

Held February 3, 1975

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CENTERVILLE CITY COUNCIL
REGULAR MEETING
FEBRUARY 3, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, February 3, 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 Max Sellars from the Centerville United Methodist Church and the Pledge of Allegiance to the Flag. Council Members and City Staff present were as follows:

Councilwoman Nora Lake

Councilmen Charles McQueeney

Russell Sweetman

Leonard Stubbs

Ralph Spencer

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Service Director Richard Bishop

Director of Parks and Recreation Timothy Shroyer

City Engineer Karl Schab

Director of Finance William Bettcher

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

Administrative Assistant John Levermann

Mayor Hoy advised that Deputy Mayor J. V. Stone was out of the State on vacation. Mr. Spencer moved that Deputy Mayor J.V. Stone be excused from this meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of January 20, 1975 had been distributed prior to this meeting. Mr. Stubbs moved that the Minutes of the Meeting of January 20, 1975 as distributed, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McQueeney abstained.

During his City Manager's Report, Mr. Kenning advised that he and the Municipal Attorney will appear on Thursday, February 6, 1975 before the Public Utilities Commission of Ohio concerning the Dayton Power and Light Company Interim Plan. Mr. Kenning will also discuss problems in Chevy Chase on Tuesday, January 4, 1975 along with Mrs. Lake and MVRPC representatives with the Housing and Urban Development Office in Cincinnati. Mr. McQueeney wants to know how and why utility bills in Chevy Chase have not been included in the rental fee as originally planned.

Mr. Kenning also advised that arrangements have been made for inservice police training for 1975, Montgomery County Criminal Justice Center, to be provided Centerville free of charge.

A pilot program will be arranged in the Centerville City Schools for study of local government.

As questioned by Mr. Stubbs, Mr. Kenning advised that the City is within gas allocations in the Municipal Building, however there is some difficulty in the garage. Temperatures in the garage have been reduced to 50 degrees at night and 62 degrees during working hours, alternatives are being reviewed.

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

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Mr. Bishop advised that an application has been sent to the State in reference to bringing sub-standard traffic control signs to meet standard requirements. A representative will be in the Centerville area the week of February 3, 1975 to check said signs. Approximately 2/3 the amount of salt used last year has been used this year for ice and snow control.

Mr. Shroyer reported that recreation activities will be listed weekly in the Centerville-Bellbrook Times. Mrs. Lake thanked the Times for this service.

Mr. Bettcher advised that the January financial report is being prepared as well as the annual State of Ohio financial report. Income Tax receipts are approximately \$33,000.00 higher this year than at this same time last year.

MCDONALD'S RESTAURANT - APPEAL TO COUNCIL

The Public Hearing was held concerning the appeal filed by Hunter Savings Association and J. & M. Realty Company against a decision rendered by the Centerville Planning Commission on December 10, 1974.

Mr. Kenning explained the application, this is a lot split for approximately five acres of land located on the East side of Far Hills Avenue just North of the Hunter Savings Building; also considered is the location of a curb cut.

Mr. Gary Maxton, Chairman of the Planning Commission reviewed their following concerns: 1. the creation of a traffic problem by allowing another curb cut onto State Route 48, 2. the development of remaining property and 3. lining the existing curb cut for Hunter Savings with that curb cut for P.K. Home Shopping Center. The vote in Planning Commission was 4 to 2 for denial of the plan as submitted showing an additional curb cut onto Far Hills Avenue. The Commission felt that the present curb cut could be increased in place of the additional cut and moved farther North.

Attorney Louis Gilligan, representing Hunter Savings Association and J. & M. Realty Company, submitted to the City on February 3, 1975, a plan showing the curb cut for Hunter Savings being located opposite the curb cut for P.K.'s with an additional curb cut for the lot being split (McDonald's); two cuts are now being requested: one for a McDonald's Restaurant and one for the remaining property including the Hunter Building.

Mr. Farquhar clarified the fact that the lot split and curb cut are two separate issues. Being considered at this time is the lot split, which should come first. Following review by the Municipal Attorney, Mr. Farquhar advised that the lot split does conform to City Code.

Miss Beverly Davis, representing McDonald's, reviewed their plans, aesthetically the building proposed will belong in the Community; a small sign is proposed. Seventy Community people will be the employees; it will be a Company owned restaurant; volume is anticipated to be \$750,000.00 per year.

