

Held March 19

1979

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, March 19, 1979 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, Chaplain for City Council and the Pledge of Allegiance to the Flag with Mayor Victor Green presiding. Councilmembers and City Staff present were as follows:

Deputy Mayor Russell Sweetman

Councilmembers Leonard Stubbs

Nora Lake

Jeffrey Siler

J. V. Stone

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Service Director Richard Bishop

City Engineer Karl Schab

Planner Alan Schwab

Director of Finance William Bettcher

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

Administrative Assistant Joseph Minner

Mayor Green advised that Councilman James Singer had been detained in the Doctor's Office, thus his absence at this Meeting. Mr. Sweetman moved that Mr. Singer 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 following Meetings had been distributed prior to this Meeting:

Council Meeting - March 5, 1979.

Council Work Session Meetings - March 5, 1979

- March 12, 1979.

Mr. Sweetman moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Siler seconded the motion. A roll call vote resulted in six ayes in favor of the motion; however, Mrs. Lake and Mr. Sweetman abstained from the March 5, 1979 Meetings.

Mr. Preston Dawes, Director of South Montgomery Human Services, reviewed for Council the October-December, 1978 quarterly report for Youth Counseling/Services of South Montgomery County. He reviewed the affiliation of Youth/Counseling Services with South Community Mental Health Center and introduced the new Director of Youth Counseling/Services. Mr. Dawes also gave his first report concerning South Montgomery Human Services. Mayor Green encouraged publicity of services to our community residents.

Mrs. McLaughlin announced the receipt of a Notice of Intent to Appeal a decision of the Board of Architectural Review rendered on March 6, 1979 submitted in behalf of Antonio's Restaurant on West Franklin Street.

Mrs. McLaughlin also advised that two letters of resignation had been received from the following Commission Members: Arts Commission - Lura McEvoy and City Beautiful Commission - William Zahrt II.

Upon request of Mr. Stubbs, Reverend Nicholas Rachford reviewed progress being made with garden plot program. The Parks and Recreation Board is currently in search of an area civic association which would take this project in hand. Mr. Stubbs requested a progress report within the next few weeks concerning this program.

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Mayor Green introduced students from Alter High School, studying Government, in attendance at this Meeting.

Mayor Green reviewed the County Community Development Advisory Committee Meeting he attended March 15, 1979.

Upon question of Mayor Green, Mr. Kenning explained some slack being experienced in the animal warden patrol due to a vacancy in the police cadet program. Mayor Green suggested that animal control be addressed in the next issue of the Town Crier.

Mr. Kenning reported the following during his City Manager's Report: A Cable TV Meeting has been scheduled for Wednesday, March 21, 1979 to begin at 3:00 P.M. at the Moraine Government Center.

The February Report of the Police Department was briefly reviewed.

The February Activity Report of the Service Department was also reviewed.

Repairs have been made to Clio Road and Bigger Road: 140 tons of B-19 and 52 tons of hot patch have been applied, repairs to these two roadways should be completed soon.

The Police Department has completed the construction of indoor animal runs.

Mr. Kenning asked patrons of the Centerville Recycling Center to continue with the Recycling Center in Kettering when the Centerville Center closes. Lack of money and manpower has made this closing necessary. Mr. Sweetman and Mr. Stubbs expressed their dissatisfaction with the closing of the Centerville Recycling Center. Mr. Stubbs will pursue it's continuation.

DYBVG/HEINZ CURB CUT

Mr. Kenning reviewed the Planning Commission Meeting held March 13, 1979. Mr. Schwab reviewed an Application for Curb Cuts submitted by R. Stanley Dybvig and John P. Heinz for the property located at the southeast corner of Spring Valley Road and State Route 48. The property in question has frontage on both roadways. Requested were two curb cuts each 30 feet wide, one located on Spring Valley Road and one on State Route 48. The Planning Commission recommended that a curb cut be provided on State Route 48, 20 feet from the south boundary line of the property with the standard 30 foot entrance and on Spring Valley Road the entrance be centered on the property and 25 feet wide with the contingency that the developer restrict the curb cut on State Route 48 to right in/right out, as per the TCC recommendation or be allowed full movement at the State Route 48 curb cut if he puts a blister of pavement which meets staff approval on the west side of State Route 48 that will allow southbound traffic to pass stopped cars waiting to turn left. Mr. Stone moved that the recommendation of the Planning Commission concerning the Curb Cut Application of R. Stanley Dybvig and John P. Heinz for the property located at the southeast corner of Spring Valley Road and State Route 48 be accepted. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

STANDARD-WILMINGTON

Mr. Schwab reviewed Plans for the location of a Standard Oil Station at the corner of Wilmington Pike and proposed Olympic Drive, north of State Route 725 and just south of proposed I-675. The Developer proposes one curb cut off Wilmington Pike and two off Olympic Drive. Signage exceeds that which is permitted by the Centerville Zoning Ordinance. The Wilmington Pike Task Force has recommended that all curb cuts in the area be off Olympic Drive, that there be none off Wilmington Pike. Mr. Schab reviewed the Preliminary Plan previously approved by the Planning Commission for the Standard-Wilmington Plat which included only the location of Olympic Drive.

