

Held June 16

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CENTERVILLE CITY COUNCIL
SPECIAL MEETING
JUNE 16, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, June 16, 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 Ronald Julian, Fairhaven Church of the Christian And Missionary Alliance, 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 Ralph Spencer
 Charles McQueeney
 Leonard Stubbs
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Planner Garth Reynolds
Service Director Richard Bishop
Director of Parks and Recreation Timothy Shroyer
Director of Finance William Bettcher
Chief of Police William Randolph
Municipal Attorney Robert Farquhar
Administrative Assistant John Levermann

Mayor Hoy reported that Councilman Russell Sweetman is on active duty in the Military Reserve, thus his absence at this Meeting. Mr. Spencer moved that Mr. Sweetman 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 June 2, 1975 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of June 2, 1975 as distributed, be approved. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 31-75 APPRECIATION

Mr. Spencer sponsored Resolution Number 31-75, A Resolution Of Appreciation For The Services Of Nancy Dinneen As Chairman And Member Of The Centerville Arts Commission, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Kenning reported the following during his City Manager's Report:
The Police Department has received five radios through the State's Grant Program.

An intern has been retained from Wright State University for five weeks to work in the Department of Development for approximately thirty hours per week.

Ninety permits for homes in the City of Centerville have been issued since January 1, 1975 for a valuation of approximately two million dollars.

Dog Licenses will be available at the Centerville Municipal Building beginning July 1, 1975.

The summer recreation program is in full operation, programs are being offered in six parks throughout the City.

Montgomery County will install a traffic signal at the intersection of Marshall Road and Rahn Road, installation to be completed during the

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summer months.

ORDINANCE NUMBER 57-75 ZONING ORDINANCE AMENDMENT REZONING

The Public Hearing was held concerning the Rezoning Request filed by property owners on West Franklin Street; said Public Hearing being held on an Appeal to Council; requested Rezoning being a change from R-1 to B-1.

Mr. Reynolds located the property on a map and reviewed the zoning of adjacent properties. The property is located on the north side of West Franklin Street east of Normandy Lane. Zoning of adjacent land is as follows: R-1 north, A-P east, R-3 and R-2 south and west. The vote in Planning Commission for denial passed 6-1.

Mr. John Koverman, Attorney for the Applicants, reviewed their reasons for requesting the Rezoning: the property is no longer suitable for single family residential uses due to changes on West Franklin during the past fifteen years. Drainage problems will be resolved when a development plan is submitted. B-1 zoning was requested to provide the Planning Commission architectural controls plus other controls as required by the Zoning Ordinance. The Applicants requested B-1 zoning with the intent that the Application could be modified to AP if the Planning Commission so desired. Mr. Koverman believes it is now time for his clients to receive a rezoning for their land, a zoning which provides a proper use for the properties involved.

Mr. S. Wilson Gillingham, 170 South Village Drive, sees the AP District improving, he believes the AP District zoning should extend on the north side of West Franklin Street to the City limits, he believes this to be to the best interest of the City of Centerville. Mr. Gillingham encouraged the Applicants to resubmit for AP zoning.

Mr. James Presbaugh, 157 West Franklin Street, stated his opposition to the Rezoning due to traffic flow and due to the fact that an AP zoning option exists for the subject properties. He would agree to a Rezoning to the Architectural Preservation District.

Mrs. Martha Boyce, 7712 Eagle Creek Drive, reminded Council that this area is near the area now listed in the National Register of Historic Places.

Mrs. Susan Spiewah, 7883 Normandy Lane, is opposed to the Rezoning in consideration of traffic, an increase in egress and ingress along West Franklin Street and drainage. Mrs. Spiewah submitted to Council a Petition signed by 24 residents in the area offering opposition to the requested Rezoning.

As questioned by Mr. Stubbs, Mr. Farquhar does not see a change from B-1 to AP as a modification in the Application, he views this as a complete change. Mr. Stubbs sponsored Ordinance Number 57-75, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning 4.532 Acres, More Or Less, And Also Lots 22 And 23 Of Gorman's Subdivision From Centerville R-1 Classification To Centerville B-1 Classification, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six nays against the motion. Mrs. Lake emphasized the need for expediting the AP District Ordinance.