As questioned by Mrs. Lake, Mr. Schab advised that the curb cut for Hunter Savings Association must be moved north 60 feet to be located opposite the curb cut for P.K. Home Shopping Center. It then would be located approximately 240 feet from the Siebenthaler curb cut.

Mr. Sweetmen moved that the decision of the Planning Commission rendered during their meeting of December 10, 1974 in denying the application of Hunter Savings Association and the J. & M. Realty Company for lot split approval be reversed and that said application be approved and that the issue of the location of the curb cut on the split lots be referred to the Planning Commission for a determination of the location of said curb cuts. Mr. Spencer seconded the motion. Upon question of Mr. Maxton, Mr. Farquhar advised that future lot splits would be prohibited if the lot does not front on a public street. Mr. Stubbs would like to see the lot split question considered very carefully by the

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Planning Commission, he fears a precedent being set. A roll call vote on the motion resulted in four ayes in favor of the motion; Mrs. Lake and Mr. Stubbs voted no.

SEELEY PLAT SECTION TWO

In reporting on the Planning Commission Meeting held January 28, 1975, Mr. Schab located Seeley Plat, Section Two on a map, said Section being located on the east side of State Route 48 across from the Elder Beernman Store. A small area of this Section is in the City of Centerville, dedicated right-of-way. Mr. Schab recommended approval of this Record Plan subject to the receipt of a \$22.00 Inspection Fee and a \$11,000.00 Performance Bond. Mr. McQueeney moved that Council approve the Record Plan for Seeley Plat, Section Two as recommended by the Planning Commission and in accordance with the recommendation of the City Engineer concerning the Inspection Fee and Performance Bond. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 7-75 TCC APPOINTMENT

The Public Hearing was held concerning Ordinance Number 7-75. Mr. Spencer sponsored Ordinance Number 7-75, An Ordinance Appointing Darryl Kenning, City Manager, As Alternate Delegate To The Transportation Coordinating Committee In Place Of Thayer Thompson, 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 9-75 BOARD OF TAX APPEALS-APPOINTMENTS

The Public Hearing was held concerning Ordinance Number 9-75. Mr. Farquhar explained the proposed Ordinance; it appoints three members to the Board of Tax Appeals, each to a term of one year. Mrs. Lake requested that appointments be considered in ample time, perhaps six months, before terms will expire in the future. Mr. Stubbs sponsored Ordinance Number 9-75, An Ordinance Appointing Robert Hensley, Stephen Mikula And Dale Rodman To A Term Of One Year Each On The Centerville Board Of Tax Appeals, and moved that it be adopted. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ZONING ORDINANCE AMENDMENT GROUP HOME

Mrs. Lake moved to return the present group home Ordinance, An Ordinance Amending Ordinance 15-61, The Zoning Ordinance, By Changing Definitions, Adding Definitions And Adding Conditional Use Requirements For Group Homes, to the Planning Commission, requesting a recommending Ordinance i.e. (an affirmative vote of five Commissioners) be prepared for Council including recommendations encompassing regulations, building and health inspections, licensing, permits and any other areas deemed necessary by the Planning Commission when taking a comprehensive view of the resident and group home question. As this is considered a priority item, Council requests an Ordinance or status report be presented to Council by May 1, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 5-75 CABLE TV

Mr. Sweetman moved that Council take the following position concerning the CATV Request for Proposal:

WHEREAS, The City of Centerville joined The South of Dayton Cable Communication Committee, and in good faith worked with this Committee in developing a CATV Request for Proposal.

WHEREAS, Tax money collected from City of Centerville citizens was used to help compensate a highly reputable research firm - The Battelle Institute - for designing The Formal Request for Proposal.

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WHEREAS, The successful bidder, Continental Cablevision is an experienced company in the CATV field and had to be aware of the major parts of the RFP.

WHEREAS, Continental Cablevision is now the only company involved in the awarding of a contract, any negotiations which might have the effect of altering substantive parts of the RFP, is out of order.

Be it therefore resolved, that the City of Centerville feels that any major modification in substantive parts of the RFP is grounds for serious consideration of withdrawal from the South of Dayton Cable Communication Committee.

Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Stubbs voted no.

FOTO FAIR INTERNATIONAL, INC.

City Manager Darryl Kenning explained the Plot Plan submitted by Foto Fair International, Inc. to locate a kiosk in the Goldman parking lot on State Route 48. The Plan shows curbing designed to eliminate any hazardous traffic conditions at the proposed location. This Plan was requested by Council at the November 18, 1975 Council Meeting.