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The Planning Commission recommended that the Record Plan for Standard-Wilmington be approved minus the signs and with the elimination of a curb cut off Wilmington Pike. Mr. Schab advised that when the State first took right-of-way along the subject property, a condition was placed upon the Deed which provided the previous property owner ingress and egress to the property; this factor needs review and clarification by the City Staff to determine whether the City can deny curb cuts off Wilmington Pike. Mr. Robert Slack, representing Standard Oil Company, advised that the curb cut off Wilmington Pike is necessary in order for the station to be built in the proposed location. Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Developer, explained a question as to whether the Preliminary Plan previously approved by Council included the Wilmington Pike curb cut. Mr. Sweetman moved that this matter be tabled. Mrs. Lake seconded the motion. Mr. Farquhar pointed out the fact that the Record Plan does not include the curb cuts or signage, it only includes the location of Olympic Drive; he suggested that the Record Plan only be approved, the curb cuts and signage could be tabled for further review. A roll call vote resulted in three ayes in favor of the motion; Mr. Stubbs, Mr. Siler and Mayor Green voted no. The motion ended in a tie vote and therefore did not pass.

Councilman James Singer entered the Meeting at this time.

Mr. Stubbs moved that the Record Plan only for Standard-Wilmington as recommended by the Planning Commission be approved, subject to the receipt of a Performance Bond in the amount of \$17,500.00, a Subdividers Agreement and an Inspection Fee of \$73.50. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Sweetman and Mrs. Lake voted no; Mr. Singer abstained. Mr. Siler moved to table the curb cuts and signage for Standard-Wilmington. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Sweetman voted no.

Mayor Green, in reviewing a workshop he attended conducted by the MVRPC, suggested that the City review the adoption of a housing code for Centerville; this code is necessary in order for residents in certain areas of the City to take advantage of Federal assistance.

ORDINANCE NUMBER 9-79 REGISTRATION

Mr. Singer moved that Ordinance Number 9-79, An Ordinance Enacting Chapter 1353 Of The Centerville Municipal Code Requiring Registration Of Heating, Ventilating, Air Conditioning And Electrical Contractors, be set for Public Hearing on April 2, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 12-79 ADVANCE OF TAXES

Mr. Stone sponsored Resolution Number 12-79, A Resolution Requesting An Advance Of Fifty-Five Thousand (\$55,000.00) Dollars Out Of The Current Collection Of Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

BLACK OAK ESTATES FOUR SECTION THREE-A

Mr. Kenning reviewed the recommendation of the City Engineer that the Performance Bond posted on Black Oak Estates Four, Section Three-A, be released; all improvements are in place. Mr. Schab recommended that the Bond be released subject to the receipt of a Maintenance Bond in the amount of \$350.00 which will automatically expire in one year, unless deficiencies in the storm sewer system become evident during this period. Mr. Sweetman moved that the Performance Bond posted on Black Oak Estates Four, Section

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Three-A be released in accordance with the recommendation of the City Engineer. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

DAVIS PROPERTY

Mr. Kenning reviewed the recommendation of the City Engineer that the Certified Check in the amount of \$1,000.00 deposited with the City by Mayerson and Sheritt to secure the performance of certain grading work on the part of the Davis Property now occupied by Voss Chevrolet, be returned. All catch basins and storm tiles are in place and exposed slope on the north side of the property has been seeded. Mr. Stubbs moved that the Certified Check in the amount of \$1,000.00 deposited by Mayerson and Sheritt in behalf of the Davis Property, be returned in accordance with the recommendation of Mr. Schab. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 13-79 EQUIPMENT

Mr. Kenning reviewed the following bids received for the purchase of one backhoe/front loader:

Dayton Ford Tractor	\$25,943.00
Valley Equipment Company	26,780.00
New Carlisle Tractor and Equipment	25,449.00
King Equipment Company	26,195.15

Mr. Kenning recommended that the bid submitted by New Carlisle Tractor and Equipment be accepted with the option for a four foot extendable dipperstick for a total bid price of \$27,474.00. Funds have been budgeted and are available. Mr. Sweetman offered concern with the quality of the equipment being recommended for purchase vs. a John Deere. He encouraged the purchase of a John Deere backhoe loader in consideration of the equipment itself and the small monetary difference between the two pieces of equipment. Mr. Bishop explained the fact that both backhoes exceeded specifications, but that the Case had been recommended based upon the fact that the price was nearer the amount budgeted. Based upon past experience, Mr. Sweetman emphasized the quality of a John Deere piece of equipment and strongly recommended that this be the bid excepted. Mr. Stone sponsored Resolution Number 13-79, A Resolution Accepting The Bid Of Valley Equipment Company To Supply One John Deere Backhoe Loader and Extendable Dipperstick 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 seven ayes in favor of the motion.

ORDINANCE NUMBER 10-79 REVENUE BONDS

Mr. Siler moved that Ordinance Number 10-79, An Ordinance Authorizing The Execution Of An Agreement With Norman Hyams Pertaining To The Financing Of Restaurant Facility Within The Boundaries Of The City Of Centerville For The Use Of Norman Hyams, be set for Public Hearing on May 7, 1979. Mr. Stubbs 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: Victor A. Green
Mayor of the City of Centerville, Ohio

ATTEST:

Barbara H. Langford
Clerk of the Council