ORDINANCE NUMBER 58-75 ZONING ORDINANCE AMENDMENT REZONING

The Public Hearing was held concerning the Rezoning Request filed by the Oak Creek Development Company for approximately 3.339 acres to be changed from R-3 to B-2 classification.

Mr. Reynolds located the subject property on a map, said property being located on the south side of Whipp Road and west of Wilmington Pike. Adjacent land is zoned as follows: B-2 south, Washington Township R-4 north, R-3 and R-2 west and the area to the east in Greene County zoned R-3.

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Mr. Charles Arbramovitz, Ralph L. Woolpert Company and representing the Applicant, reviewed previous rezonings in the area. Discussion followed concerning the extension of Feed Wire Road to Whipp Road. The T.C.C. has recommended this relocation in consideration of the ramp for proposed I-675 and related safety features. The subject land was previously zoned R-3 to provide a buffer to the single family residences to the north and based upon the previously proposed relocation of Whipp Road. With the change in plans for Whipp Road, Oak Creek Development Company now desires to develop the entire tract of land as one unit providing a landscape buffer along Whipp Road.

Mr. W. Leland Hall, 2591 East Whipp Road, pointed out the fact that the vote for denial in Planning Commission resulted in 7-0. The present land was zoned B-3 to provide a buffer between the commercial development and single family residences. He sees no need for additional commercial development in the Oak Creek area. Mr. Hall fails to understand why a non-elected entity can decide the relocation of a road in the City of Centerville. He urged Council to protect the rights of property owners, to hold public expenditures and eliminate profiteering at the taxpayers expense. Mr. Hall presented to Council a Petition signed by residents in the area stating their opposition to the subject Rezoning.

Mr. Dennis Stull, 2681 East Whipp Road, outlined businesses within a 2 1/2 - 3 1/2 mile radius with the subject property: 62 businesses, 5 empty storerooms.

Mr. Doug Campbell, Key Realty, Inc., representing Dr. and Mrs. Dille stated their opposition to the proposed Rezoning. A 50 foot landscape strip is no buffer; Dr. Dille has no intention of providing for the relocation of Feed Wire Road nor does Greene County have a vehicle by which to purchase such roadway right-of-way.

Mr. Ted Baker, T.C.C. representative, explained their recommendation for the relocation of Feed Wire Road in Greene County.

Mayor Hoy requested that the City Manager and his staff review background information concerning Whipp Road and present information to Council for discussion during a future Meeting. Mr. Abramovitz asked that action concerning this Rezoning Request be deferred until Council decides the future location for Whipp Road. Mr. McQueeney pointed out the fact that Whipp Road now exists; the Rezoning must be considered as it relates to the present location of Whipp Road.

Mr. Bob Brown, 2613 Millbridge Court, believes that a relocation of Whipp Road would not eliminate the need for a buffer between commercial and single family zoning.

Mr. Stone sponsored Ordinance Number 58-75, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 3.339 Acres, More Or Less, From Centerville R-3 Classification To Centerville B-2 Classification, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six nays against the motion. Mrs. Lake pointed out the fact that though there is no access to the B-2 area there is no guarantee that if the Rezoning was granted there would be curb cuts permitted off Whipp Road. Mr. McQueeney expressed his displeasure with granting Rezoning for land not property suited for the Rezoning, granting them on expectations.

STANDARD OIL COMPANY CURB CUT APPLICATION

The Public Hearing was held concerning an Appeal filed with Council concerning the Planning Commission's decision to deny the Curb Cut Application submitted by the Standard Oil Company.

Mr. Reynolds located the property in question on a map, being located on the north east corner of Far Hills Avenue and Loop Road, zoning being B-2. Requested are two Curb Cuts off State Route 48 and one off Loop Road. The Planning Commission's decision for denial ended in a 5-2 vote.

