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REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, February 4, 1974 at 8:00 P.M. at the Centerville Municipal Building in the Council Chambers. The Meeting was opened with 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

Charles McQueeney

Russell Sweetman

Clerk of Council Marilyn McLaughlin

City Manager James Smith

Assistant Service Director Thayer Thompson

Municipal Attorney Robert Farquhar

City Engineer Karl Schab

City Planner Robert Winterhalter

Supervisor of Parks and Recreation Timothy Shroyer

Chief of Police William Randolph

Mr. Sweetman moved that Councilman Ralph Spencer 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 21, 1974 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of January 21, 1974 as distributed, be approved. Mr. Sweetman seconded the motion. Mr. McQueeney moved that paragraph seven be amended to include the fact that he asked Mr. Philpot if he would be willing to ask the County Commissioners if they would be interested in asking Miami Valley Regional Planning Commission to undertake a study concerning areawide waste disposal. Mayor Hoy seconded the motion. A roll call vote resulted in six ayes in favor of the motion. A roll call on the previous motion resulted in six ayes in favor of the motion. Mr. Sweetman encouraged action concerning this matter. Mayor Hoy requested that the Clerk of Council write a letter to the County Commissioners informing them of Council's action and request that this action be taken by the County Commissioners.

The Oath of Office was administered to Youth Board Members Vivian Otten and Sarah Gilmore by Mr. Farquhar.

Mr. Russell Miller, Washington Township Trustee, invited City Council to attend their Meetings on the second and fourth Wednesday evening of each month at 7:30 P.M. in the Township Hall.

Mrs. Marion Simmons, 1460 Taitwood Drive, representing Citizens for Clean Air Committee, spoke in behalf of a possible study concerning solid waste disposal for Centerville. She made Council aware of the fact that another party is interested in solid waste management, a presentation has been given before the County Commissioners, all plans should be studied.

Mrs. Wilma Karl, 205 Freyn Drive, asked of Council the status of the review of the Ordinance which established the Architectural Preservation District by the Board of Architectural Review. Mayor Hoy advised that the recommendations have been received by the Clerk of Council, they will be reviewed by Council and could subsequently be referred to another Board.

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Mr. Smith asked for authorization to go to bid for three Pickup Trucks to be used by the Building Inspector, Electrical Inspector and Street Superintendent of the City of Centerville. As questioned by Mr. Stubbs, Mr. Smith advised that trucks are being considered because they can withstand harder use and be purchased for less money. Mr. Sweetman moved that the City Manager be authorized to go to bid for three Pickup Trucks for use by the Building Inspector, Electrical Inspector and the Street Superintendent in accordance with the specifications presented. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman would like to see specifications for all other equipment needed.

As questioned by Mayor Hoy, Mr. Smith explained how Cemetery Drive shows upon plat maps as a dedicated street; he will further review this with the Municipal Attorney.

The Public Hearing was held concerning a Conditional Use Request filed by Be-Am-Co Inc.

The Notice of Public Hearing was read by the Clerk of Council.

Mr. Winterhalter explained the request and located the property on a map; it is located on the east side of Bigger Road north of Thomas Paine Parkway and south of the Olympian Club. It contains a combined zone classification of B-2 and I-1. Planned are Offices and Retail Uses to tie into a Bowling Alley using an Early American Theme. Being considered is a Preliminary Plot Plan.

Architect for the proposal Thomas Shaffer introduced Developer Cy Grilliot.

The Planning Commission recommended approval of this plan subject to the extension of the industrial access road to the north and conditioned upon their review and approval of the architecture and landscape plan. The access road to the north will not be constructed until Bigger Road is improved in preparation for I-675. Mr. Stone moved that Council authorize the issuance of a Zoning Certificate for this Conditional Use Request subject to the following conditions as outlined by the Planning Commission: final approval of curb cuts in total along the industrial access road and approval of the landscaping and architectural treatment of the building. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Winterhalter reported on the Planning Commission Meeting held January 29, 1974. He explained the Rezoning Request filed by Haverstick Builders, Inc. for a single family/multi family development to be located on the north east corner of Centerville Station Road and Clio Road. The City Planner and Planning Commission unanimously recommended approval of plan "B", a modification from the original submission. Due to the absence of the Ordinance to effect this change, this item will be on the agenda for the Council Meeting of February 18, 1974, to be set for Public Hearing.

