

Held May 20,

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SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, May 20, 1974 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. 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

Councilmen Ralph Spencer

Russell Sweetman

Leonard Stubbs

Charles McQueeney

Clerk of Council Marilyn McLaughlin

Acting City Manager Thayer Thompson

Municipal Attorney Robert Farquhar

City Engineer Karl Schab

Director of Finance William Bettcher

Supervisor of Parks and Recreation Timothy Shroyer

City Planner Robert Winterhalter

Chief of Police William Randolph

Superintendent of Streets Richard Bishop

Mr. Stubbs moved that Councilwoman Nora Lake 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 April 29, 1974 had been distributed prior to this Meeting. Mr. Spencer moved that the Minutes of the Meeting of April 29, 1974 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. McQueeney abstained.

The Minutes of the Meeting of May 6, 1974 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of May 6, 1974 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. McQueeney abstained.

Mrs. Vivian Otten, Chairman of the Centerville Youth Board, explained the Board's rationale for a Youth Center in the Centerville Washington Township area. The establishment of a Youth Center now would serve as a test period for a permanent structure and program in the future. It is proposed to locate this Center in the Franklin Plaza (north side of East Franklin Street east of the new high school). The Board strongly recommends the hiring of a full time Director for the Youth Center. As questioned by Mr. Stubbs, Mrs. Otten advised that activities requiring more space and additional parking will be held in another location. This proposal will be taken before the Washington Township Trustees on May 22, 1974 for their approval. The Youth Board proposes that the City pay the expenses for the Rent, Electric, Insurance and Carpet while the Trustees pay the Director related expenses. Mayor Hoy stressed the importance of all tenants in the Shopping Plaza having full knowledge of this proposal; he requested that the legal staff, Director of Finance and Supervisor of Parks and Recreation review this proposal to ascertain how it fits into the Park and Recreation Program and complies with the Ordinance which set forth the responsibilities of the Youth Board, these comments to be forthcoming for the next Council Meeting. Mr. Stubbs recognizes the need for such a Center but certain questions must be answered.

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Mr. Dick Bolster, Washington Township Youth Committee Member, endorsed this proposal as presented by Mrs. Otten, he stressed this as a co-operate venture.

Mr. Stone complimented the Youth Board on their research concerning this Youth Center.

Mrs. Susan Erion, Chairman of the City Beautiful Commission, explained their recommendation concerning some capital improvements to the Elizabeth Hoy Park. Mr. Schab estimated the improvements to cost approximately \$1,100.00. Mr. Bettcher suggested that in consideration of the City's Budget some substitutions be considered. Mayor Hoy requested that this proposal be further reviewed to ascertain what money is available in the Park and Recreation Department and City Beautiful Commission Budgets for a project.

Mrs. Marion Simmons, representing Citizens for Clean Air Committee, appeared to ask Council what information has been received from the Montgomery County Commission concerning the study of waste incineration on a regional basis. Mayor Hoy explained the action taken by the Mayors and Managers Association on their proposal, a sample Resolution will be forthcoming to the various Municipalities.

During the City Manager's Report, Department Heads reported the following:

Mr. Shroyer advised that 169 girls, grades 6-12, have signed up for Girls Softball League in the Centerville Washington Township area. Ten Recreation Leaders will be hired for the park areas from June 17, 1974 through August 23, 1974.

Mr. Schab advised that part of the 35 acres of Municipal land will be ready for planting in a few days, sections will be assigned Citizens desiring such at no charge, registration will take place at the Municipal Building; Mr. Sweetman suggested that areas be provided for small tots. The Whipp Road improvement is under construction.

Mr. Winterhalter briefed Council on the Meeting held by the National Association of Industrial Parks which he attended in Columbus. The Zoning Ordinance amendment will be received by Council soon. Gary Maxton has been appointed as Chairman of the Planning Commission.

Mr. Bishop explained improvements made for drainage in the Elizabeth Hoy Park and on Hampton Road. He outlined the good response to the clean-up campaign.

Mr. Bettcher briefed Council on his Analysis of Fund Balances for the period ending April 30, 1974. As of today, Income Tax Receipts are 15% ahead of last year; he sees an increase in Income Tax Receipts for 1974 but also sees an increase in Refunds.

Chief Randolph explained the Meeting he attended between Police Departments, the County Sheriff's Department and the Mental Health Center relative to assistance.