Mr. Robert Gordon, representing the Applicant, explained the Plot Plan. Designed is 30 feet of curbing on each side of the 25 foot building, he feels that additional curbing would create an additional traffic hazard in the parking area. Planting islands were considered but discouraged because plants tend to die and there would be lack of maintenance. The building is located approximately 60 feet east of the green belt. Mr. McQueeney moved that the Plot Plan for Foto Fair International, Inc. be approved as submitted. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Stubbs voted no.

ORDINANCE NUMBER 10-75 BIGGER ROAD

Mr. Kenning explained proposed Ordinance Number 10-75, it relates to the design study for the widening of Bigger Road to four lanes. Mrs. Lake moved that Ordinance Number 10-75, 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 February 17, 1974. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 11-75 ARTS COMMISSION APPROPRIATION

Mr. Spencer moved that Ordinance Number 11-75, An Ordinance Amending Ordinance No. 2-75 By Raising The Appropriation For The Fine Arts Fund By \$7,500.00, be set for Public Hearing on February 17, 1975. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 12-75 35 ACRES MUNICIPAL LAND

Mr. Sweetman moved that Ordinance Number 12-75, An Ordinance Providing For The Issuance Of \$175,000 Of Park And Recreational Real Estate Acquisition Bonds Of The City Of Centerville, Ohio, For The Purpose Of Paying Of The Cost Of Acquiring Real Estate In The City For Park And Recreational Uses, Including Necessary Expenses Incidental To Such Acquisition And Interest For One Year On An Anticipatory Note Heretofore Issued, be set for Public Hearing on February 17, 1975. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 13-75 EAST FRANKLIN STREET IMPROVEMENT

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As questioned by Mr. Sweetman, Mr. Kenning explained that proposed Ordinance Number 13-75 concerns the issuance of Bonds for the improvement completed to East Franklin Street, that area in front of the new high school. Mr. McQueeney moved that Ordinance Number 13-75, An Ordinance Providing For The Issuance Of \$36,303.15 Of East Franklin Street Special Assessment Bonds Of The City Of Centerville, Ohio, In Anticipation Of The Collection Of Special Assessments Heretofore Levied, For The Purpose Of Paying Part Of The Cost Of Improving East Franklin Street In The City, Including The Widening Thereof And Installation Of Curbs, Gutters, Storm Severs And Sidewalks, be set for Public Hearing on February 17, 1975. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 14-75 TRAFFIC CODE

Mr. Farquhar reviewed proposed Ordinance Number 14-75; it amends the Centerville Municipal Code, Traffic Section, to conform to State Law as changed January 1, 1975. Mr. Spencer sponsored Ordinance Number 14-75, An Emergency Ordinance Amending Part Three - Traffic Code Of The Centerville Municipal Code, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman emphasized the need for these changes to be contained in the City's newsletter.

ORDINANCE NUMBER 15-75 TRAFFIC CODE

Mr. McQueeney moved that Ordinance Number 15-75, An Ordinance Amending Part Three - Traffic Code Of The Centerville Municipal Code, be set for Public Hearing on February 17, 1975. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 16-75 TRAFFIC CODE

Proposed Ordinance Number 16-75 was reviewed by Mr. Farquhar; it contains additional changes to the Traffic Section of the Centerville Municipal Code. Mr. McQueeney sponsored Ordinance Number 16-75, An Emergency Ordinance Amending Part Three - Traffic Code Of The Centerville Municipal Code, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 17-75 TRAFFIC CODE

Mr. Stubbs moved that Ordinance Number 17-75, An Ordinance Amending Part Three - Traffic Code Of The Centerville Municipal Code, be set for Public Hearing on February 17, 1975. Mr. McQueeney 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 expressed his appreciation to Robert Winterhalter for his efforts for the City of Centerville. Mr. Winterhalter made the builders aware that Centerville had standards. He was a knowledgeable City Planner.

Mr. Stubbs suggested that perhaps a Committee hearing be held to obtain the public's comments on the proposed Budget..

Mrs. Lake suggested that a Resolution be prepared to appoint Darryl Kenning as her alternate on the Community Development Advisory Committee. Said Resolution will be prepared.

Mrs. Lake suggested that a Resolution of Appreciation be prepared in recognition of the remodeling completed to the Centerville Body Shop on East Franklin Street. Mr. Farquhar will prepare said Resolution for the next Council Meeting.

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

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There being no further business, the Meeting was adjourned.

Approved:

Paul G. Ray
Mayor

ATTEST:

Marie J. Saufley
Clerk of Council