

Held

December 18

1978

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, December 18, 1978 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Fred Wilson from the Christ Life Fellowship Church 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 James Singer

Nora Lake

Jeffrey Siler

Leonard Stubbs

J. V. Stone

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Planner Alan Schwab

Service Director Richard Bishop

City Engineer Karl Schab

Director of Parks and Recreation John Dunathan

Director of Finance William Bettcher

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

Administrative Assistant Joseph Minner

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

Council Meeting - December 4, 1978.

Council Work Session Meeting - December 4, 1978.

December 11, 1978.

December 14, 1978.

Mayor Green clarified the example used in the December 4 Meeting Minutes relative to reduced investment for Cable TV, pointing out the fact that reduced investment means a cost sharing in special construction areas, costs would be calculated on a per subscriber basis in the particular area. Mr. Stubbs moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion, however, Mrs. Lake abstained on the December 14, Council Work Session Meeting.

Mayor Green administered the Oath of Office to the following Members:

Charles Taylor - Board of Tax Appeals.

Susan L. Weber - City Beautiful Commission.

Von H. Cellars - Arts Commission.

Jan Massey - Parks and Recreation Board.

Mrs. McLaughlin advised that a Notice of Intent to Appeal and the Appeal have been received from Mr. Richard Beekman concerning a decision rendered by the Centerville Planning Commission on December 12, 1978 relative to his property located on Westpark Road.

Mayor Green informed Council of a letter received from Monsanto Research Corporation with which was enclosed a reprint of a speech entered into the Congressional Record. Copies will be made available to Council.

Mayor Green offered information concerning a Meeting he attended concerning the status of I-675.

Mr. Kenning advised that the merger between the Youth Counseling

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Services of South Montgomery County and the South Community Mental Health Center has been approved at State level, the change should take place approximately January 1, 1979.

JOES IS A FISH HOUSE

Mr. Kenning reviewed the Planning Commission Meeting held December 12, 1978. The Commission approved the Site Plan for Joes is a Fish House contingent upon a recommendation from the Traffic Engineer concerning the westernmost curb cut into the property as proposed. Mr. Schwab located the subject property on a map, being situated on the northeast corner of State Route 48 and Loop Road; the zoning is B2, Roadside Business. He reviewed the architecture for the building, the exterior lighting and landscaping. Two curb cuts are proposed: one leading into the property and the other replacing the existing curb cut which provides access to Bill Knapps off Loop Road. The new curb cut will approximately line up with the existing curb cut into Sambos Restaurant across the street. Upon question of Mr. Sweetman, Mr. Schab reviewed the drainage plan for the subject property and the curbing which will be constructed along the north property line to carry the water into the existing swale. Discussion followed concerning water run off from this property in consideration of previous water problems in the area and the additional amount of asphalt from which water must drain. Mr. Sweetman moved to table the Site Plan for Joes is a Fish House to be discussed during a Council Work Session at which time alternatives for drainage can be considered as well as the landscaping plan. Mr. Singer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Siler and Mr. Stubbs voted no.

Kate Grimm, 100 Zengel Drive, presented to Council Petitions signed by 265 young people of the Centerville-Washington Township area requesting that the Youth Center remain open or that it be reopened sometime in the future when funds become available.

ORDINANCE NUMBER 60-78 BOARD OF TAX APPEALS

The Public Hearing was held concerning Ordinance Number 60-78. Mr. Sweetman sponsored Ordinance Number 60-78, An Ordinance Appointing Robert P. Hensley And Stephen Mikula To The Board Of Tax Appeals For The City Of Centerville, Ohio, And Establishing Terms Of Office, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

REGIONAL APPOINTMENTS

Mr. Kenning reviewed vacancies created on Regional Agencies by the absence of City Planner Garth Reynolds. He recommended that Alan Schwab be appointed to replace Mr. Reynolds as follows:

Miami Valley Regional Planning Commission:

Economic Resources Committee - Alternate for Darryl Kenning.

Transportation Coordinating Committee - Alternate for Jeffrey Siler.

Technical Advisory Committee.

Wilmington Pike Task Force.

