

Held April 2, 1979

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 2, 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

Jeffrey Siler

James Singer

Clerk of Council Marilyn McLaughlin

Acting City Manager and Chief of Police William Randolph

City Planner Alan Schwab

Service Director Richard Bishop

Director of Finance William Bettcher

Acting Municipal Attorney Charles Lowman

City Engineer Karl Schab

Administrative Assistant Joseph Minner

Mayor Green advised that Councilman J. V. Stone had been detained at his place of employment and that Councilwoman Nora Lake was out of town and would be arriving late to the Meeting. Mr. Singer moved that Councilman Stone be excused from this Meeting. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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

Council Meeting - March 19, 1979.

Council Work Session Meeting - March 19, 1979.

Mr. Stubbs moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Siler seconded the motion. A roll call vote resulted in four ayes in favor of the motion: Mr. Singer abstained.

Mrs. McLaughlin announced the receipt of an Appeal received from Antonio's Restaurant concerning a decision rendered by the Board of Architectural Review on March 6, 1979 concerning statues located in front of the building at 28 West Franklin Street.

Mayor Green issued the following two Proclamations:

Designating the month of April as Fair Housing Month.

Designating April 3, 1979 as Centerville Hockey Day.

Keith Harring, Coach of the Centerville Hockey Team presented to Council a program originated by the Students concerning their Ohio Championship Title.

#### HIDDEN HILLS SECTION TWO

Mr. Schwab reviewed the Planning Commission Meeting held March 28, 1979. He explained the Record Plan for Section Two of Hidden Hills, a subdivision located south of Whipp Road, east of Marshall Road and west of the Penn Central Railroad Tracks. The Record Plan consists of six lots plus one common area. The Planning Commission unanimously recommended approval of this Plan with the following conditions:

1. The I-675 right-of-way line be changed to Hwy. N. 72 29' 20" E - 293.17 ft.
2. The area marked Reserve "A" be changed to Reserve "E".
3. A two foot walkway be constructed in the public easement between lots 48 and 49 (from the Railroad easement to the cul-de-sac) and this walkway to be concrete.



NATION LEGAL BLANK CO. 1934

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4. The staff investigate having the utility easements at the rear lot lines and, if it is feasible, have the developer incorporate these easement changes in the Record Plan.
5. An Inspection Fee of \$34.00 and the Performance Bond of \$18,500.00.
6. The drainage of lots 46 and 47 be accommodated in a swale along lot 46.

It was determined by the staff that the easements could remain in the front of the lots but that evergreen landscaping should be required around the transformers. Upon question of Mr. Sweetman, Mr. Schwab verified the fact that the concrete walkway will be installed by the Developer. Mr. Sweetman pointed out the fact that, if DART comes to pass in the Railroad easement, the property owners must bear the cost for safety features across the tracks. Mr. Singer moved that Council approve the Record Plan for Hidden Hills, Section Two, in accordance with the recommendation of the Planning Commission, subject to evergreen landscaping being placed around transformers in front of lots on the cul-de-sac and subject to the receipt of a Performance Bond in the amount of \$18,500.00, a Subdividers Agreement and an Inspection Fee of \$34.00. Mr. Siler seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mayor Green was not present during this item on the agenda: Mr. Sweetman presided in Mayor Green's absence.

Mr. Stubbs briefed Council on progress being made to salvage the Centerville Recycling Center. A new Board of Directors has been formed, with Marty Evers as President. The Center will remain open on Tuesday, Thursday and Saturday. Volunteers and improvements are needed at the Center; continued Community support and cooperation is needed, monetary donations are being solicited.

As Chairman of the Council Safety Committee, Mr. Sweetman advised that the Centerville Disaster Plan has been prepared and updated. Following formal adoption by the Committee and City Council, the Plan will be implemented on a trial basis.

Mr. Sweetman advised that two other entities (Bellbrook and Germantown) have made application to join the Cable TV Council. The Council is currently looking at Risk Management. Underground Cable TV is being installed in the City of Centerville.

Mr. Milton Peterman, 1275 Ambridge Road, appeared to discuss with Council a drainage problem existing to the rear of properties along the north side of Ambridge Road in the Black Oak Forest Subdivision. He cited Sections of the Centerville Municipal Code which he believes are being violated. He requested that the Municipal Attorney review this matter to determine if violations exist. Council requested that the City Manager pursue this with the Municipal Attorney and report back to Council.

In consideration of the bridge replacement project on State Route 725, Mr. Sweetman requested a status report from the City Engineer.

Reverend Nicholas Rachford, Chairman of the Parks and Recreation Board, reviewed for Council the status of the Garden Plot program. He is presently pursuing the disking of the land. If this is not possible, he proposes to assign the Garden Plots at no charge, the gardeners would then prepare the soil in their own plot. Council concurred with this proposal. Reverend Rachford also advised that the Boy Scouts of America will be using Archer Park land as a camping area during parts of the summer months. During this time the Scouts can piece the area.



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## ORDINANCE NUMBER 9-79 REGISTRATION OF CONTRACTORS

The Public Hearing was held concerning Ordinance Number 9-79, An Ordinance Enacting Chapter 1353 Of The Centerville Municipal Code Requiring Registration Of Heating, Ventilating, Air Conditioning And Electrical Contractors. Electrical Inspector Larry Marsh reviewed the proposed Ordinance.

