

Held March 4, 19 74

## REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, March 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:

Councilwoman Nora Lake

Councilmen Ralph Spencer

Leonard Stubbs

Russell Sweetman

Charles McQueeney

Clerk of Council Marilyn McLaughlin

City Manager James Smith

Assistant Service Director Thayer Thompson

Municipal Attorney Robert Farquhar

Director of Finance William Bettcher

City Engineer Karl Schab

Supervisor of Parks and Recreation Timothy Shroyer

City Planner Robert Winterhalter

Chief of Police William Randolph

Mr. Stubbs moved that Deputy Mayor J. V. Stone be excused from this Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mayor Hoy abstained.

The Minutes of the Meeting of February 18, 1974 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of February 18, 1974 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mayor Hoy abstained.

Mayor Hoy briefed Council on a presentation made to the Centerville City School Board of Education by John Bateson, Chairman of the Centerville City Transportation Task Force. Mrs. Claudette Cash, a member of this Force, highlighted the report for Council. Transportation hazards in the Centerville area were studied in conjunction with the transportation of children to schools; nineteen recommendations were made to the Board of Education. Mayor Hoy pointed out the fact that some of the recommendations are improvements which would be made by the City of Centerville. Mr. Schab explained how a blacktop sidewalk could be installed across the railroad tracks on East Franklin Street. Mayor Hoy requested radar enforcement on West Franklin Street in the vicinity of the high school. Mayor Hoy also requested that this report be reviewed by the City Manager, action be taken immediately on appropriate improvements and a recommendation be forthcoming to Council on others (cost figures and alternatives).

Mr. Frank Schaefer, 73 Wythe Parish, representing property owners in the Wythe Parish, Terrace Villa and Gorman Plats, appeared to present to Council a petition representing 78 homes in this particular area requesting that no additional street be cut through from these Plats to North Main Street; they request that no change in the existing travel patterns be made.

The Oath of Office was administered by Mr. Farquhar to Board of Tax Appeals Members Robert Hensley and Dale Rodman.

Mrs. Nancy Dinneen, Chairman of the Centerville Arts Commission read the following two "Resolutions of Proposal" made to City Council dated



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1. A One Man Art Show Featuring Jean Brown, local artist, to be held on April 28, 1974 on the third floor of the Municipal Building.

2. The Art of Photography in Centerville, a photography contest to be held during the month of April, display to be on the third floor of the Municipal Building on May 12, 1974.

Mr. Spencer moved that the Resolution of Proposal from the Centerville Arts Commission "A One Man Art Show Featuring Jean Brown, local artist, to be held on April 28, 1974 be authorized. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman moved that the Resolution of Proposal of the Centerville Arts Commission entitled "The Art of Photography in Centerville" a photography contest be held through May 12, 1974. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy explained this proposal and outlined the prizes to be awarded, applications will be available throughout the Centerville area.

Mrs. Vivian Otten, Chairman of the Centerville Youth Board, explained their proposal to City Council entitled "Spring Fling", activities for the youth during Spring Vacation April 8 through 14, 1974; estimated to cost \$550.00. As questioned by Mr. Sweetman, Mrs. Otten advised that this is a joint venture between the Township and City Youth Boards. Mr. Sweetman encouraged this as an annual project, he moved that Council approve this proposal by the Centerville Youth Board. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Smith reported the following during his City Manager's Report:

1. A Public Health Nurse will be provided by the Montgomery County Health Department for the City of Centerville to be located in the Health Department Office in the Municipal Building, for one to two days per week, effective April 1, 1974. Mayor Hoy stressed the importance for this information to reach the residents of Centerville. Additional services will also be received from the Sanitarian.

2. The Police Department has received a Grant through the Law Enforcement Assistant Administration to fund one half the cost of a modern radar speed control device, Centerville's share being \$650.00.

3. The City Engineer has been in contact with Engineering Firms to arrive at an engineering cost figure concerning the establishment of a Ditch District in Village South.

4. Centerville representation can appear in Columbus on March 6 or 7 to express the City's view on the proposed abandonment of the Penn Central Railroad Tracks. Mr. Farquhar advised that a written presentation should be prepared in addition to the proposed oral presentation, the oral presentation should be given by a member of Council. Mr. McQueeney moved that the City Manager and Staff prepare a written presentation to be submitted and, if possible, an oral presentation be given in Columbus. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

5. Reflectors have been installed on East Rahn Road at the curve to reduce the traffic problem. Discussion followed concerning the request to place stones in this area for this same purpose. The possible installation of a guard rail and the City's liability was considered. Mayor Hoy requested that a thorough investigation be made by the City Manager before this request is fulfilled.

