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CENTERVILLE CITY COUNCIL
REGULAR MEETING
JANUARY 6, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, January 6, 1975 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. Mayor Paul Hoy opened the Meeting with an Invocation given by Reverend Philip Dougan from the Franklin Street Baptist Church and the Pledge of Allegiance to the Flag. Council Members and City Staff present were as follows:

Deputy Mayor J. V. Stone

Councilwoman Nora Lake

Councilmen Ralph Spencer

Russell Sweetman

Leonard Stubbs

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

City Planner Robert Winterhalter

Service Director Richard Bishop

Director of Parks and Recreation Timothy Shroyer

City Engineer Karl Schab

Director of Finance William Bettcher

Municipal Attorney Robert Farquhar

Administrative Assistant John Levermann

Mr. Sweetman advised that Councilman Charles McQueeney was in Florida on business. Mr. Spencer moved that Mr. McQueeney be excused from this Meeting. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of December 16, 1974 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of December 16, 1974 be approved with a typographical error being corrected "Guard for Buard". Mr. Sweetman seconded the motion. Mr. Stone requested that his remarks during consideration of the Youth Board Proposals relative to Council's action within the framework of the present Ordinance establishing the Youth Board and the need for a revision to this Ordinance be included in these Minutes. Mr. Stubbs moved that these Minutes be tabled until corrected as stated by Mr. Stone. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Spencer abstained.

The Minutes of the Meeting of December 29, 1974 had been distributed prior to this Meeting. Mr. Stone requested that these Minutes be corrected to reflect his comments relative to the return of Council to the duties defined for it by the Charter and reframe in the future from exercising administrative functions. Mr. Stone moved that these Minutes be tabled until said comments have been added. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

DRAINAGE DITCH CONCEPT EAST

Mr. Riley Overlay, 295 Waterford Drive, appeared to question the status of the Concept East drainage ditch problem. He asked for Council's comments and for a date at which time he could expect action by the City; he believes that the mud and collection of debris in the ditch have resulted from the construction of the Chevy Chase Apartment project. Mr. Overlay asked for short and long range solutions to the problem. Discussion followed concerning a letter which was to have been written to Mr. Overlay

RECORD OF PROCEEDINGS

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and/or the Citizens Group outlining the procedure to be followed by the City and Citizens to solve this ditch problem. Mr. Stubbs understood from the Administration that a procedure had been established and agreed to by the property owners. Mayor Hoy requested that this matter be reviewed by the City Manager and a policy be established to the satisfaction of everyone concerned. Mayor Hoy reminded Mr. Overley that this ditch is private property and no Municipality has the right to spend public monies on private property.

WAYLO AND TEMPLE PROPERTY

Mr. William Ahern, representing the Centerville Ole Village Guild, presented to Council 53 opinions received from Centerville Businessmen and Residents endorsing the development of the northeast corner at Main and Franklin Street by the City of Centerville into a Parking Park; he encouraged a step up campaign by the City to purchase this property. Mrs. Martha Boice outlined the schedule for applying for financial aid to restore the Temple Home at Main and Franklin Street; the center of town has been accepted by the National Register. She suggested using the Temple House for community records, Senior Citizen center, Chamber of Commerce, Board of Architectural Review, or an information center. Mayor Hoy suggested that the City Manager converse with Mrs. Boice to review how applications can be implemented. Mr. Winterhalter explained two possibilities through which properties at Main and Franklin Street might be purchased.

During the City Manager's Report, Department Heads reported the following:

Mr. Winterhalter explained current work on a temporary solution to the traffic problem at the intersection of Main and Franklin Street; work is being co-ordinated with Mr. Schab and Mr. Shroyer.

Mr. Shroyer advised that holiday activities at the Youth Center were a success. Work is continuing at the Elizabeth Hoy and Edenhurst Parks.

Mr. Schab informed Council that he is preparing a soil study which could be circulated to potential home buyers and home owners in the Centerville area. As questioned by Mr. Sweetman, Mr. Schab explained his study concerning the use of soft metal bolted to rails to eliminate a bicycle hazard while traveling over catch basin lids, a solution should be forthcoming in the near future. A new type of catch basin cover is being installed in the new subdivisions. Upon question of Mayor Hoy, Mr. Schab advised that the East Franklin Street Improvement project will be before Council during the next Work Session.

Mr. Bettcher advised that the Year End Financial Report should be received by Council soon. Preparation of the next Waste Collection billing will be in process; various income tax forms are being mailed.

As questioned by Mayor Hoy, Mr. Bishop advised that perimeter signs have been erected in the Architectural Preservation District.