Mr. Sweetman moved that these appointments be made as recommended by Mr. Kenning. Mr. Singer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 61-78 1978 APPROPRIATIONS

Mayor Green explained the necessity of an Ordinance to rearrange funds for the year 1978. Mr. Stone sponsored Ordinance Number 61-78, An Emergency Ordinance To Amend Ordinance 63-77, To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio,

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During The Fiscal Year Ending December 31, 1978, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 62-78 1978 APPROPRIATIONS

Mr. Stubbs moved that Ordinance Number 62-78, An Ordinance To Amend Ordinance 63-77, To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1978, be set for Public Hearing on January 8, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 63-78 1979 APPROPRIATIONS

Mr. Kenning reviewed Ordinance Number 63-78, an Ordinance to make appropriations for the year 1979. He reviewed where monies will be received and how they will be used during the coming year. He reviewed variations between the 1978 and 1979 Budget as proposed. The total Budget for 1979 represents \$3,571,960.00. Mr. Kenning reviewed the Budget process which is followed to arrive at the final Budget document. Eliminated in the 1979 proposed Budget are funds for the City's Parks and Recreation Department.

Reverend Nicholas Rachford, Chairman of the Parks and Recreation Board, related to Council the Board's recommendation not to eliminate the Parks and Recreation Department but to consider placing a recreation levy on the spring election ballot.

Upon question of Mr. Robert St. Pierre, 498 East Whipp Road, Mr. Kenning clarified the fact that a grant recently received for Parks in the Centerville area was not received by the City but perhaps by the Centerville-Washington Park District. Mayor Green reviewed the involvement of the Park District in the entire Community. The City's elimination of the Parks and Recreation program will only mean that the park land will be developed and maintained by an entity other than the City of Centerville; it does not mean the discontinuation of recreation in Centerville. Mayor Green reviewed the program as being developed by the Park District Board for the year 1979. He clarified the fact that the City has not determined the future for the Benjamin Archer Park land. He pointed out the fact that under the proposed plan Parks will be developed and maintained and recreation programs provided through funds received from residents of the entire Community.

As questioned by Reverend Alan Foster, 725 Torreyson Avenue, Mr. Kenning outlined the recreation programs which will be cut due to the elimination of the City's Parks and Recreation Department; however, some of these programs may be continued by the Park District. Reverend Foster encouraged the placing of a recreation levy on the June ballot and funds being provided for Parks and Recreation until such time the citizens can indicate their preference. Mr. Stubbs outlined Council's reasoning for making their decision. Mayor Green advised that perhaps Council would be willing to place an issue on the election ballot provided residents promote such an issue and are willing to work towards it's passage.

Mrs. Christine Snyder, 7897 Raintree Road, gave City Council her full support for their decision concerning Parks and Recreation, she views this as a positive move towards greater efficiency and simplification of local government. She encouraged the Parks and Recreation Board for the City of Centerville to become a working Board promoting park usage and sponsoring special events for our Community.

Mr. Harvey Hanson, 5607 Red Coach Road, emphasized the fact that the Centerville Parks and Recreation Department has provided needs other than sports which are necessary in our Community. He endorsed the suggestion that funds be provided for interim period to afford citizens time to promote the passage of a recreation levy.

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Mr. Robert Steiger, 6005 Marshall Road, questioned Health Services to be provided for 1979. Mr. Kenning reviewed the Contract which the City enters into with the Montgomery County Combined General Health District each year.

Mrs. Lake suggested that the Archer Park Task Force meet with the City Parks and Recreation Board to consider a broad community base proposal for the future of the Benjamin Archer Park. Mr. Stubbs recommended that this proposal be discussed in a future Council Work Session Meeting.

Various Members of Council explained their reasoning and events which occurred which led them in their decision to eliminate Parks and Recreation from the 1979 Budget.

Mr. Sweetman sponsored Ordinance Number 63-78, An Emergency Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1979, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 64-78 1979 APPROPRIATIONS

Mr. Sweetman moved that Ordinance Number 64-78, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1979, be set for Public Hearing on January 8, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 75-78 INCOME TAX ALLOCATION

Mrs. Lake sponsored Resolution Number 75-78, A Resolution Authorizing And Directing The Allocation Of Income Tax Receipts Between The General Fund, Capital Improvements Fund, Special Assessment Improvement Fund And The Street Construction And Maintenance Fund Of The City Of Centerville For Budget Year 1979, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Stone pointed out the fact that nearly 80% of Income Tax receipts are allocated to the General Fund, which was not the original intent, but it has become necessary to use these monies for general purposes.

ORDINANCE NUMBER 65-78 PERSONNEL

Mrs. Lake sponsored Ordinance Number 65-78, An Emergency Ordinance To Amend Ordinance 59-77 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 66-78 PERSONNEL

Mrs. Lake moved that Ordinance Number 66-78, An Ordinance To Amend Ordinance 59-77 To Establish Class Titles, Pay Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing on January 8, 1979. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 76-78 PERSONNEL-COMPENSATION PLAN

Mr. Kenning reviewed proposed Resolution Number 76-78 which would authorize a deferred compensation plan available to employees of the City of Centerville at no cost to the City. Mr. Sweetman sponsored Resolution Number 76-78, A Resolution Authorizing And Directing The City Manager To Do All Things Necessary To Establish A Deferred Compensation Plan For Employees Of The City Of Centerville, Ohio, Available By The International City Management Association Retirement Corporation, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the

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motion.