6. Mr. Stubbs wondered how many train derailments have occurred during the past several months over the Penn Central Tracks in consideration of danger to people and personal property. Mr. Sweetman encouraged contact with Penn Central relative to problems with the tracks.



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The Public Hearing was held concerning a Conditional Use Request filed by Virgil Bowling. Requested is a permit to sell alcoholic beverages in the Franklin Plaza on East Franklin Street.

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

Mr. Winterhalter located the subject property on a map. It is located on the north side of East Franklin Street, east of Westpark Road. The property is surrounded by Industrial and Business Zoning and is located approximately 1500 feet east of the high school. The Planning Commission recommended approval of this Request by a 5-2 vote.

Mr. Virgil Bowling, Applicant, explained his establishment. He plans a unique cocktail lounge, one which will be an asset to the Community, there will be no entertainment, service to 21 years of age or older, sandwiches will also be served. The name of the lounge will be "Smileys".

Dr. Edward Thomas, representing the property owner on the south side of East Franklin Street expressed his opposition to the Request in respect to the anticipated use (Medical Center or Church) for the property he represents. He is opposed to alcoholic beverages being sold within 1500 feet of the high school. He is concerned that this use will lend itself to a certain type of clientele.

Mr. Everett Lake, 1470 Black Oak Drive, wondered at what degree a person while driving is considered to be under the influence of alcohol. Chief of Police William Randolph explained the ruling of the Ohio Supreme Court, that a person driving while under the influence to any degree, regardless of the amount of alcohol, can be considered to be under the influence.

Mr. Farquhar explained the provisions of Ordinance Number 86-71 which requires the sale of alcoholic beverages to be a Conditional Use.

Mr. Spencer moved that this Conditional Use Request to sell alcoholic beverages at "Smileys" be approved. Mr. Sweetman seconded the motion. Discussion followed concerning financial investment, chain of events, the use, etc. Mr. Sweetman pointed out the fact that the main concern with this is its close proximity with the high school. A roll call vote resulted in four nays against the motion, Mr. Spencer and Mr. Sweetman voted yes.

The Public Hearing was held concerning Ordinance Number 15-74. Mrs. Lake sponsored Ordinance Number 15-74, An Ordinance Appointing Fayne E. Kuker To Fill The Unexpired Term Of Joseph Ledbetter On The Board Of Architectural Review, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Farquhar advised that Pelbrook Farms will post one Performance Bond instead of the previously proposed two which will be in accordance with general procedure.

Ordinance Number 16-74 was reviewed by Mr. Farquhar, it changes the vote of Council on an Appeal from five to a simple majority of Council Membership. Mr. McQueeney moved that Ordinance Number 16-74, An Ordinance Amending Section 30H Of Ordinance 15-61 As Amended By Ordinance 25-69 By Changing The Number Of Required Affirmative Votes From Five To A Simple Majority Of The Council Membership In The Case Of Appeals To Council, be set for Public Hearing on April 15, 1974. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs announced the Public Hearing scheduled before the Public Health and Safety Council Committee for March 6, 1974. Mr. John Kidwell, Director of the South Community Mental Health Center will be the guest speaker.



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Mayor Hoy read a letter sent to Robert Winterhalter from the Ohio Department of Transportation in which they request that a Resolution be passed by Centerville stating that Bigger Road will be widened to four lanes between State Route 725 and the Kettering Corporation Line concurrently with the construction of I-675. Discussion followed concerning the fact that Centerville's intent always has been for a four lane Bigger Road, this is so indicated on the Thoroughfare Plan. Mayor Hoy requested that Centerville's historical background concerning the width of Bigger Road be submitted to the Ohio Department of Transportation. He requested that this matter be thoroughly investigated by the City Manager and a report be forthcoming to Council on March 18, 1974. Mrs. Lake requested that a map showing the proposed loop road at the interchange be included in this report.

Mayor Hoy read a letter received from Mr. John Percival, 6063 Waterloo Road, in which he proposed more and better bicycling in the Centerville-Washington area. This letter was referred to the Administration for consideration in their study

Mayor Hoy read correspondence received from Edward Walton, 7605 Yankee Street, concerning group housing in Centerville. Mayor Hoy requested that the Clerk of Council advise Mr. Walton that the Centerville Council has not taken a position on this matter, it has been referred to the Planning Commission for review and a recommendation.