RESOLUTION NUMBER 1-75 MUTUAL AID AGREEMENT

Mr. Kenning reviewed proposed Resolution Number 1-75, said Resolution concerns a Standard Agreement which has been reviewed and agreed to by Police Chief William Randolph and Mr. Farquhar. Mr. Stone sponsored Resolution Number 1-75, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement With Various Communities In Montgomery County, Ohio, To Provide For Mutual Aid In The Area Of Public Safety, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 2-75 HOUSING AND COMMUNITY DEVELOPMENT ACT 1974

Proposed Resolution Number 2-75 was reviewed by the City Manager, alternatives being the City go alone or join with Montgomery County. He recommended that Centerville go with Montgomery County for the first year

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and work with them to develop a Countywide plan. In arriving at his recommendation, Mr. Kenning considered first year restraints placed upon discretionary fund applicants, monies available for discretionary funds and criteria for which discretionary funds are applicable. Mr. Stubbs sponsored Resolution Number 2-75, A Resolution Authorizing The City Manager To Enter Into A Cooperation Agreement With Montgomery County For The Assistance Of The County In Indertaking Essential Community Development Activities, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Spencer voted no. Mr. Stubbs brought attention to the fact that the City Manager conducted an extensive study into this matter before making his recommendation.

ORDINANCE NUMBER 1-75 ANNUAL APPROPRIATIONS FOR 1974

Mr. Sweetman moved that Ordinance Number 1-75, An Ordinance To Amend Ordinance 25-74, To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1974, be set for Public Hearing on January 20, 1975. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 2-75 TEMPORARY APPROPRIATIONS FOR 1975

Proposed Ordinance Number 2-75 was reviewed by the City Manager, it gives the City authority to operate until the 1975 Budget is prepared and approved. Mr. Stone moved that Ordinance Number 2-75, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During One Quarter Of The Fiscal Year Ending March 31, 1975, be set for Public Hearing on January 20, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 3-75 MOVING EXPENSES FOR CITY MANAGER

Mr. Stubbs sponsored Ordinance Number 3-75, An Emergency Ordinance Amending Ordinance No. 88-74 By Authorizing The Payment Of Moving Expenses For The Newly Appointed City Manager Of The City Of Centerville In An Amount Not To Exceed \$1,400.00 In Lieu Of The Authorization Of \$800.00 As Contained In Ordinance No. 88-74 And Authorizing And Directing The Director Of Finance To Reimburse The Newly Appointed City Manager For Said Expenses, and moved that it be passed. Mr. Spencer seconded the motion. As questioned by Mr. Stone, Mayor Hoy advised that additional payment for City Manager's moving expense was reviewed and agreed to by Council during a previous Work Session. Mr. Kenning explained the fact that this \$1,400.00 covers only the packing and moving of household items, packing which he himself could not do. A roll call vote resulted in six ayes in favor of the motion.

MCDONALD'S RESTAURANT PLANNING COMMISSION APPEAL

Mrs. McLaughlin made reference to the Appeal filed by Hunters Savings Association and the J & M Realty Company against a Planning Commission decision rendered on December 11, 1974 relative to the construction of a McDonald's Restaurant to be located on Far Hills Avenue; the Public Hearing before Council has been set.

ORDINANCE NUMBER 4-75 BICENTENNIAL COMMITTEE

Mr. Spencer moved that Ordinance Number 4-75, An Ordinance Establishing The Centerville Bicentennial Commission Of The American Revolution And Designating Powers And Duties For Said Commission, be set for Public Hearing on January 20, 1975. Mr. Stone seconded the motion. A roll call

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vote resulted in six ayes in favor of the motion.

POLICY MEMO 75-1 ANNEXATION

Mr. Stone moved that City of Centerville, Policy Memo Number 75-1, Annexation, be adopted by Council. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Stubbs suggested that the proposal received a few months ago, that an annexation and merger be studied by some community wide group, be considered and reviewed to ascertain whether this approach would be appropriate. Mayor Hoy requested that this proposal be reviewed by City Manager Darryl Kenning.

Mrs. McLaughlin advised that a Notice from the Ohio Department of Liquor Control has been received concerning the Application for a D2 permit filed by Charles H. Landis, DBA Landis Wine Mart, 9466 Dayton Lebanon Pike; a permit to sell high powered beer and wine by the glass or container or in container for carry out.