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Mr. William Forbes, Attorney for the Applicant, reviewed the fact that the Planning Commission denied Standard Oil any access onto the property, he agrees that a Municipal Corporation has the authority to limit access, but believes that it does not have the authority to deny access. Mr. Forbes explained how their Application complies with regulations adopted by the State of Ohio for access to a gasoline service station.

Mr. Thomas Morrison, Real Estate Site Developer for Standard Oil Company, explained why this particular site was chosen for a gasoline only facility. The site was chosen in consideration of traffic volume and the future location of I-675. It will provide customers fast service, fast and safe egress and ingress into a clean facility and will provide fast off and onto the Interstate. Standard Oil has asked for two 35 foot Curb Cuts onto State Route 48 and one 50 foot cut off Loop Road. Mr. Morrison believes that without two Curb Cuts onto State Route 48 competition will be at a disadvantage. He observes visibility from the south to the proposed location for the Curb Cut as adequate.

Mr. Pete Asling, Fitzpatrick Realty Company and representing the present owners of the property, being concerned with proper utilization of the property agrees with the Standard Oil Company's approach for two angled Curb Cuts, these are a greater safety factor than just one large cut.

Mr. Gary Maxton, Chairman of the Planning Commission, pointed out the fact that the Commission did not deny the Applicant access to his property, they denied the Application as presented and would consider other access points to the property.

Mr. S. Wilson Gillingham, 170 South Village Drive, views the two cuts onto SR 48 as presented as sure suicide.

Mr. Farquhar advised that the Applicant has the right to one Curb Cut onto his property, this Curb Cut could be off Loop Road. Mr. McQueeney emphasized the fact that the question at hand is safety, the T.C.C. has indicated that in consideration of traffic safety and efficiency of traffic flow on State Route 48, the best solution is to provide an access onto Loop Road and no additional access onto Far Hills Avenue at this location.

Mr. George Crommes, Traffic Engineer for the Transportation Coordinating Committee, explained his traffic engineering study concerning this proposal by Standard Oil Company; he outlined critical positions along State Route 48, accident patterns and what he envisions in the future should the Application be approved.

Mr. Stubbs moved that the Appeal submitted by the Standard Oil Company to Council concerning their Curb Cut Application be denied and that Standard Oil Company be permitted one Curb Cut onto Loop Road. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 46-75 ZONING ORDINANCE AMENDMENT-TEXT

The Public Hearing was held concerning Ordinance Number 46-75. Mr. Kenning reviewed the proposed Ordinance, it assures the installation of landscaping and requires a Bond for the replacement of landscaping which fails to grow in B-3 and EC Districts.

Mr. Gary Maxton believes that multi-family zoned districts should also be included in the Ordinance.

Mr. Stone sponsored Ordinance Number 46-75, An Ordinance Amending Ordinance 15-61 By Requiring An Agreement From The Applicant And The Posting Of A Performance Bond And A Bond Guaranteeing Replacement Of Landscaping Which Fails To Grow In B-3 And EC Districts, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mrs. Lake requested that City Staff review Mr. Maxton's concern to make sure all zone districts are covered.

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Mr. Farquhar will further review this matter.

ORDINANCE NUMBER 56-75 CABLE TV

The Public Hearing was held concerning Ordinance Number 56-75. Mr. Kenning reviewed the proposed Ordinance. Cable TV has been under discussion since 1971 in the south of Dayton communities. The Ordinance grants a non-exclusive franchise to Continental Cablevision of Miami Valley, Inc. for a period of fifteen years from the date of certification by the FCC. The basic service charge will be \$15.00 for installation with a monthly charge of \$6.95.

Mrs. Marian Simmons, 1460 Taitwood Drive, endorsed the concept of Cable TV. She sees advantages in increased adult education, education to school children, better local government communications and Cable TV should promote better inter-governmental relations. Mrs. Simmons sees the Ordinance as well written with a fair franchise fee, she views this as a unique six City arrangement.

