

Held April 21, 19 75

CENTERVILLE CITY COUNCIL
SPECIAL MEETING
APRIL 21, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, April 21, 1975 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Donald Crank from the Southminster Presbyterian Church and the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Council Members and City Staff present were as follows:

Deputy Mayor J. V. Stone
Councilwoman Nora Lake
Councilmen Charles McQueeney
Russell Sweetman
Leonard Stubbs
Ralph Spencer

Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
Municipal Attorney Robert Farquhar
Chief of Police William Randolph
Director of Finance William Bettcher
City Planner Garth Reynolds
Service Director Richard Bishop
City Engineer Karl Schab
Director of Parks and Recreation Timothy Shroyer
Administrative Assistant John Levermann

The Minutes of the Meeting of April 7, 1975 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of April 7, 1975 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Minutes of the Meeting of April 14, 1975 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of April 14, 1975 as distributed, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Oath of Office was administered to Planning Commission Member George J. Schottmiller and Centerville Bicentennial Commission Members Shirley McColloch, Roger Snyder and Fred Ricketts by Mr. Farquhar.

RESOLUTION NUMBER 18-75 APPRECIATION

Mr. Sweetman sponsored Resolution Number 18-75, A Resolution Of Appreciation For The Services Of Elizabeth Hoy On The Board Of Architectural Review, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Dr. Robert Vogel, Health Commissioner for the Montgomery County Combined General Health District, reviewed how pre-sale housing inspection has become a reality in Montgomery County. The philosophy of the program is "seller be honest" not "buyer beware". The need for the program stems from the fact that when a home becomes five years old many changes may have been made and perhaps some of these changes do not meet code standards. The Veterans Administration and the Federal Housing Authority asked the Board of Health several years ago to assist them in requiring homes to meet code standards. The Board of Realtors in turn asked the Board of

Held April 21, 1975 continued

19

Health to, along with the City of Dayton, prepare a pre-sale housing inspection program that would be Countywide applicable. Before adoption of the regulation five Public Hearings were held at which time no objections were received. During Dr. Vogel's presentation, the following conditions of the program were outlined:

1. Homes deteriorating, when observed, will be inspected.
 2. Defects on a piece of property must be made known by the seller to the buyer.
 3. Following inspections, hazards to health and safety must be corrected and brought to standard. These corrections must be made prior to occupancy; if the home does not sell, the owner must bring the home to meet code regulations.
 4. A \$25.00 fee indicates no profit to the County; the fee will be reviewed on a yearly basis and adjusted accordingly. The fee will be paid by the seller or the person requesting the inspection. The Board believes that a standard fee is most sensible.
 5. County staff will be increased with seven new inspectors. The inspectors will be trained for approximately one month = they will be trained in week long courses as well as infield training. They will have previous building experience and will be trained in the Uniform Building Code.
 6. Inspections must be made within five days of request to accommodate quick sales. If the inspection is not completed within the five day period, closing can take place prior to the inspection. Each inspection will require approximately two hours to complete.
 7. The Board believes that only County inspectors can be utilized if County orders are to be issued. However, perhaps a Municipality could adopt County procedure and make inspections but not issue orders under the County Board of Health.
 8. The pre-sale housing regulation exempts new homes, primary occupancies do not require inspections.
 9. The program has been designed to prevent slum areas and to encourage home owners to maintain their property.
 10. The regulation pertains to all property except that which changes hands within the same ownership. Rental property is inspected only when the owner sells the property, not when the renter changes.
- As questioned by Mr. Sweetman, Dr. Vogel explained that the regulation will be enforced in all unincorporated areas, all Villages and all Cities that are combined with the General Health District excepting the City of Kettering and the City of Dayton.
- Mr. McQueeney believes that present Municipal inspectors should be utilized; Mr. Kenning will meet with Dr. Vogel to review this possibility.
- Mr. Stubbs expressed his concern with possible abuses taking place during inspections. Dr. Vogel explained how inspectors will be spot checked and dismissals made if necessary.
- Dr. Vogel advised that inspection requests can be made to the Board of Health by phone or in person. Mr. Kenning will review having forms available at the Centerville City Building for convenience to residents.
- The pre-sale housing inspection regulation became effective March 15, 1975. Enforcement will not begin until an opinion is received from the County Prosecutor as to its legality and its applicability. The Board's first approach is public education, violators will be advised of the regulation and requested to conform, prosecution is the last resort.
- As questioned by Mr. Fred Ricketts, 230 Annette Drive, Dr. Vogel explained the following two Parts to the inspection:
- Part 1 - Hazards to health, safety and welfare.
 - Part 2 - Cosmetics of the Home.

