordinance Number 7-82. Mr. Sweetman sponsored Ordinance Number 7-82, An Ordinance To Appoint Philip C. Marriott To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

CENTERVILLE MILL

Mr. Kenning reviewed a revised Site Plan Amendment for the Centerville mill located at 7991 Clyo Road. This Site Plan represents a culmination of several Council Work Session Meetings with the applicant and includes all revisions agreed to by Council and the applicant during these Meetings. Mr. Kenning recommended that improvements at this site be completed within 45 days. Mr. Sweetman moved that this Site Plan Amendment for Centerville Mill, as presented at this Meeting, be approved with the stipulation that all improvements be completed within 45 days commencing with this date-April 5, 1982. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 8-82 LOCAL GOVERNMENT FUNDS

Mr. Kenning reviewed a proposed Resolution opposing the 1982 alternate formula for the distribution of Local Government Funds in Montgomery County. He defined Local Government Funds and summarized the City's opposition to this alternate formula proposed by the Montgomery County Budget Commission. Mr. Taylor sponsored Resolution Number 8-82, A Resolution Opposing Montgomery County Budget Commission's Proposed 1982 Alternate Method Of Distributing Local Government Funds, Directing The Manager To Contact Other Taxing Jurisdictions Enlisting Their Support, And Directing Finance Director To Appeal 1982 Allocation If Warranted, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 9-82 FUNDS FOR AMENITIES

Mayor Stone reviewed for Council a proposed Resolution to authorize the expenditure of City funds for the purchase of coffee, meals and refreshments for visitors to the Centerville Municipal Building. Mrs. Lake sponsored Resolution Number 9-82, A Resolution Directing The City Manager To Authorize Expenditures of Municipal Funds For The Providing Of Coffee, Meals, Refreshments And Other Amenities To Officers Or Employees Of The City Or Other Persons When, In His Discretion, Such Expenditure Would Promote The Best Interests Of The City And Its Citizens, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 10-82 STREET RESURFACING 1982

Mr. Kenning reviewed the following bids received and opened on March 26, 1982 for road improvements to be made in Centerville during 1982:

Bids received on total project:

| | |
|--------------------|------------|
| Trojan Asphalt | \$ 775,743 |
| Triasco | 850,150 |
| Finke Construction | 860,400 |
| J. R. Jurgensen | 920,032 |
| W. Follmer | 962,950 |
| L. P. Cavett | 989,185 |
| Miller Brothers | 993,673 |
| Danis Industries | 1,019,475 |
| Barret Paving | 1,097,875 |

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Bids received on part of the project:

| | |
|---------------------------------------|-----------|
| Slurry Seal of Southern Ohio (slurry) | \$ 74,400 |
| Benedict Slurry (slurry) | 77,401 |
| Columbus Slurry (slurry) | 74,000 |
| TDM Construction (concrete) | 363,153 |
| Wencon (concrete) | 401,940 |
| Miller Brothers (concrete) | 420,526 |
| Carey Paving (concrete) | 482,662 |
| Republic Asphalt (asphalt) | 441,925 |
| Butler Asphalt (asphalt) | 469,510 |
| Miller Brothers (asphalt) | 581,027 |

Mr. Kenning advised that the City Staff has evaluated the three lowest and best bids and examined the prevailing wage provision contained in the bid specifications. It has been determined that the Bid of Trojan Asphalt is legal due to the fact that our bidding procedure took place prior to the recent Supreme Court ruling concerning the Prevailing Wage Law. Mr. Kenning recommended that the bid of Trojan Asphalt be accepted and that the City be authorized to extend quantities to a total of \$850,000.00. Upon question of Mrs. Heintz, Mr. Kenning advised that work on this project will begin no earlier than April 15, 1982 and the total project completed not later than August 30, 1982; however, August 30 includes no rain dates, rain dates will be added to the completion date as that becomes necessary. Mayor Stone pointed out the fact that this is the most ambitious road improvement program ever initiated in the City of Centerville, it has been initiated by the voters in Centerville by passing an income tax increase in 1981. Mr. Sweetman sponsored Resolution Number 10-82, A Resolution Accepting The Bid Of Trojan Asphalt, Inc. To Supply Road Improvements For The Year 1982 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, based upon the bid submitted with certain extensions of quantities in an amount not to exceed \$850,000.00. Mr. Taylor seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman outlined the fine job that the City of Centerville expects to receive in this road improvement project from Trojan Asphalt, a representative from Trojan being present at this Meeting. Mayor Stone clarified the fact that Bigger Road is not being repaired at this time; it will be improved with other construction commitments. Mr. Kenning explained that the improvement of Bigger Road is a State, Federal and Local project, hopefully bids will be let late this year, construction to begin in 1983; however, Bigger Road will continue to be patched.

ORDINANCE NUMBER 8-82 DRUGS

Mr. Sweetman moved that Ordinance Number 8-82, An Ordinance Amending The Centerville Municipal Code By Providing For Regulation Of Items Designed Or Marketed For Use With Illegal Cannabis Or Drugs, be set for Public Hearing on April 19, 1982. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Jack Layne, Executive Director of Miami Valley Cable Television Council, reported on goals and objectives achieved during the first quarter of 1982. The Cable Council has approved a rate increase on basic service by \$1.00 beginning July 1, 1982. Paid Services will also increase at the same time. Upon question of Mr. Singer, Mr. Layne advised that the Cable Council has no regulatory control over paid services, only on basic service, thus the increase for paid services was not the action of the Cable Council. Mr. Sweetman pointed out the fact that Continental Cablevision of Miami Valley, Inc. has held the line on increases during the past years.

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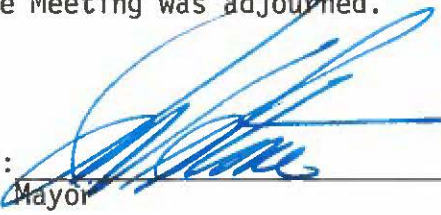
DUTTON LEGAL BLANK CO. 10144

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Mr. Singer questioned whether a test has been planned for the Disaster Preparedness Plan for the Centerville area. Mr. Kenning explained the City's participation in the recent State-wide test, the local Plan has just been revised. A Meeting has been scheduled by the Miami Valley Civil Defense/ Disaster Services Authority for Public Officials on April 8, 1982 at the Imperial House North Motel to discuss the role of local government in disaster planning.


There being no further business, the Meeting was adjourned.

Approved: _____



Mayor

ATTEST:


Clerk of Council