Reverend Max Sellars, Minister of the Centerville United Methodist Church and as a community leader, encouraged Council's adoption of this comprehensive plan to afford Citizens the opportunity to enjoy Cable TV.

Dr. Ted Peterson, Chairman of a Committee for Metropolitan Churches United concerned with the potential of Cable service in the interest of the whole region and each of the separate Municipalities within the region, encouraged passage of this legislation to extend TV service and unite neighborhoods.

Mr. Stanley Moreland, 155 Gracewood Drive, being involved in the Centerville City School System outlined advantages which Cable TV offers in the schools and brings educational programs and performances into the homes.

Mr. Martin Evers, 400 Grants Trail, reviewed effective Cable TV in other areas of the United States. He sees Cable TV as a waive into the future.

Mr. McQueeney pointed out the fact that the public favored Cable TV in the Community Attitude Survey conducted in 1973. Mr. McQueeney clarified per unit costs, each individual unit will require additional charges including FM radios. The average household will pay more than \$200.00 per year for basic service. Mr. McQueeney believes there will be channels for paid TV in the future and eventually there will only be paid TV.

Mr. Stubbs expressed his support for this concept, it opens a great many opportunities but does include risks as do all opportunities. He believes that people should have this choice.

Mr. Stone believes opportunities outway risks. Mr. Stone sponsored Ordinance Number 56-75, An Ordinance To Amend The Centerville Municipal Code By Adding Thereto A New Part Numbered 17 Entitled Cable Television Franchise, Which New Part Grants A Non Exclusive Cable Television Franchise To Continental Cablevision Of Miami Valley, Inc. And Provides For The Regulation And Control Thereof, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 59-75 WILMINGTON PIKE

Mr. Kenning reviewed a proposed Ordinance to coordinate speed limits on Wilmington Pike. The speed limit will be set at 40 miles per hour on Wilmington Pike from 100 feet south of Feed Wire Road to Alexandersville-Bellbrook Road, this has been agreed to by Centerville, the Greene County Engineer and Sugarcreek Township Trustees. Mr. McQueeney moved that Ordinance Number 59-75, An Ordinance Modifying The Speed Limit On Wilmington Pike, be set for Public Hearing on July 7, 1975. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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ORDINANCE NUMBER 60-75 PROHIBIT RIGHT TURNS

Mr. Kenning reviewed a proposed Ordinance to prohibit right turns on red lights at various intersections in Centerville. Mr. McQueeney suggested accepting these recommendations of the Chief of Police; future changes can be made as the need becomes apparent. Mr. Stubbs sponsored Ordinance Number 60-75, An Emergency Ordinance Prohibiting Right Turns On Red Traffic Signals At Certain Intersections, 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 61-75 PROHIBIT RIGHT TURNS

Mr. Stone moved that Ordinance Number 61-75, An Ordinance Prohibiting Right Turns On Red Traffic Signals At Certain Intersections, be set for Public Hearing on July 7, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

CHEVY CHASE PARK

Mr. Kenning reviewed the request of Housing Associates, Inc. for an extension of the Landscaping Bond posted on Chevy Chase Park. 90% of plantings appear to be complete, 10% will require replanting, the fence can be installed within the next two weeks. The present Bond expired on June 1, 1975; a 30 day extension has been requested. Mr. McQueeney moved that the request for extension of the Landscaping Bond on Chevy Chase Park be granted until July 1, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mrs. McLaughlin reported that a Notice of Intent to Appeal and the Appeal have been received from Zengel Builders Inc. concerning the Planning Commission's decision rendered on May 27, 1975 to deny their Conditional Use Request to permit the construction of a professional building in an R-3 zoned area.

Mrs. McLaughlin reported that a Notice of Intent to Appeal a decision of the Planning Commission was also received from Mrs. Harriett Oakes concerning her Request to Rezone property on North Main Street. The Appeal in this case was not filed.