Held

April 21, 1975 continued

19

During his City Manager's Report, Mr. Kenning outlined the following: Work on the Edenhurst Park is proceeding, improvements should be completed mid-May.

75 garden plots have been assigned by the City of Centerville on the 35 acres Municipal land.

The Contract has been signed for the East Franklin Street improvement; completion set for June 4, 1975.

Income Tax collection as of April 18, 1975 was \$192,982.00, above last years receipts by \$26,860.00.

The roadway widening at Whipp Road and State Route 48 is generally completed. Traffic signal hook up along North Main Street should begin during the following two weeks.

Mr. Kenning introduced City Planner Garth Reynolds to Council and the Citizens of Centerville.

FOREST VIEW ESTATES, SECTION FOURTEEN

The Public Hearing was held concerning an Appeal filed by the Zengel Construction Company against a Planning Commission decision rendered to deny the Preliminary Plan for Forest View Estates, Section Fourteen, a sub-division in Washington Township within the three mile jurisdiction of Centerville.

Mr. Kenning reviewed Planning Commission's action on February 25, 1975.

Mr. G. Wilson Gillingham, Member of the Planning Commission, advised that the 5-0 vote in Planning Commission to deny the subject Plan was based upon the fact that it lies in the path for proposed I-675 and based upon communications received from the State of Ohio, Department of Highways, stating that they are negotiating with the owner of the property to acquire necessary right-of-way. Ohio Law grants the Department of Highways 120 days to review and process matters after a Preliminary Plan has been received; the Preliminary Plan was received by District Eight on February 10, 1975.

Mr. John Petzold, Attorney for the Applicant, explained the fact that negotiations are taking place between the State of Ohio and Zengel Construction Company. This Preliminary Plan was prepared only to receive a decision from the State Highway Department—either to purchase the right-of-way and in what manner. Mr. Petzold recommended that Council remit this Plan to the Planning Commission and recommend tabling it to allow for negotiations to take place during the 120 day time period as permitted by the Ohio Revised Code. As questioned by Mr. Sweetman, Mr. Gillingham advised that no legal counsel was available the evening Planning Commission took action, neither the Municipal Attorney nor an assistant was present. Mr. Sweetman and Mrs. Lake emphasized the need for legal counsel prior to a Planning Commission vote. Mr. Sweetman requested that legal counsel be readily available during Planning Commission Meetings. Mr. Stubbs moved that the Preliminary Plan for Forest View Estates, Section Fourteen be referred to the Planning Commission and recommend that the Plan be tabled for the proper time. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 41-75 SON REZONING

The Public Hearing was held concerning an Appeal filed by Augusta H. Son concerning a Planning Commission decision rendered concerning the Rezoning of 0.92 acres of land on Lyons Drive.

Mr. Kenning explained the 4-1 affirmative vote by the Planning Commission.

Mr. Levermann located the subject property on a map and explained the requested change. Proposed is a condominium development on the east side

Held April 21, 1975 continued 19

of Lyons Drive north of Ridgeway Road. The Planning Commission recognized the need for the City's assurance that certain conditions would be met; the Applicant agreed to submit Deed Covenants.

Mr. Robert Seeley, Attorney for the Applicant, reviewed the proposed layout, he believes the Applicant has met all Planning Commission requests and recommendations. Mr. Seeley agreed to Deed Restrictions or Contractual Relations to assure sidewalks, curbing, additional paving and some catch basins.

As questioned by Mrs. Connie Reid, 91 Park Villa Court, Mr. Seeley explained that the present home would be converted to a condominium. Each of the five units proposed for the land would be a single family condominium.

As requested by Pamela Boyles, 156 Lyons Drive, Mr. Leverman located the garages and units on a map. The distance from the building to the side lot line is approximately 30 feet.