Mr. Winterhalter explained Planning Commission's unanimous recommendation for denial of an Ordinance to change the number of required affirmative votes from five to a simple majority of Members present and voting in the case of Appeals to Council. They recommended that the Ordinance be redrafted to read as follows: "Council by a vote of four shall affirm, reject or modify the decision appealed from and their decision shall be final." Mr. McQueeney would prefer that the language read "a majority of Council Membership" so to provide for a possible increase of Council Membership in future years. Mr. Winterhalter felt that the Planning Commission would agree with this amendment. The Ordinance will be redraft-

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ed by the Municipal Attorney and will be before Council to be set for Public Hearing at a future Meeting.

As reported by Mr. Winterhalter, the Planning Commission unanimously recommended approval of an Ordinance defining "Parking Area, Public". Mr. Sweetman moved that Ordinance Number 10-74, An Ordinance Amending Ordinance 15-1961, The Zoning Ordinance, Section 5 "Definitions" "Parking Area, Public" By Including A More Comprehensive Definition Of "Hard Surface", be set for Public Hearing on March 18, 1974. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Winterhalter reviewed Planning Commission's 5 to 2 vote recommending approval for the Conditional Use Request filed by Virgil Bowling to sell alcoholic beverages at "Smileys" in the Franklin Plaza on East Franklin Street. Mr. Sweetman moved that a Public Hearing for this Conditional Use Request be set for March 4, 1974. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 8-74. Mr. Stubbs sponsored Ordinance Number 8-74, An Ordinance Appointing Dale A. Rodman And Robert P. Hensley To The Centerville Board Of Tax Appeals And Establishing Terms Of Office, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy withdrew from the following agenda item, Deputy Mayor J. V. Stone presided. The Public Hearing concerning Ordinance Number 9-74 was held. Mr. Farquhar reviewed the proposed Ordinance. Mr. McQueeney sponsored Ordinance Number 9-74, An Ordinance Fixing The Rate Which The Dayton Power And Light Company, Its Successors And Assigns, May Charge For Furnishing Electric Energy To The City Of Centerville, State Of Ohio, For The Operation Of Traffic Signals For A Period Of Ten (10) Years, Commencing On The 5th Day Of March, 1974, And Determining The Manner In Which Said Electricity May Be Furnished, Provided And Paid For, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

A Meeting with Village South residents concerning the establishment of a Ditch District, was discussed. Mr. Smith advised that approximately 200 owners contribute to this ditch. Mr. Schab suggested that, to get the District in it's final form, a professional outside Engineering Firm be retained to establish exactly what areas should be included. Mayor Hoy wondered if perhaps a written poll would be more convenient to the property owners than a Meeting to discuss this matter, consensus should be received before an Engineering Firm would be retained. Mr. Stubbs pointed out the fact that the purpose of the Meeting was to review alternatives with property owners and get their pleasures. As requested by Mayor Hoy, a recommendation will be forthcoming to Council at their next Meeting from the staff concerning the type of district to be formed, costs and how it will be financed. Mr. Stubbs would like to see a draft of a letter to the property owners concerning a Meeting and an agenda for such. Mr. McQueeney felt that if the need is present for a Ditch District, then the City must move forward, people must be informed of what is involved.

Mr. McQueeney expressed his desire for Waste Disposal to be considered as a Regional problem, he would like to see it as something Montgomery County is interested in, a third party (MVRPC) be formally requested to make an in-depth study into the problem from the cost point of view, resource recovery and energy recovery. Mr. Sweetman wants to see the County interested in Waste Disposal in future years not just the next one

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or two years. Mrs. Lake wants to see the study made public, all aspects must be considered and everyone should be given the opportunity to speak. Mr. Stubbs feels that Centerville should Contract with the City of Franklin for waste incineration to better serve it's Citizens at this time. Following additional discussion, Mr. Sweetman moved that the City of Centerville remain with the County of Montgomery for the incineration of all Centerville's trash. Mr. Stone seconded the motion. Mr. McQueeney would like to receive a "good faith" statement from Montgomery County, The County should hire an outside technical source to study the problem for the benefit of the people in future years. Mrs. Lake would like to see answers from Montgomery County to what type of study will be conducted, how it will be conducted and a timetable for such; she moved that the previous motion be tabled. Mr. McQueeney seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mayor Hoy and Mr. Sweetman voted no.

Mr. Smith advised that an additional truck will be needed for the City to go into Commercial Waste Pick-up. He will have a rate proposal and a recommendation concerning entering into Commercial Pick-up before Council within a short period of time.

Mr. Farquhar recommended that Council take no action at this time concerning the extension of Wythe Parish. It appears that land over which this street would be extended has been subdivided by the owner in violation of Centerville's Subdivision Regulations. He suggested that the Law Department inform people involved of this violation and that no Building Permits be issued until these Regulations have been complied with.