ORDINANCE NUMBER 62-75 WASTE COLLECTION

Mr. McQueeney moved that Ordinance Number 62-75, An Ordinance Providing For The Issuance Of \$17,825 Of Renewal 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, be set for Public Hearing on July 7, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion..

1976 BUDGET

Mayor Hoy advised that the 1976 Budget must be set for Public Hearing and passed by Council before July 15, 1975 for submission to the County Auditor on or before July 20, 1975. Mr. Spencer moved that the 1976 Budget be set for Public Hearing on July 7, 1975. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Farquhar explained his opinion concerning the Notice of Intent to Appeal a decision of the Board of Architectural Review filed by the Wilson Sign Company. The Notice was received beyond the period of time required by law, Council has the right to waive this requirement and set the matter for Public Hearing if they so desire. The Notice of Intent

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to Appeal concerns the Board's denial of an Application to install an identification sign for Rector's Texaco Station at 140 North Main Street. Mayor Hoy was concerned that a waiver in this case would set a precedent for the future but he also believes that the Applicant should not be denied the right to appeal in consideration of events which lead to his delay. Mrs. Lake wondered if perhaps this should begin at the Board of Architectural Review again. Mr. Stubbs pointed out the fact that the Applicant obviously waited until the last minutes to file. Mr. Stone moved that this Application for sign be set for Public Hearing on July 7, 1975. Mrs. Lake seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mr. Spencer and Mr. Stubbs voted no; Mr. McQueeney abstained.

RESOLUTION NUMBER 32-75 GASOLINE

Mr. Kenning reviewed the one bid received by the City of Centerville from Standard Oil Company for the purchase of gasoline over a twelve month period and recommended acceptance of same. Mr. Spencer sponsored Resolution Number 32-75, A Resolution Accepting The Bid Of The Standard Oil Company To Supply Gasoline To The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. McQueeney requested that the City Staff or Clerk of Council review for the past two years specifications sent out for bid and the reasons why Companies declined to bid excepting the Standard Oil Company. He requested copies of the activity over the past three years communicated to Congressman Charles Whalen and the Federal Oil Board. Mr. McQueeney would like to see more people bid on items for purchase by the City. Mr. Kenning explained the fact that Standard Oil Company is required to bid because they are the City's present supplier.

RESOLUTION NUMBER 33-75 ANNUAL REPORT CALENDAR

Mr. Kenning reviewed the five bids received for the materials, printing and envelopes for 5,000 Annual Report Calendars. He recommended accepting the bid of Data service Corporation in the amount of \$2,288.60. Mr. Stubbs sponsored Resolution Number 33-75, A Resolution Accepting The Bid Of Data Services Corporation To Supply 5,000 Annual Report Calendars And Envelopes To 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. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Stubbs pointed out the fact that all residents in Centerville including apartment occupants should receive an Annual Report Calendar.

RESOLUTION NUMBER 34-75 REFUSE PACKER

Mr. Kenning reviewed the bids received for the purchase of a 25 yard refuse packer truck by the City of Centerville. He recommended accepting the bid of United Container Service for one Easy Pack 250A/1974 Ford Diesel in the amount of \$29,763.00. The packer truck was used as a demonstrator and has approximately 10,000 miles of use, this mileage being in transportation only. Mr. Bishop sees this use as no detriment to the purchase of the equipment. Mr. Stubbs sponsored Resolution Number 43-75, A Resolution Accepting The Bid Of United Container Company To Supply One Twenty Five Yard Refuse Packer Truck To The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 35-75 SWEEPER

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Mr. Kenning reviewed the bids received for the purchase of one combination street sweeper, one street sweeper and/or one trailer mounted leaf vacuum. He recommended accepting the bid of Wagoner Machinery, Inc. for an Elgin Whirlwind street sweeper, leaf collector and catch basin cleaner at a net price of \$32,975.00. Mr. McQueeney sponsored Resolution Number 35-75, A Resolution Accepting The Bid Of Wagoner Machinery, Inc. To Supply One Street Sweeper With Leaf Collector And Catch Basin Cleaner To 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. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of the Council