Mr. Robert Taylor, 110 Sheldon Drive, wondered if he could get a zone change for his property, this is currently a nice residential area. Mayor Hoy explained the fact that anyone can request a change in zoning for his property.

Mrs. Connie Allen, 151 Lyons Drive, is concerned with future zoning along Lyons Drive if this Rezoning is granted.

Mr. Patrick Crippen, 71 Park Villa Court, pointed out the fact that other uses would be permitted in R-3 zoning, he fears a march of rezonings in the area.

As questioned by Mrs. Taylor, Mr. Farquhar defined condominium as a term of ownership, it does not mean the units have common walls.

Mr. Robert Perkins, 32 West Ridgeway Road, fears gradual deterioration of a fine residential area.

Upon question by Mr. Sweetman, Mr. Schab advised that density permitted under R-3 zoning is 8,000 square feet per dwelling unit. Mr. Sweetman also fears other permitted uses in an R-3 district.

Mr. Stubbs sponsored Ordinance Number 41-75, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 0.92 Acres, More Or Less, From Centerville R-1 Classification To Centerville R-3 Classification, and moved that it be passed. Mr. McQueeney seconded the motion. Mr. Farquhar advised that no Deed Restrictions have been prepared for the subject land; he suggested tabling this matter until there are Deed Restrictions to be considered. Mr. Stubbs moved that this matter be tabled for 30 days until such time as Deed Restrictions indicated by the Planning Commission and by the Attorney for the client are presented. The motion died for lack of a second. A roll call vote on the previous motion resulted in seven ayes against the motion.

ORDINANCE NUMBER 36-75 WASTE COLLECTION

The Public Hearing was held concerning Ordinance Number 36-75. Mr. Kenning reviewed the proposed Ordinance; it provides the issuance of notes and bonds to pay for certain solid waste collection equipment.

Mr. Patrick Crippen, 71 Park Villa Court, is concerned that purchase of subject equipment will necessitate an eventual increase in rates for waste collection. Mayor Hoy pointed out the fact that rates have not been increased, equipment has been purchased, moneys to pay off bonds will be paid from the Waste Collection Fund. Mr. McQueeney sponsored Ordinance Number 36-75, An Ordinance Providing For The Issuance Of \$70,000 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Cost Of Certain Solid Waste Collection Equipment, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mr. Sweetman, Mrs. Lake, and Mr. Spencer voted no. Mr. Sweetman pointed out the fact that he has been opposed to purchasing this equipment because of the lack

Held April 21, 1975 continued 19

of covered storage for machinery.

ORDINANCE NUMBER 38-75 PLANNING COMMISSION

The Public Hearing was held concerning Ordinance Number 38-75. Mr. Stubbs sponsored Ordinance Number 38-75, An Ordinance Appointing George J. Schottmiller To The Centerville Planning Commission For The Unexpired Term Of John Myers, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 40-75 BICENTENNIAL COMMISSION

The Public Hearing concerning Ordinance Number 40-75 was held. Mr. Stone sponsored Ordinance Number 40-75, An Ordinance Appointing Members To The Bicentennial Commission 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 42-75 WASTE COLLECTION

Mr. Sweetman moved that Ordinance Number 42-75, An Ordinance Repealing Chapter 957 Of The Centerville Code And Enacting A Different 957, be set for Public Hearing on May 5, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 43-75 WYTHE PARISH

Mr. Stone moved that Ordinance Number 43-75, An Ordinance Vacating Wythe Parish For Its Entire Length Within The City Of Centerville, Ohio, be set for Public Hearing on May 5, 1975. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Stubbs pointed out the fact that his support for the vacation of Wythe Parish does not mean that he would not support another access to the area in the future.

Mrs. McLaughlin advised that a Notice of Intent to Appeal a Board of Architectural Review's decision rendered April 1, 1975 in reference to a one double faced pole sign for Rector's Texaco Station, 140 North Main Street, has been received. The Appeal has not been received and the time period for such has expired.

