

Held July 7,

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CENTERVILLE CITY COUNCIL
REGULAR MEETING
JULY 7, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, July 7, 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 Douglas Alderink, Christian Reformed Church of Kettering 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 Leonard Stubbs
Russell Sweetman
Charles McQueeney
Ralph Spencer
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Planner Garth Reynolds
City Engineer Karl Schab
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

The Minutes of the Meeting of June 16, 1975 had been distributed prior to this Meeting. Mr. McQueeney clarified the fact that his statement concerning \$200.00 for basic Cable TV service was not "per year" but was "for the first year including installation". Mr. Stubbs moved that the Minutes of the Meeting of June 16, 1975 as distributed and as amended, be approved. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. Sweetman abstained.

RESOLUTION NUMBER 35-75 APPRECIATION

Mr. Sweetman sponsored Resolution Number 35-75, A Resolution Of Appreciation For The Services Of Glenn Aidt As A Member Of The Centerville Youth Board, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Kenning reported the following during his City Manager's Report:
The combination street sweeper, catch basin cleaner and leaf collector will be received during the current week.

Two cadets have been hired in the Police Department, police officers will be hired soon.

Park programs are proceeding well, attendance has increased this year. The street repair program is progressing well.

The Municipal Garage and surrounding area is being improved: the building has been painted and the area straightened. Mr. Sweetman complimented Mr. Kenning on the improvements to the garage area.

Mr. Sweetman brought attention to mini-bikes, motor bikes, trail bikes and street bikes being ridden in park areas, he suggested strengthening laws of the City. Mr. Kenning advised that an Ordinance regulating behavior in the park areas is being drafted.

As questioned by Mr. Stubbs, Mr. Kenning advised that the Service Director is in contact with the Dayton Power and Light Company relative to increased insulation needed for the Street Department garage.

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Mr. Stubbs questioned the status of upgrading the Centerville Auxiliary Police; Chief Randolph explained that he will be proposing an Ordinance to revamp the Auxiliary, said Ordinance should be drafted by the end of July. The Ordinance will require sworn officers and more basic training.

ZENGEL BUILDERS, INC. CONDITIONAL USE

The Public Hearing was held concerning the Appeal to Council filed by Zengel Builders, Inc. to erect professional buildings in a R-3 zoned area. The Conditional Use Request was denied by the Planning Commission unanimously.

Mr. Reynolds located the property on a map and reviewed zoning of adjacent land. The property is located at the north east corner of State Route 48 and Zengel Drive. Zoning of adjacent land is: R-3, R-2, AP and Washington Township R-4 across the street.

Mr. Karl Zengel, Developer, explained the fact that this property has for years been considered three lots with three proposed buildings (includes the present Gerlinger building). He has requested approval to build two professional buildings with only one entrance (ingress) from State Route 48 on the remaining two lots. The buildings will comply with the Architectural Preservation District. Mayor Hoy pointed out the fact that being considered during this Public Hearing is the Conditional Use Request not the Curb Cut onto State Route 48. Mr. Farquhar explained that the Planning Commission considered along with the Conditional Use the Site Plan containing the Curb Cut as it relates to public health, safety and welfare. As questioned by Mr. Stubbs, Chief Randolph advised that presently there is no traffic problem with the entrance into the Professional Building immediately north of the subject property.

Mrs. Lake brought attention to the fact that the Planning Commission now wants to hear from the Developer exactly what he plans to do with the property at the time an Application is considered.

Mayor Hoy complimented Karl Zengel for his past construction within the City of Centerville. Mr. Spencer moved that Council approve the Conditional Use Request submitted by Zengel Builders, Inc. to construct two professional buildings in a R-3 zoned district, said approval to include the Site Plan. Mr. Stone seconded the motion. Mr. Farquhar pointed out the fact that the approval of the Site Plan indicates approval of the Curb Cut onto State Route 48. A roll call vote resulted in six ayes in favor of the motion; Mrs. Lake voted no.

WILSON SIGN COMPANY SIGN VARIANCE

The Public Hearing was held concerning the Appeal filed by the Wilson Sign Company to erect an internally illuminated identification sign at the Rector's Service Station at 140 North Main Street. The Application was denied by the Board of Architectural Review unanimously.

Mr. James Hardin, Wilson Sign Company, explained their Application to erect a 19.6 square foot single pole Top Value Stamp sign, internally illuminated, to induce customers to patronize the Texaco Station at 140 North Main Street. This identification is necessary to be competitive with other Stations.

Mr. Howard Kreider, Member of the Board of Architectural Review, sees the sign in violation of the requirements of the Zoning Ordinance, the sign is proposed to be internally illuminated and the Ordinance restricts the property to one sign, the sign would be mounted on a twelve foot pole.

Mr. Hardin suggested the possibility of joining this sign with the one presently upon the property. He would be willing to take the matter again to the Board of Architectural Review if his Client would so desire.

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Mr. Stone recognizes Council's responsibility to uphold the Ordinance regulating the AP district, he also recognizes the need for businessmen in the AP district to be identified. Mr. Stone encouraged the Applicant to recontact the Board of Architectural Review to resolve a compromise.