Mr. Farquhar advised that he has completed his review of the Municipal Code, some policy decisions must be made by Council. The Ordinance amending the Ordinance which created the AP District is being drafted. Negotiations have been completed with DPSU for a three year Contract for the Street and Waste Collection Departments. He is currently looking for an Assistant Municipal Attorney.

Mr. Thompson advised that street resurfacing bids will be advertised for this week. Efforts for Municipal Building acceptance are progressing. The Street Department employment will be full strength within the next two weeks. The area between the gutter and curb in front of the new high school will be cleaned during this week. A sticker for trash containers to

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encourage separate newspaper collection will be ready soon. Hopefully improvements to East Franklin Street will be completed prior to school opening in September. Mr. Thompson made his office and staff available to all Citizen Boards and Commissions.

Mr. Jerry James, representing Young Life, emphasized the need for the Youth Board to begin to interview Applicants for the Directorship of the Teen Center, the hiring of same to be contingent upon Council's approval of the Teen Center proposal. Mr. Thompson will review this matter with Mrs. Otten.

Councilman Russell Sweetman left the Meeting at this time.

The Public Hearing was held concerning the Rezoning Request filed by Mid-American Building Corporation to rezone approximately 8.451 acres from S-2 classification to R-1 classification.

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

Mr. Winterhalter located the subject property on a map, it is located east of East Von Dette Circle at the dead end of Mapleton Drive. He reviewed the use of adjacent properties and the zoning of undeveloped land. The change would provide a reduction in lot sizes from 30,000 to 20,000 square feet, however, proposed are lots of approximately 26,000 square feet. The Planning Commission vote on this Rezoning was 4-1 for approval with the stipulation that only 11 lots be provided.

Mr. Peter Jerardi, Attorney for the Applicant, advised that they would agree to only 11 lots at approximately 26,000 square feet. This Request is only a minor reduction in lot sizes.

Mr. Schab pointed out the fact that adjacent lots on East Von Dette Circle are approximately 26,000 square feet.

As questioned by Dr. Owen Hughes, 2192 East Alexandersville-Bellbrook Road, Mr. Schab explained how lot sizes on Von Dette Circle were reduced under density zoning.

Dr. Harold Kelso, 2212 East Alexandersville-Bellbrook Road, reviewed the history of zoning changes requested and denied for the property owned by the Mid-American Building Corporation. The change to S-2 approved a few years previous proposed larger lots bordering already improved lots along Alexandersville-Bellbrook Road. Dr. Kelso objected to the present Request as he believes that the remaining 3 1/2 acres upon which the present home lies will become landlocked, no access for it is proposed to Mapleton Drive. All fire, police, trash and other services will cross private property to gain access to this 3 1/2 acres. Mr. Winterhalter pointed out the fact that the question before Council at this time is the Rezoning not the proposed development of the land. Mr. Winterhalter reviewed a proposed amended Preliminary Plan for the area in question, one having frontage on a cul-de-sac off Mapleton Drive for the 3 1/2 acre lot, he stressed the fact that this Preliminary Plan definitely can be changed to require additional frontage. In accordance with Centerville Sub-Division Regulations the one lot must have frontage on a public street of 125 feet.

Mr. Jerardi explained the fact that the 3 1/2 acres of land is not landlocked, there is an easement of necessity granted by a previous owner for roadway purposes.

Mayor Hoy suggested that action on this Request be postponed until Council has the opportunity to completely review the area. Deed Restrictions will be prepared by the Applicant to limit the area to 11 lots. Dr. Kelso would agree to the 3 1/2 acre lot having a 125 foot frontage onto the cul-de-sac as proposed. Mr. Stone moved that this matter be tabled until June 3, 1974. Mr. Spencer seconded the motion. A roll call vote

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resulted in four ayes in favor of the motion, Mr. Stubbs voted no.

Councilman Russell Sweetman returned to the Meeting at this time.

