

Held _____ May 19, 1975 _____ 19 _____

CENTERVILLE CITY COUNCIL
SPECIAL MEETING
MAY 19, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, May 19, 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 Lawrence Fetzer, Washington Heights Baptist Church and the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Council Members and City Staff present were as follows:

Councilwoman Nora Lake

Councilmen Ralph Spencer

Russell Sweetman

Charles McQueeney

Leonard Stubbs

Clerk of Council Marilyn McLaughlin

City Manager Darryl Kenning

Municipal Attorney Robert Farquhar

Chief of Police William Randolph

Director of Finance William Bettcher

Director of Parks and Recreation Timothy Shroyer

City Engineer Karl Schab

Service Director Richard Bishop

City Planner Garth Reynolds

Administrative Assistant John Levermann

Mayor Hoy advised that Deputy Mayor J. V. Stone is out of the City, thus his absence at this Meeting. Mr. Stubbs moved that Deputy Mayor J. V. Stone be excused from this Meeting. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of May 5, 1975 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of May 5, 1975 as distributed, be approved. Mrs. Lake seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. McQueeney and Mayor Hoy abstained.

The Oath of Office was administered to the following Members by Mr. Farquhar:

Youth Board

Sylvia Ernst

Bernard Samples

Arts Commission

Mary K. Zimmermann

Sharyn Skelton

Centerville Bicentennial Commission

Virginia Siler

Robert Leighty

Personnel Appeals Board

Emert Browning

During his City Manager's Report, Mr. Kenning reported the following: School zone lights have been set at the Ida Weller School, they will be put into operation the week of May 26, 1975.

During clean-up week seventy-six special pick ups were made on Saturday, May 10th; ninety-three were made on Saturday, May 17th, 1975. Land bordering roadways were cleaned by the Boy Scouts.

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The annual street repair program began today in Centerville.

Tests are being given for Police Officers and Police Cadets; approximately 70 applicants will take the test.

Centerville has been accepted into the National Flood Insurance Program which provides that property owners are now eligible to buy flood insurance protection at federally-subsidized rates. Mr. Levermann identified on a map the area of Centerville now listed in the flood plain area. The area includes only four residences and some farm buildings on the Weller Farm. An area north of Alexandersville-Bellbrook Road previously included in the zone has now been removed.

ORDINANCE NUMBER 47-75 WASTE COLLECTION

The Public Hearing was held concerning Ordinance Number 47-75. This proposed Ordinance provides for the issuance of \$70,000.00 of notes in anticipation of bonds to pay for the mini-packers already received by the City of Centerville. Mr. Spencer sponsored Ordinance Number 47-75, 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. McQueeney seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mrs. Lake voted no and Mr. Stubbs abstained.

ORDINANCE NUMBER 49-75 BICENTENNIAL COMMISSION

The Public Hearing was held concerning Ordinance Number 49-75. Mr. McQueeney sponsored Ordinance Number 49-75, An Ordinance Appointing Virginia A. Siler As A Member On The Bicentennial Commission Of The City Of Centerville, Ohio, 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 51-75 BICENTENNIAL COMMISSION

The Public Hearing concerning Ordinance Number 51-75 was held. Mr. Stubbs sponsored Ordinance Number 51-75, An Ordinance Appointing Robert H. Leighty As A Member On The Bicentennial Commission Of The City Of Centerville, Ohio, 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 52-75 BUILDING CODE

The Public Hearing was held concerning Ordinance Number 52-75. Mr. Kenning reviewed two endorsement letters received for the Ordinance, with the Home Builders Association suggesting three areas of clarification. The letters were received from the Home Builders Association of Metropolitan Dayton, Inc. and the Robert W. Booher Construction Corporation. A verbal endorsement was received from the Dayton Power and Light Company. An Ordinance including clarifications was placed before Council. Mr. Sweetman sponsored Ordinance Number 52-75, An Ordinance Amending The Unified Building Code For Montgomery County And The Ohio Building Code As They Relate To Energy Conservation, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Stubbs complimented the Staff for their excellent writing of the Ordinance as evidenced by the concurrence of local builders and contractors.