Mrs. Lake was concerned with the fact that this sign advertises only one commodity, additional signs for the same purpose could result in the future.

Mr. Stubbs recognizing the businessman's interest and recognizing the fact that perhaps something can be worked out, moved that this Appeal filed by the Wilson Sign Company be denied. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion; Mr. McQueeney abstained.

BUDGET 1976

The Public Hearing was held concerning the Budget proposed for 1976. Mr. Kenning reviewed the proposed Budget for submission to the Montgomery County Auditor. Mr. Spencer moved that Council approve the 1976 Budget for submission to the County Auditor. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Gary Maxton, Chairman of the Planning Commission reviewed their Meeting held June 24, 1975. The sub-Committee on Group Homes met weekly, their final recommendation should be before the Planning Commission the end of July, 1975.

SHOPPING OFFICE PLAZA

Mr. Garth Reynolds reviewed the Preliminary Plan for a Shopping Office Plaza to be located diagonally across from the Centerville Municipal Building. The Plan has been changed to include requests of the Planning Commission. The Planning Commission unanimously recommended approval of this Preliminary Site Plan as modified. Mr. Spencer moved that Council approve the Preliminary Site Plan for this Shopping Office Plaza as recommended by the Planning Commission. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

CENTERVILLE STATION

Mr. Reynolds reviewed the Preliminary Plan for Centerville Station, a development to be located on the south side of East Franklin Street, east of the high school, property formerly known as the Magsig property. Mr. Sweetman, recognizing commercial creeping to the high school and in consideration of single family residences in the area, would like to see the old home utilized. The Planning Commission has worked with the Developer to achieve this Preliminary Plan, a Plan to save some of the trees. The Planning Commission recommended approval by a 6-1 vote of this revised Preliminary Plan.

Mrs. Irma Rogers, 300 West Spring Valley Road, pointed out the fact that the Magsig home is not old, it was rebuilt in the early 1950's, it merely resembles an old home. Discussion followed concerning the fact that this Plan is not what was proposed and presented to Council at the time the Rezoning for the subject land was granted. Mrs. Lake moved that this Preliminary Plan for Centerville Station be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mr. Sweetman, Mr. McQueeney, Mr. Spencer and Mayor Hoy voted no.

ORDINANCE NUMBER 59-75 WILMINGTON PIKE

The Public Hearing was held concerning Ordinance Number 59-75. Mr. Kenning reviewed the proposed Ordinance, it coordinates the speed limit on Wilmington Pike at 40 miles per hour. The Ordinance becomes effective

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24 hours after action has been taken by the State of Ohio and Greene County, and at least 31 days following passage of this Ordinance. Mr. Spencer sponsored Ordinance Number 59-75, An Ordinance Modifying The Speed Limit on Wilmington Pike, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 61-75 RIGHT TURN ON RED

The Public Hearing was held concerning Ordinance Number 61-75. Mr. Kenning reviewed the proposed Ordinance, it prohibits a right turn on red lights at various intersections within the City of Centerville. Mr. Stubbs sponsored Ordinance Number 61-75, An Ordinance Prohibiting Right Turns On Red Traffic Signals At Certain Intersections, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ORDINANCE NUMBER 62-75 WASTE COLLECTION

The Public Hearing was held concerning Ordinance Number 62-75. Mr. McQueeney sponsored 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, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

COUNCIL RULES

Mayor Hoy advised that a Council Committee has reviewed the Rules of Council and thus recommended that changes be made. Mr. McQueeney moved that the Rules of Council be changed and adopted. Mr. Sweetman seconded the motion. Mr. Stubbs recommended that Article VII, Section G. be changed to include "and related expenses" after travel in the first paragraph. Mr. Stubbs also proposed the addition of "The Chairman of the Finance Committee will report to Council all the approved expenses by the Committee at the next regular scheduled Council Meeting following the Committee's action. The Council shall by majority vote of those present approve or disapprove the Committee's recommendation." after the second paragraph under Section G., Article VII. Mr. Stubbs moved that the Rules of Council be amended to include his two recommendations. Mr. McQueeney believes that changes must be dealt with separately. Mr. Stubbs withdrew his motion. Mr. Stubbs moved that his first recommendation be incorporated in the first paragraph under Section G., Article VII of the Rules of Council. Mr. Stone seconded the motion. Mr. McQueeney explained that the Committee intended for all related expenses to be included in the work "travel". Mr. Farquhar recommended that this change be included in the second paragraph under Section G. A roll call vote resulted in five ayes in favor of the motion; Mr. McQueeney and Mr. Spencer voted no. Mr. Stubbs moved that his second recommendation be included as the third paragraph under Section G., Article VII. Mrs. Lake seconded the motion. Mrs. Lake expressed her intent for public accountability relative to travel by public officials. Mayor Hoy emphasized the difference in monies spent for travel between the elected officials and City staff, accountability should be made by the staff also. Mr. McQueeney objected to piecemeal amendments being made to the proposed Council Rules. A roll call vote resulted in five nays against the motion; Mr. Stubbs and Mrs. Lake voted yes. Following further discussion relative to changing the recommended Council Rules, Mr. McQueeney withdrew his main motion; Mr. Sweetman withdrew his second to the motion.