Mr. Charles Brockman, representing the Dayton Heating and Air Conditioning Contractors Association, offered very little fault with the proposed Ordinance. The Association supports this type protection for the consumer and the reciprocity offered under Section 1353.07. He did suggest that Section 1353.04 include the provision that written notice be given the Contractor ten days prior to the revocation of a Registration. Mr. Brockman supported the \$5,000.00 Surety Bond required by the proposed Ordinance.

Mr. Roy Adams, representing the Master Association of Dayton, Ohio, recommended that the Surety Bond be increased to \$10,000.00; this would correspond with what is required by the City of Dayton.

Mr. Marsh pointed out the fact that a registration would only be revoked if a Company was found guilty of a violation and his Surety Bond lifted, therefore, the Company would be aware that revocation would take place. He supported increasing the Bond to \$10,000.00 as previously suggested.

Mayor Green encouraged the notice of revocation to the Contractor, he sees this provision as a tool for corrective action prior to court action.

Mr. Bob Wolfe, representing Allied Services, endorsed the \$5,000.00 Surety Bond.

Discussion followed concerning Section 1353.04 Registration Revocation and Section 1353.06 Permit Required. Mr. Siler moved that Ordinance Number 9-79 be tabled for amendment and clarification. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

## SAXONY BUILDERS, INC. CURB CUT

Mr. Schab reviewed the Curb Cut Application submitted by Robert DiGuardi for the property located on Edenhurst Drive immediately west of the Edenhurst Park. The property is located in the Architectural Preservation District. Mr. DiGuardi proposes one ten foot cut twenty seven feet, six inches west of the east property line. Mr. Schab recommended that if this curb cut is approved, a ten foot turning radius should be required where the drive meets the roadway. Mr. Sweetman offered concern with drainage in the parking area, the evergreen screening along the east property line and the fencing along the west property line. Mr. Schab believes that the dishing in the parking area will satisfy drainage needs. He explained the screening and fencing as required by the Board of Architectural Review and agreed to by Mr. DiGuardi. Upon request of Mr. Sweetman, Mr. DiGuardi agreed to remove the present drive when the parking area is installed. Mr. Stubbs moved that the Curb Cut Request for Saxony Builders, Inc., 175 South Main Street be approved, to include a turning radius of 10 feet where the drive meets the roadway. Mr. Siler seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mayor Green was absent during this item on the agenda; Mr. Sweetman presided during Mayor Green's absence.

## ORDINANCE NUMBER 11-79 STREET NAME CHANGE

Mr. Sweetman moved that Ordinance Number 11-79, An Ordinance Changing The Name Of Hidden Hills Drive In Its Entirety To Shadow Lake Trail And Changing The Name Of Shadow Lake Trail In Its Entirety To Hidden Hills Drive, be set for Public Hearing on April 16, 1979. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.



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RESOLUTION NUMBER 13-79 WASTE WATER TREATMENT PLANT

Mr. Minner reviewed a proposed Resolution in support of a waste water treatment plant servicing a small area in the northeastern portion of the City of Centerville. Mr. Singer sponsored Resolution Number 13-79, A Resolution Of The Council Of The City Of Centerville In Support Of The Facility Plan For The Montgomery County Eastern Regional Waste Water Treatment Facility, Project Number 7205-S, Grant Number C 391 195 01, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 12-79 HUMAN SERVICES DEPARTMENT

Mr. Bettcher reviewed proposed Ordinance Number 12-79. This Ordinance is necessary because of changes made in the Human Services Department over the past three months. It has been prepared as an Emergency in order that salaries can be paid. Mr. Stubbs sponsored Ordinance Number 12-79, An Emergency Ordinance Amending Ordinance No. 3-79 Relating To The Personnel Policy For The Human Services Department, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 13-79 HUMAN SERVICES DEPARTMENT

Mr. Sweetman moved that Ordinance Number 13-79, An Ordinance Amending Ordinance No. 3-79 Relating To The Personnel Policy For The Human Services Department, be set for Public Hearing on April 16, 1979. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 14-79 APPRECIATION

Mr. Sweetman sponsored Resolution Number 14-79, A Resolution Of Appreciation For The Services Of William D. Zahrt II As A Member Of The City Beautiful Commission Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

RESOLUTION NUMBER 15-79 POLICE VEHICLES

Mr. Randolph reviewed the following three Bids received for the purchase of two police vehicles:

Borchers Ford	\$13,317.52
Tilton-Schmid Ford, Inc.	13,146.00
Voss Chevrolet, Inc.	13,023.56

Mr. Randolph recommended the acceptance of the Bid submitted by Voss Chevrolet, Inc. in the amount of \$13,023.56. However, the Bid received from Voss Chevrolet at the time of bid opening failed to contain a Bid Bond as required. If Council accepts this Bid, this irregularity should be expressly waived. Mr. Sweetman sponsored Resolution Number 15-79, A Resolution Accepting The Bid Of Voss Chevrolet, Inc. To Supply Two Police Vehicles 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. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

ORDINANCE NUMBER 14-79 CITY BEAUTIFUL COMMISSION

Mr. Singer moved that Ordinance Number 14-79, An Ordinance Appointing P. Walter Smucker To The City Beautiful Commission For The City Of Centerville, Ohio, And Establishing A Term Of Office, be set for Public Hearing on April 16, 1979. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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Due to Mrs. Lake's absence from the entire Meeting, Mr. Singer moved that Councilwoman Nora Lake be excused from this Meeting. Mr. Siler seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved: \_\_\_\_\_

Mayor

ATTEST:

Marie J. Laugel  
Clerk of Council