Resolution Number 7-74 was reviewed by the City Manager, he located the 35.506 acres on a map, being that property lying on the north side of East Spring Valley Road just west of the extension of Virginia Avenue. Mr. Sweetman sponsored Resolution Number 7-74, A Resolution Ratifying The Action Of The City Manager In Executing A Contract For The Purchase Of 35.506 Acres More Or Less From Northland Construction Co. For The Sum Of \$168,650.00, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs sponsored Ordinance Number 17-74, An Emergency Ordinance Appointing David Tooker To The Personnel Appeals Board Of The City Of Centerville For A Three Year Term Expiring December 31, 1976, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 18-74, An Ordinance Appointing David Tooker To The Personnel Appeals Board Of The City Of Centerville For A Three Year Term Expiring December 31, 1976, be set for Public Hearing on March 18, 1974. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Smith reviewed the six bids received for the purchase of three Pick-up Trucks for use by City Employees. He recommended accepting the bid of Voss Chevrolet at a net price of \$9,984.00, price includes the trade-in allowance of \$300.00. Mr. Sweetman sponsored Resolution Number 8-74, A Resolution Accepting The Bid Of Voss Chevrolet Co. For Three Pick Up Trucks For The Use By The Street Department And Building Inspection Departments For The Net Amount Of \$9,984.00, 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. Sweetman expressed his pleasure with doing this business in Centerville.

Mayor Hoy announced the following Council Committee assignment: The Finance and Personnel Committee to review and bring back to Council a recommendation as to the availability of Federal or State Funds for the



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development of the 35.506 acres of land, the purchase and development of the northeast corner at Main and Franklin Streets and the utilization of the property on East Spring Valley Road upon which the City has placed an offer.

Mayor Hoy recommended that the following be appointed as Council Liaison on their respective Board or Commission:

Arts Commission	Ralph Spencer
City Beautiful Commission	Leonard Stubbs
Parks and Recreation Board	Russell Sweetman
Sister City Committee	Charles McQueeney
Police Auxiliary	Mayor Hoy
Youth Board	J. V. Stone
Board of Architectural Review	Nora Lake

Mrs. Lake moved that these appointments be ratified. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Smith reviewed his proposal to purchase glass beads and traffic paint jointly through the Montgomery County Purchasing Department. Mr. McQueeney sponsored Resolution Number 9-74, A Resolution Authorizing The City To Join With The Montgomery County Purchasing Department In Advertising And Soliciting Bids For Glass Beads And Traffic Paint, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Mr. Stubbs encouraged a monthly report from the Service Department to Council. Mayor Hoy and Mr. Sweetman suggested that periodic reports from all Departments be received.

Mr. Stubbs reported to Council that information will be forthcoming concerning a facility for a mental retardation clinic or hospital.

Mr. Stubbs suggested that the widening of Alexandersville-Bellbrook Road again be pursued. Mr. Smith explained that the State has made no commitment for the widening of SR 725 east of Loop Road. Mayor Hoy suggested that the City Manager contact the State of Ohio, Department of Highways concerning their future plans for this highway.

Mrs. Lake wondered why lids were removed from garbage cans for a period of time before emptying in the Red Coach area, she asked for better service in this respect.

Mrs. Lake requested an update report on the Chevy Chase Apartment Complex, she suggested a meeting with the Manager to review how occupancy will be handled. Mr. Smith will have a report concerning this matter soon. Mr. Schab explained street and building construction as being on schedule, units are 50% complete, should be 100% complete in six months. Mr. Sweetman expressed his concern with proper screening of this development.

As questioned by Mr. Sweetman, Mr. Schab advised that field work for the improvements on East Franklin Street have been completed, plans are being finalized, bidding could be advertised in approximately three weeks. Mr. Sweetman stressed the completion of said improvement during this construction season.

Mayor Hoy requested that the Chief of Police report on activities of the Civil Defence during the Council Meeting of April 1, 1974.

Mr. McQueeney wondered why the City of Centerville has not heard from Montgomery County in reference to Waste Incineration. As requested by Mr. McQueeney, Mr. Farquhar will prepare a Resolution for Council for passage at the next Council Meeting to request of the County Commissioners

# RECORD OF PROCEEDINGS

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Minutes of

Meeting

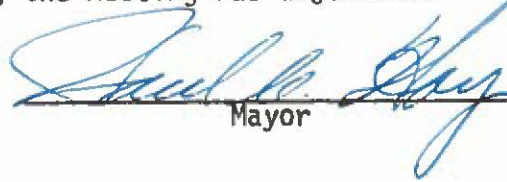
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a reply to questions previously raised concerning County Incineration.

There being no further business, the Meeting was adjourned.

Approved:

  
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Mayor

Attest:

  
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Clerk of Council