Mr. Stone sponsored Resolution Number 3-74, A Resolution Welcoming The City Of Bellbrook, Ohio, To Its New Status As A City And Congratulating Its Citizens On Their Endeavor, 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 distributed to Council a brief synopsis of the MVRPC Meeting held January 30, 1974.

Mrs. McLaughlin read a resignation letter received from Centerville Arts Commission Member Judith Boepple.

Mrs. McLaughlin read correspondence received from the Board of Architectural Review in which they request advance notice of Council Meetings at which B.A.R. action is to be reviewed.

Mr. Sweetman moved that Councilman Charles McQueeney be appointed Centerville's Alternate to the MVRPC. Mrs. Lake seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. McQueeney abstained.

Mr. Sweetman sponsored Resolution Number 4-74, A Resolution Authorizing And Directing The City Manager To Execute A Mutual Aid Agreement With The County Of Montgomery And Other Communities, 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. Schab reviewed his recommendation concerning the release of the Performance Bond on Mid America #2, Section 1. Mr. Stubbs moved that the

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Performance Bond on Mid America #2, Section 1, be released. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy read the names of the seven applicants to be appointed to the Parks and Recreation Board. The names will be entered into the Ordinance alphabetically. Mr. Sweetman sponsored Ordinance Number 11-74, An Emergency Ordinance To Appoint Members To The Parks And Recreation Board Of The City Of Centerville As Established By Ordinance 86-73 And To Establish Terms For Said Appointees, and moved that it be passed, names to be placed in alphabetical order. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Stubbs suggested that this Board review the question of a Municipal Pool and where it should be located, a recommendation be forthcoming in 45 days.

Mr. Stone moved that Ordinance Number 12-74, An Ordinance To Appoint Members To The Parks And Recreation Board Of The City Of Centerville As Established By Ordinance 86-73 And To Establish Terms For Said Appointees, be set for Public Hearing on February 18, 1974. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy advised that applications for this Board were received from 22 outstanding residents of the City of Centerville, with various occupations and representing all areas of the City.

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

As requested by Mr. Stubbs, Mr. Farquhar commented on the new Ethics Law passed by the State Legislature, forms will be received shortly.

Mr. Stubbs wondered what criteria is used for the issuance of written warnings rather than citations by the Police Department. Police Chief William Randolph advised that this is left to the Officer's judgment.

Mrs. Lake requested that copies of Clerk's recent correspondence with the Ohio Department of Liquor Control be made available to the Planning Commission Members.

Mr. Sweetman questioned the time involved in the Feasibility Study concerning I-675. He suggested that this matter be referred to a Council Committee to exert pressure for the completion of this study. Mayor Hoy assigned this matter to the Community Facilities and Planning Council Committee to exert influence to bring this study to a rapid conclusion.

As questioned by Mr. Sweetman, Mr. Smith advised that repair at the railroad tracks on East Franklin Street will be included in the City's Street program for 1974. Mayor Hoy requested that this be given top priority.

Mr. Sweetman stressed the importance of the City's Street Resurfacing Program getting under way soon.

As questioned by Mayor Hoy, Mr. Smith advised that plans are being prepared to go to bid for improvements on East Franklin Street. This item will be on the agenda for the next Meeting for Council's decision.

Mr. Stone wondered how the reading of Ordinances could be shortened during the Council Meetings. Mr. Farquhar advised that the titles should be read by the Clerk of Council, they can be sponsored by Number only.

Mr. Stone suggested that the Mayor write a letter to push I-675 and Rapid Transit, perhaps large sums of money could be received from Federal Funds.

Mr. Stone again pointed out the traffic accidents occurring at the intersection of Rahn Road and Marshall Road.

Mr. McQueeney brought attention to the need for the cracks in the pavement to be filled on Langdon Drive. He also emphasized the need for

Minutes of

Meeting

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a reflector to locate Black Oak Drive where it intersects Clio Road.

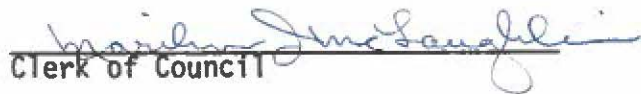
Mr. McQueeney would like slides only be used in the Council Chambers. He would like to see better overall plans for areas involved, the projector should be ready before the Council Meeting begins.

There being no further business, the Meeting was adjourned.

Approved:



ATTEST:



Clerk of Council