Mr. Winterhalter reported on the Planning Commission Meeting held May 14, 1974. He reviewed the Rezoning Request filed by Dr. Ackley for a change in zoning of his property located on the north east corner of Bigger Road and State Route 725 from Washington Township R-4 to Centerville O-S classification. Planning Commission recommended approval of this Rezoning by a 5-0 vote. Mr. Stubbs moved that Ordinance Number 46-74, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 1.72 Acres, More Or Less, From Washington Township R-4 Classification To Centerville O-S Classification, be set for Public Hearing on July 1, 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 30-74. Mr. Stubbs sponsored Ordinance Number 30-74, An Ordinance Appointing Nancy Pogue To The Centerville Youth Board For A Three Year Term Ending March 22, 1977, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 33-74. Mr. McQueeney sponsored Ordinance Number 33-74, An Ordinance Appointing Howard Kreider, Jr. and Fayne Kuker To Membership On The Board Of Architectural Review For Terms Of Three Years Each Commencing April 17, 1974, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 35-74 was held. This is An Ordinance To Amend Ordinance Number 82-72 To Establish A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio. Mr. Farquhar recommended that no action be taken concerning this Ordinance, a further amendment will be forthcoming to reflect Union Contract provisions.

The Public Hearing concerning Ordinance Number 37-74 was held. Mr. Spencer sponsored Ordinance Number 37-74, An Ordinance Amending Ordinance 2-73 Relative To The Salary Of The Clerk Of Council Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 38-74. Mr. Thompson recommended the passage of this proposed Ordinance. Mr. Stubbs sponsored Ordinance Number 38-74, An Ordinance Enacted By The Council Of The City Of Centerville, Montgomery County, Ohio In The Matter Of The Hereinafter Described Improvement Under The Supervision Of The Director Of Transportation Of The State Of 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.

The Public Hearing was held concerning Ordinance Number 39-74. Mr. Stone sponsored Ordinance Number 39-74, An Ordinance Levying Special Assessments For The Improvement Of East Franklin Street In The City Of Centerville, Ohio, By Widening The Said Street And Lowering The Crown Thereof From A Point 2800 Feet West Of Clyo Road To A Point Approximately 1900 Feet West Of Clyo Road (A Distance Of Approximately 900 feet), Including The Installation Of Curbs, Gutters, And Approximately 310 Feet Of Storm Sewers, And Installation Of Concrete Sidewalk On The North Side

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Of Said Street From A Point 1950 Feet West Of Clio Road To Clio Road (Comprising Approximately 1344 Feet Of Sidewalk Four Feet Wide), and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 40-74 was held. As questioned by Mr. Stubbs, Mr. Farquhar advised that this proposed Ordinance conforms to the provisions of the City Charter, compensation for Council Members will be based on real estate tax evaluation as it appears on the records of the Montgomery County Auditor. Mr. Stone sponsored Ordinance Number 40-74, An Ordinance To Fix The Compensation Of Members Of The City Council For The Next Ensuing Terms Of Office Under The Provisions Of Section 4.07, Of The Centerville City Charter And Amending Ordinance 10-69, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Spencer voted no.

The Public Hearing was held concerning Ordinance Number 41-74. Mr. Sweetman sponsored Ordinance Number 41-74, An Ordinance Appointing William Meinhardt And Susan Erion To Membership On The Centerville City Beautiful Commission For Terms Of Three Years Each, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 42-74 was held. Mr. Spencer sponsored Ordinance Number 42-74, An Ordinance Appointing Nancy Dinneen To Membership On The Centerville Arts Commission For A Term Of Three Years, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 43-74 was held. Said Ordinance appoints Mrs. Elke Lewis to a three year term on the Sister City Committee. Mr. McQueeney sponsored Ordinance Number 42-74, An Ordinance Appointing One Additional Member To The Sister City Committee And Establishing Term, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 45-74 was held. Mr. McQueeney sponsored Ordinance Number 45-74, An Ordinance Appointing S. Wilson Gillingham As A Member Of The Centerville Planning Commission To Fill The Unexpired Term Of Harold M. Wells Which Term Expires August 3, 1975, 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 reviewed a Petition received by the City to vacate Wythe Parish. Mr. Farquhar advised that a Public Hearing on this Petition must be held. Mr. Stone moved that this matter be set for Public Hearing on June 17, 1974. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Thompson recommended passing Resolution Number 25-74, we should endorse this theory as Centerville is dependent upon Montgomery County for waste treatment. Mr. McQueeney sponsored Resolution Number 25-74, A Resolution Indicating Intent To Join With Other General Purpose Units Of Local Government Within The Miami Valley Region To Develop And Supplement A Plan Resulting In A Coordinated Waste Treatment Management System For The Miami Valley Region, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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Acting City Manager Thayer Thompson explained the need for Resolution Number 26-74. Said Resolution is the same as Resolution Number 24-74 previous passed by Council except for a clarification in the wording of certain Sections. Mr. Stone sponsored Resolution Number 26-74, Final Resolution Adopting Plans; Proposing To Co-operate; Requesting Director To proceed, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Proposed Resolution Number 27-74 was read by Mayor Hoy. Mr. Stubbs sponsored Resolution Number 27-74, A Resolution Of Appreciation For The Devoted Service Of Harold M. Wells, Jr. To The City Of Centerville, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy read Resolution Number 28-74. Mr. Sweetman sponsored Resolution Number 28-74, A Resolution Of Memorial For Adam Zengel, 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. Sweetman sponsored Resolution Number 29-74, A Resolution Authorizing The Hiring Of Special Counsel To Negotiate A CATV Franchise And Draft A Franchise Ordinance Including The Rein A Regulatory Scheme In Concert With The Cities Of Kettering, Oakwood, Moraine, Centerville, Miamisburg, And West Carrollton, Ohio; And Authorizing The Expenditure Of Monies For The Cost Thereof Not To Exceed A Per Capita Cost Of Fifteen Cents And Appropriating Said Funds From The General Fund, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Spencer and Mr. McQueeney voted no.