CHEVY CHASE

Mr. John Petzold, Attorney for Chevy Chase Park, appeared to explain their request for a 120 day extension of their Landscaping Bond which now expires on May 1, 1975. Mayor Hoy explained the fact that this would be the second extension of the Landscaping Bond should it be approved. Mr. Petzold advised that his client could live with an extension of only 60 days. Mr. Sweetman stated his objection to extending this Bond for a second time. Mr. Stone outlined defects in the landscaping which he observed in the Apartment Complex; improper procedure has been followed. Mayor Hoy believes it is now time for Housing Associates, Inc. to have an interest in their property in Centerville. Mr. Schab explained the fact that the \$10,000.00 Bond will not cover re-landscaping the entire area, it will cover only the work yet to be completed in accordance with their Plans. Mr. McQueeney outlined previous statements made that delays in the project are a result of actions by City Council; he emphasized the fact that delays and troubles have been their own action and have not been caused by the City of Centerville, they have been caused by mis-management and poor management; he would approve an extension of 30 days of the bond to indicate that Council wants the job completed properly. Mr. McQueeney moved that the Landscaping Bond for Chevy Chase Park with Housing Associates, Inc. be extended for another 30 day period. Mrs. Lake

Held April 21, 1975 continued 19

seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Sweetman voted no. Mayor Hoy emphasized the need for the completion of the landscaping in behalf of the Citizens of Centerville.

RESOLUTION NUMBER 19-75 APPRECIATION

Mr. Stone sponsored Resolution Number 19-75, A Resolution Of Appreciation For The Contribution Of Six Hundred Dollars (\$600.00) From The Centerville Womens Civic Club To The City For Landscaping In Elizabeth Hoy Park, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 20-75 MOWER/TRACTOR

Mr. Kenning reviewed the five bids received for the purchase of an articulated arm mower and tractor. He recommended that Council accept the bid of Lebanon Ford Tractor, Inc. in the amount of \$12,907.40 as the low and best bid. Mr. Sweetman requested to receive tally sheets when bids are received on equipment and/or materials to be purchased. As questioned by Mayor Hoy, Mr. Kenning explained how two bids received did not meet specifications. Mr. Sweetman again stressed the need for storage area for City owned equipment. Mr. Stone sponsored Resolution Number 20-75, A Resolution Accepting The Bid Of Lebanon Ford Tractor, Inc. To Furnish One (1) Tractor Mounted Mower For 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. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 21-75 STREET ASSESSMENT FUND

Mr. Stubbs sponsored Resolution Number 21-75, A Resolution Establishing A Street Assessment Fund And Authorizing And Directing The Director Of Finance To Take All Necessary Steps To Establish Said Fund And Providing For Payments Into And Out Of Said Fund, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 22-75 BUILDING CODE AMENDMENT

Mr. McQueeney sponsored Resolution Number 22-75, A Resolution Amending The Uniform Building Code To Provide For A Review Of Building Permit Applications With Reference To Flood Hazards, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 23-75 FLOOD INSURANCE

Mr. Stone sponsored Resolution Number 23-75, A Resolution Authorizing And Directing An Application Be Made For Flood Insurance, 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 44-75 BUILDING CODE AMENDMENT

Mr. Stubbs moved that Ordinance Number 44-75, An Ordinance Amending The Uniform Building Code, As Adopted By The City Of Centerville, By The Addition Of Section 312 Et. Seq. Relating To Flood Protection, be set for Public Hearing on May 5, 1975. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 45-75 CITY BEAUTIFUL COMMISSION

Mr. Sweetman moved that Ordinance Number 45-75, An Ordinance Appointing Faye L. Duncan To The City Beautification Commission Of The City Of Centerville And Establishing A Term Of Office, be set for Public Hearing on May 5, 1975. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Held

April 21, 1975 continued

19

As the poll of Council was taken, the following comments were received:
Upon question of Mr. Stubbs, Mr. Kenning advised that he will review financing for the Waste Collection equipment and report back to Council.

As questioned by Mr. Stubbs, Mr. Kenning advised that for the sidewalk program, the design is being prepared, a meeting with property owners will be held soon to determine the method of financing.

Mr. Sweetman brought to the City's attention, motor bike riding in the Elizabeth Hoy Park and vandalism in the Activity Center. Police Chief Randolph will review these problems.

Mr. McQueeney emphasized the need for better presentation of items coming from the Planning Commission for Council consideration during a Council Meeting, maps, etc. projected upon the wall.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of the Council