RESOLUTION NUMBER 27-75 HOUSING AND COMMUNITY DEVELOPMENT ACT

Mr. Kenning reviewed proposed Resolution Number 27-75; the Resolution authorizes a new agreement and an amendment to the agreement dated January 28, 1975 between the City of Centerville and the Montgomery County Board of Commissioners relating to projects under the Housing and Community Development Act of 1974. The agreement has been rewritten to hopefully be

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accepted by Housing and Urban Development. Mr. McQueeney sponsored Resolution Number 27-75, A Resolution Authorizing And Directing The City Manager To Enter Into A New Agreement With The Board Of County Commissioners Of Montgomery County, Ohio And An Amendment To An Agreement With Said Board Dated January 28, 1975 Concerning The Participation Of The City Of Centerville With Montgomery County, Ohio In Projects Under The Housing And Community Development Act Of 1974, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES SECTION SEVEN, SECTION EIGHT

Mr. Kenning reviewed the recommendation of the City Engineer concerning the Record Plan for Rose Estates, Section Seven. Mr. Schab recommends that a \$5,000.00 Bond be required to run for four years to assure clean out and maintenance of the lake and adjoining drainage structures in the park area. The Centerville-Washington Park District is concerned that the spillway of the proposed lake be designed properly, Mr. Yeck wants another look at the Plan. Mr. Schab views the engineering of the lake to be adequate and thus recommends approval of the Record Plan. The Planning Commission recommended approval of the Record Plan subject to acceptable Plans being approved by the City Engineer. As questioned by Mayor Hoy, Mr. Schab explained that sidewalk will be installed on both sides of Rose Lake Drive and Rose Arbor Drive in Section Seven and on one side of Marsha Jean Way in Section Eight with no sidewalk on the Court. Discussion followed concerning Mr. Schab's recommendation for a \$5,000.00 additional Bond. Mr. Farquhar advised that this Bond would be legal if the Developer agrees to providing it for the City. Mr. Tom Sowder, Developer of Rose Estates, would agree to providing the Bond but not for a four year period, he would agree to an additional Bond to run with the general Performance Bond. Mr. Sweetman moved that Council approve the Record Plan for Rose Estates, Section Seven subject to the receipt of a Performance Bond in the amount of \$40,300.00 and an Inspection Fee of \$281.10 with the understanding that the Record Plan is in accordance with the recommendation of the Centerville Planning Commission. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman moved that Council approve the Record Plan for Rose Estates, Section Eight subject to the receipt of a Performance Bond in the amount of \$24,400.00 and an Inspection Fee of \$161.30 following the recommendation of the Centerville Planning Commission concerning this Section. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

It was clarified by Mr. Schab that the park land including the lake is known as lot number 157 in Section Seven of Rose Estates. Mr. Farquhar suggested that the \$40,300.00 Performance Bond requested for Section Seven be increased to include the additional \$5,000.00 Bond for clean up and maintenance of the lake. Mr. Sweetman moved to amend the previous motion to require a \$45,300.00 Performance Bond instead of the \$40,300.00 Bond for Rose Estates, Section Seven. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McQueeney reported that the Special Council Committee appointed to rewrite the Rules of Council has completed it's review; a report will be forthcoming.

Clerk of Council Marilyn McLaughlin reported that the following Appeals have been received against Planning Commission decisions rendered on April 29, 1975:

Notice of Intent to Appeal and the Appeal from Oak Creek Development

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Company concerning their Rezoning Request.

Notice of Intent to Appeal and the Appeal from Standard Oil Company concerning their Curb Cut Application.

Appeal from Attorney John Koverman in behalf of property owners on West Franklin Street concerning their Rezoning Request.

ORDINANCE NUMBER 53-75 BICENTENNIAL COMMISSION

Mr. McQueeney sponosred Ordinance Number 53-75, An Emergency Ordinance Appointing Nancy Landl As A Member On The Bicentennial Commission Of The City Of Centerville, Ohio, 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 54-75 BICENTENNIAL COMMISSION

Mr. Spencer moved that Ordinance Number 54-75, An Ordinance Appointing Nancy Landl As A Member On The Bicentennial Commission Of The City Of Centerville, Ohio, be set for Public Hearing on June 2, 1975. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 28-75 COMPENSATION

Mr. Spencer sponsored Resolution Number 28-75, A Resolution Authorizing A Salary Increase For The Clerk Of Council, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Mr. Stubbs suggested that perhaps the pond in the park land off State Route 725 could be used for a summer recreation program. Mr. Shroyer will further review this suggestion.

As questioned by Mr. Stubbs, Mr. Kenning advised that Centerville's bikeway program is being reviewed in the five year Capital Improvements Program.

Upon question of Mr. Stubbs, Mr. Farquhar is reviewing his previous suggestion to have a farmers market in Centerville.

In reference to the Landscape Bond for Chevy Chase, Mr. Sweetman asked for an update. Mr. Kenning reported that corrections have not been made concerning landscaping in this Development, contact with the Company is being made as the Bond expires June 1, 1975.

Mayor Hoy questioned the schedule for replacing dead shrubbery around the Municipal Building. He wondered whether the City has been reimbursed for services performed under the shrubbery in front of the Municipal Building. Mayor Hoy expressed his displeasure with the method used for cutting roadsides in the City of Centerville. Mr. Kenning will pursue these areas of concern.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of Council