Mr. Stone sponsored Ordinance Number 47-74, An Emergency Ordinance To Ratify And Approve The Acting City Manager In Executing A Written Collective Bargaining Agreement With The Dayton Public Service Union, Local No. 101, American Federation Of State, County, And Municipal Employees, AFL-CIO; And To Authorize Retroactive Compensation, and moved that it be passed. Mr. McQueeney seconded the motion. Mr. Farquhar explained the proposed Ordinance, it is a change in the rate structure, it does not include a set percentage increase. Mr. Stubbs stated his concern with the retroactive provision to January 1, 1974. Mr. Farquhar noted that the total package cost is less than what was previously proposed to Council. A roll call vote resulted in five ayes in favor of the motion, Mr. Stubbs voted no.

Mr. Stone moved that Ordinance Number 48-74, An Ordinance To Ratify And Approve The Acting City Manager In Executing A Written Collective Bargaining Agreement With The Dayton Public Service Union, Local No. 101, American Federation Of State, County, And Municipal Employees, AFL-CIO; And To Authorize Retroactive Compensation, be set for Public Hearing on June 3, 1974. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Farquhar recommended that the following changes be made in proposed Ordinance Number 49-74:

1 City Manager	\$17,250.00
1 Acting City Manager	17

He further advised that the entire Employee Ordinance will be rewritten within the next sixty days. As questioned by Mr. Stubbs, Mr. Thompson advised that the Special Assistant to the Manager for Human Relations and the Assistant to the City Manager have been deleted from the Ordinance as the Administrative Assistant can provide this assistance. Mr. McQueeney

Minutes of

Meeting

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sponsored Ordinance Number 49-74, An Emergency Ordinance Amending Ordinance 34-74 By Excluding From The Operation Thereof, Except Where Specifically Mentioned, All Regular Full Time Hourly Rated Non-Supervisory, Non-Clerical And Non-Seasonal Employees Of The City Employed In The Department Of Public Service, Division Of Refuse Collection And Division Of Streets; Providing For An Acting City Manager; By Providing For Other Personnel And By Changing Benefits, 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. Spencer sponsored Ordinance Number 50-74, An Emergency Ordinance Appointing Thayer D. Thompson Acting City Manager Of The City Of Centerville For An Indeterminate Period Commencing June 1, 1974, 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. Spencer moved that Ordinance Number 51-74, An Ordinance Appointing Thayer D. Thompson, Acting City Manager Of The City Of Centerville For An Indeterminate Period Commencing June 1, 1974, be set for Public Hearing on June 3, 1974. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Thompson reviewed the seven bids received for the printing of the City's Annual Report. He recommended accepting the bid of Beaver Press at a bid price of \$1,489.00. As questioned by Mr. Spencer, Mr. Thompson advised that no printer in Centerville was capable of doing this type of printing at the time bids were let. Mr. McQueeney sponsored Resolution Number 30-74, A Resolution Accepting The Bid Of Beaver Press To Furnish The Printing Of And Supplying The Necessary Envelopes For An Annual Report Calendar For 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. Stubbs 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. Stone brought attention to some newly planted dead trees along North Main Street.

Mr. McQueeney again stressed the importance of viewing a map of the entire area, showing zoning, lot sizes, etc, during the presentation of Rezoning Public Hearings.

There being no further business, the Meeting was adjourned.

Approved:


Mayor

ATTEST:


Clerk of Council