ORDINANCE NUMBER 67-78 INDUSTRIAL DEVELOPMENT REVENUE BOND

Mr. Dick Spoor, from Peck, Shaffer and Williams and Bond Counsel for Centerville Associates, Ltd., explained the necessity of an Ordinance to amend two previous Ordinances passed for this same purpose; the ultimate purchaser of this bond issue has chosen to buy one bond on a first mortgage basis instead of two bonds as previously intended. Mr. Stone moved that Ordinance Number 67-78, An Ordinance Repealing Ordinances Numbered 55-78 And 56-78 And Authorizing The Issuance Of A \$3,400,000 Industrial Development Revenue Bond Of The City Of Centerville, Ohio, For The Purpose Of Financing A "Project" For Centerville Associates, Ltd.; Providing For The Pledge And Assignment Of Revenues For The Payment Of Said Bond; Authorizing A Bond Purchase Agreement And Loan Agreement Appropriate For The Security Of Such Revenues And Other Agreements To Secure Further The Payment Of Said Bond, be set for Public Hearing on January 8, 1979. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Siler was absent during this item of business. As questioned by Mrs. Lake, Mr. Spoor verified the fact that this concerns the Centerville Place Shopping Center project only, it does not include any other areas for development.

RESOLUTION NUMBER 77-78 BUILDING INSPECTION

Mr. Sweetman sponsored Resolution Number 77-78, A Resolution Ratifying The Action Taken By The City Manager To Execute An Agreement With The City Of Kettering For Building Inspection Services, and moved that it be passed. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 78-78 TACTICAL CRIME SUPPRESSION UNIT

Mr. Stone sponsored Resolution Number 78-78, A Resolution Authorizing The City Manager To Execute An Agreement To Join With The Cities Of Kettering, Miamisburg, Moraine, Oakwood And West Carrollton In A Tactical Crime Suppression Unit, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 68-78 MEMBERSHIP ON BOARDS AND COMMISSIONS

Mr. Kenning reviewed the necessity of an Ordinance to change voting power and membership of ex officio members of Board and Commissions; the proposed Ordinance reflects the original intent. This discrepancy was discovered during a recent legal review. Mr. Stubbs moved that Ordinance Number 68-78, An Ordinance Eliminating The Voting Rights Of Ex Officio Members Of Boards And Commissions In The City Of Centerville And Providing The Elimination Of Said Members For The Purposes Of Constituting A Quorum, be set for Public Hearing on January 8, 1979. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

BLACK OAK FIVE SECTION FOUR

Mr. Kenning reviewed the recommendation of the City Engineer concerning the release of the Performance Bond posted on Black Oak Estates Five, Section Four. In lieu of the fact that sidewalks in front of certain lots have not been installed, Mr. Schab recommended that the Performance Bond in the amount of \$106,000.00 be released subject to the receipt of a one year Maintenance Bond of \$5,030.00 and also subject to posting of a new Performance Bond of \$12,000.00, specifically designated for removal and replacement of certain concrete panels should the City Staff determine at the end of a one year period that such replacement is necessary. The Performance Bond for sidewalks in the amount of \$6,200.00 should not be

RECORD OF PROCEEDINGS

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Minutes of

Meeting

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released at this time and shall remain in full force. Mr. Sweetman suggested that Council again consider the elimination of the construction of concrete streets in the City of Centerville. Mr. Sweetman moved that the Performance Bond posted on Black Oak Estates Five, Section Four in the amount of \$106,000.00 be released subject to the receipt of a one year Maintenance Bond of \$5,030.00 and also subject to the posting of a new Performance Bond of \$12,000.00, specifically designated for removal and replacement of certain concrete panels should the City Staff determine at the end of a one year period that such replacement is necessary; the Performance Bond posted for sidewalks in the amount of \$6,200.00 is not released at this time and remains in full force. Mr. Siler seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 79-78 MERRY CHRISTMAS

Mayor Green read and sponsored Resolution Number 79-78, A Resolution Wishing The Citizens Of Centerville A Very Merry Christmas And Happy New Year And Wishing Said Citizens A Prosperous Future, and moved that it be passed. Mr. Sweetman 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

ATTEST:

Marilyn McLaughlin
Clerk of the Council