WHIPP ROAD ESTATES, SECTION ONE BOND RELEASE

Mr. Schab reviewed his recommendation for Performance Bond release on Whipp Road Estates, Section One. The Developer has agreed in writing to mud removal from Ironwood Drive resulting from work in Section Two. Mr. Schab recommended that the Performance Bond of \$51,000.00 be released subject to the receipt of a Maintenance Bond in the amount of \$2,550.00. Mr. Stone moved that the Performance Bond of \$51,000.00 be released on Whipp Road Estates, Section One subject to the receipt of a Maintenance Bond of \$2,550.00 by the City. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

CHEVY CHASE APARTMENT PROJECT LANDSCAPING AGREEMENT

Mr. Schab reviewed his recommendation to extend the Performance Agreement for Landscaping at the Chevy Chase Development until June 15, 1975. Discussion followed concerning additional construction to be completed at the site, the appropriate time for landscaping to be completed and a guarantee that plantings will survive. Mayor Hoy pointed out the fact that this Performance Agreement does not cover survival of the plantings, it only covers the work to be performed, he questioned June 15 as being the appropriate completion date for landscaping, perhaps the City should require landscaping completion at an earlier date, the City Staff is being too lenient in agreeing to this extension as requested by Housing Associates. Mr. Stubbs moved that Council extend the Performance Agreement for Landscaping at the Chevy Chase Apartment Project until May 1, 1975. Mayor Hoy seconded the motion. Mr. Sweetman alluded to the fact that if plantings had been installed, the run off and debris problem in the Concept East drainage ditch would be lessened. Mayor Hoy emphasized the need for the City Administration to be concerned for the Citizens of Centerville. Mr. Sweetman cautioned Mr. Schab on the restoration of the City right-of-way in front of the Concept Plat where workers for Chevy Chase were parking, this must be restored by the Developer. A roll call vote on the motion resulted in six ayes in favor of the motion. Mr. Sweetman suggested considering the requirement of a Survival or Maintenance Bond for landscaping be put in the Subdivision Regulations. Mr. Farquhar advised that this could be done, such a Bond could be required to follow the Performance Bond and Maintenance Bond on construction. Mr. Sweetman moved that Council request a guarantee to grow Bond or a Maintenance Bond on landscaping at the Chevy Chase Project of at least \$5,000.00 to run from the day proceeding the day that the Performance Bond expires or is released whichever comes first. Mr. Spencer seconded the motion.

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A roll call vote resulted in six ayes in favor of the motion. As suggested by Mr. Sweetman, Mayor Hoy requested that the City Administration prepare an Ordinance to require a survival Bond on landscaping.

ORDINANCE NUMBER 5-75 BIGGER ROAD WIDENING

Mr. Winterhalter reviewed proposed Ordinance Number 5-75, said design study for Bigger Road would be funded 70% by the Federal Aid Urban "M" System Funds and 30% by the City of Centerville, City's share to be approximately \$10,000.00. This concerns the design only for the proposed widening of Bigger Road in Centerville to four lanes. Mr. Spencer sponsored Ordinance Number 5-75, An Emergency Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Transportation, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 6-75 BIGGER ROAD WIDENING

Mr. Stubbs moved that Ordinance Number 6-75, An Ordinance Enacted By The City Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Transportation, be set for Public Hearing on January 20, 1975. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

As the poll of Council was taken, the following comments were received:

Mr. Stubbs suggested that beginning 1975, Council set goals and priorities and set time lines for various projects during the coming year; he outlined some items needing Council's attention. Mayor Hoy endorsed Mr. Stubbs suggestion.

Mrs. Lake questioned the progress being made concerning storage at the Gold Circle Store.

As questioned by Mr. Sweetman, Mr. Bettcher advised that the annual assessment per capita to TCC and MVRPC for 1975 is the same rate as 1974.

Mr. Sweetman suggested that Council and the City Administration pursue a hospital facility full force in 1975, it is needed in the Community and the Community can handle it well. Mayor Hoy suggested that this be an item of discussion for the coming Council-Manager retreat.

Mr. Sweetman suggested that in 1975 Centerville promote industrial and business development. This matter will also be discussed during the retreat.

Mr. Stone questioned the status of his previous suggestion, that a sign be prepared indicating that plantings around the City have been installed at City's expense, the taxpayers' expense and through the efforts of the City Beautiful Commission. Mr. Bishop advised that several such signs are being made and can be erected soon.

Mr. Stone questioned the status of the Waste Collection rate increase. Mr. Kenning advised that this is number one item being considered during preparation of the Budget.

Mr. Stone expressed his concern relative to excessive heat bills in the Chevy Chase Apartments, he recommended that the Mayor express concern to HUD and request a solution to the problem.

Mrs. Lake suggested that a Resolution be prepared expressing the City's concerns to HUD outlining problems and conditions in the Chevy Chase Project.

There being no further business, the Meeting was adjourned.

ATTEST:

Marie J. Sample
Clerk of Council

Approved:

Paul C. Hoy
Mayor