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Mrs. McLaughlin advised that a Notice from the State of Ohio, Department of Liquor Control has been received of an Application for a C-2 Permit, a Permit to sell high-powered beer, malt liquors and wine in original containers for carry out only for the King Kwik Minit Market located at 6300 Far Hills Avenue.

Mrs. McLaughlin read a recommendation of approval from the Board of Architectural Review of a Curb Cut off Peach Grove Avenue for a barber shop and beauty salon to be located at 169 South Main Street. Mrs. Lake moved that Council approve the Application for Curb Cut for the property located at 169 South Main Street. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 36-75 EMPLOYEE COMPENSATION

Mr. Spencer sponsored Resolution Number 36-75, A Resolution Providing A Change In The Rate Of Pay For The City Manager, and moved that it be passed. Mrs. Lake seconded the motion. Mayor Hoy advised that the proposed increase in pay is from \$23,500.00 to \$25,000.00 per year effective June 15, 1975. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 37-75 POLICE VEHICLES

Mrs. Lake sponsored Resolution Number 37-75, A Resolution Declaring The Case Of Real And Present Emergency Arising In Connection With The Purchase Of Police Vehicles And Authorizing And Directing The Director Of Public Safety And/Or The City Manager To Enter Into A Contract For The Purchase Of Police Vehicles Without Advertising For Bids, 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 63-75 COMPETITIVE BIDDING

Mr. Sweetman moved that Ordinance Number 63-75, An Ordinance Amending Chapter 105, Public Contracts, Centerville Municipal Code, be set for Public Hearing on July 21, 1975. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RESOLUTION NUMBER 38-75 CABLE TV

Mr. Stubbs sponsored Resolution Number 38-75, A Resolution Authorizing And Directing The City Manager Of The City Of Centerville, Ohio, To Enter Into An Agreement For The City's Participation In A Regional Council Of Governments, 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 39-75 CABLE TV

Mayor Hoy advised that Council, with passage of this proposed Resolution, will appoint Russell E. Sweetman as delegate and Darryl K. Kenning as alternate delegate of the City of Centerville to the Miami Valley Cable Television Council. Mr. McQueeney sponsored Resolution Number 39-75, A Resolution Appointing A Delegate And Alternate Delegate As Centerville Representatives On The Miami Valley Cable Television Council, 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. Sweetman abstained.

FIRESIDE DRIVE

Mr. Kenning read the recommendation made by the City Engineer to release the Performance Bond of \$13,000.00 on Fireside Drive, subject to the receipt of a Maintenance Bond of \$1,000.00. All corrections as listed by Mr. Schab have been made. Mr. McQueeney moved that Council release the

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Performance Bond on Fireside Drive as recommended by City Staff. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

ROSE ESTATES, SECTIONS THREE AND FOUR

Mr. Kenning read the following recommendations of the City Engineer concerning Rose Estates, Section Three and Section Four:

Section Three - release of the reduced Performance Bond in the amount of \$17,000.00, subject to the receipt of a Maintenance Bond of \$3,400.00.

Section Four - release of the reduced Performance Bond in the amount of \$4,000.00, subject to the receipt of a \$1,500.00 Maintenance Bond.

Mr. Sweetman moved that Council release the Performance Bonds on Rose Estates, Section Three and Section Four, in accordance with the recommendation of the City Engineer. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

BLACK OAK ESTATES FOUR, SECTION TWO

Mr. Kenning reviewed the recommendation of the City Engineer for release of the reduced Performance Bond of \$17,000.00 posted for Black Oak Estates Four, Section Two, subject to the receipt of a Maintenance Bond in the amount of \$3,350.00. Mr. Sweetman moved that the Performance Bond on Black Oak Estates Four, Section Two be released in accordance with the recommendation of the City Engineer. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

SHEEHAN ROAD ESTATES, SECTION ONE

The recommendation of the City Engineer concerning Sheehan Road Estates, Section One was reviewed by Mr. Kenning. He recommended the release of the \$13,000.00 Performance Bond subject to the receipt of a \$1,000.00 Maintenance Bond. Mr. Spencer moved that Council release the Performance Bond on Sheehan Road Estates, Section One in accordance with the recommendation of the City Staff. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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

As questioned by Mr. Sweetman, Mr. Schab estimates the improvement to East Franklin Street to be 85 - 90% complete; the Contractor has been working under penalty since June 13, 1975.

Mayor Hoy brought attention to a request of the City Beautiful Commission for the City to purchase a spreader for the application of fertilizer in large public areas of grass in the City. Mr. Kenning is reviewing this request.

Mr. Stubbs complimented the Centerville Arts Commission on their excellent Art Show and production held the weekend of the 4th of July, 1975. He thanked the City Staff for their co-operation.

Mr. Stubbs wondered of the City Manager whether he plans to obtain input from Citizens concerning his proposed tax increases included in the 1976 Budget.

There being no further business, the Meeting was adjourned.

Approved:


Mayor

ATTEST:


Clerk of the Council