

Held June 17,

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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, June 17, 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

Councilwoman Nora Lake

Councilmen Russell Sweetman

Leonard Stubbs

Charles McQueeney

Clerk of Council Marilyn McLaughlin

Acting City Manager Thayer Thompson

Director of Parks and Recreation Timothy Shroyer

City Engineer Karl Schab

City Planner Robert Winterhalter

Director of Finance William Bettcher

Police Chief William Randolph

Municipal Attorney Robert Farquhar

Mr. McQueeney moved that Councilman Ralph Spencer be excused from this Meeting. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs advised that the Minutes of the Meeting of June 3, 1974 as distributed, should be amended to include "Mr. Stone seconded the motion." under item five in the ninth paragraph, sentence six (second to the sponsor and passage of Resolution Number 31-74.) Mr. Stubbs moved that the Minutes of the Meeting of June 3, 1974 as amended, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Brown Dillard, 7325 Bigger Lane, appeared before Council in behalf of approximately 370 residents in the Black Oak area who are opposed to the City take over of Bigger Lane. Three letters were submitted to Council concerning this matter and have been incorporated into these Minutes. The letters were signed by Lois and Emerson Vandever, Mrs. A. S. Black and Centerville Citizens.

Mr. Dale Nelson, 7755 Bigger Road, wondered whether the matter of Bigger Lane will be discussed by Council during this Meeting. Mayor Hoy explained why this is not an agenda item, requested information has not been received from the City Staff. Mayor Hoy explained the required procedure by law to be followed should the City decide to proceed with the dedication of Bigger Lane.

Mrs. Arnol Black, 7121 Bigger Lane, pointed out to Council the fact that many people in the audience are opposed to the dedication of Bigger Lane.

Mrs. Betty Mantis, 7276 West Von Dette Circle, advised that some people in the audience are in favor of this dedication, she requested that the minority be heard also.

Mr. Clarke McLaughlin, 7332 West Von Dette Circle, stressed the need for something to be done concerning the dedication of Bigger Lane.

Mr. McQueeney pointed out the fact that the City has a Thoroughfare Plan which must be followed in a logical way. The priority for the dedication of Bigger Lane depends upon development taking place in the area and it's importance relative to other areas of Centerville.

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To the Honorable Mayor Hoy
and Council Members of the
City of Centerville, Ohio

200 West Spring Valley Road
Centerville, Ohio 45459

We would like to voice our opposition to the opening of the private portion of Bigger Lane, to provide a northern access for Black Oak Estates onto State Rt. 725.

One of my foremost thoughts concerning this connection is the safety hazards which will be brought to both Bigger Lane and Black Oak Estate residents. We have never heard of any other plat in our surrounding area even considering having a major thru-way put right thru the middle of an exclusively residential area, which is so densely populated.

Many children are in the Black Oak Estates going to the swim club and schools. If this lane is opened, you will be opening a Pandora's box of traffic troubles to the Black Oak children and residents. Bigger Road between Wilmington Pike and State Route 725 is used quite heavily bringing traffic from Kettering, and others outside our area into and thru Centerville. I strongly feel many of these vehicles are going to the Dayton Mall and perhaps other shopping outlets in Centerville. In our opinion, which is shared by many others, with Bigger Road made into a road of such width - these outsiders will shoot straight thru Black Oaks to Centerville Station road and straight on to the Mall, rather than put up with narrow Rt. 725 and the dangerous Clyo road. We don't want our area to be made into another Mad River Road.

In addition - residents will have problems getting in & out of their driveways and out of Black Oaks sidestreets to get onto Bigger Road if this goes thru. Heavy traffic brings both noise and exhaust pollution, and vehicles other than cars. This will disrupt the serenity of all the area residents, which is what most moved to Centerville for. (You will be destroying many stately old trees)

I feel many young persons would be tempted to use the Bigger Road hill in Black Oaks for a thrill seeking joy riding place, as it has a roller coaster effect. This would bring great danger, not only to themselves, but to others in the area. At present the curve into Mapleton keeps the speed down, as it should be kept down, in a densely populated area such as Black Oaks.

I recently read this road extension had been on Centerville's thoro fare plans tentatively for 18 years. I had never been advised of this before. If this is so - I think this plan should be changed immediately. The way Black Oaks Estates was built clears out any indication that a major road should go thru this area.

It will be to everyone's best interest, if you our council members, will strongly oppose the acquisition of Bigger Lane and the opening of this road. We can never be compensated enough for what will be taken away if this road goes thru.

Laird C. Vandever
Laird C. Vandever
7220 Bigger Lane
Centerville, Ohio 45459
Phone 433-2545

Mayor Hoy
Centerville City Council

My comments are concerning the drawing of traffic to and from the Dayton Mall, Elder-Beerman South and other businesses being opened in that area, all the new heavy business areas being opened along Rt 725 West of Centerville.

All these businesses attract people from the Kettering area, Oak Creek, all areas North & East of Centerville including Bellbrook. All these people going to and from these businesses would naturally use the nearest and most direct route mainly thru Black Oak to Centerville Station in preference to using a narrow, dangerous road such as Alex-Bell and Clio.

Turning it around, many residents south of Black Oak including Black Oak South, Concept homes and etc. wanting to get to working places such as Delco, Frigidaire Wright-Patterson, Kettering Shopping Mall, Kinks, and the new proposed shopping center at Whites Corners would use this thru way to get to Bigger Rd North and Wilmington Pike instead of using Clio and Alex-Bell Rd.

Instead of relieving Von Drette of heavy traffic (of which there is question) it will tend to make more since Black Oak residents and others would avoid the thru-way and turn to side streets that would be accessible.

We feel that the only solution is to use Centervilles taxpayers money to better advantage and upgrade and widen the streets already in use (namely Clio, Centerville-station, Alex-Bellbrook and wilmington) Connect Clio with Bigger Rd and also Marshall hd. and leave the residential areas alone and let them have the peace and quiet that they came to Centerville for.

We feel that since the Council should represent the peoples interest and concern that each councilman should investigate these points that are presented and look into them seriously and honestly and not take one mans opinion (the city planner) who is interested only in building roads and businesses. You, the Council are our only hope in seeing the residents side of the question. Don't let us down!

Mrs. A S Black
7121 Bigger Lane

RE: BIGGER ROAD EXTENSION PROPOSAL

The area in question is named on most of the deeds involved as "Deger" Lane. It was originally an access road from Alex-Bellbrook Rd. to the property now located at the corner of Mapleton and Bigger Rd. occupied at that time by Dr. Leon Deger, now deceased.

For the past 40 years this area has been owned by thirteen (13) separate property owners who enjoy easement rights to an access road approximately 14 ft. wide, privately constructed and maintained by the owners. This road is heavily wooded, has always been closed on the south end and has always been properly posted.

In 1970, City Council, in connection with the completion of Section #5, Black Oak Estates, endeavored to require the developer to project Bigger Road north of the Mapleton intersection, to the beginning of the private road, some 243 feet. This was objected to on the basis that it would, in effect, open the private road to public traffic, creating an impossible situation. Subsequently, an agreement was worked out whereby Mapleton Drive was curved to intersect with Bigger Road. Again, in April, 1973 the city undertook to gravel this same area, extending a stub drive. This was objected to on the same grounds, and as a result the area was sodded and shrubbed by the city, creating a very pleasing solution.

These changes were effected at considerable cost to the resident-owners due to the necessity of retaining legal advice to enforce the agreement originally made by Council.

Council has now asked for information relative to acquiring the property in order to extend Bigger Road through the area indicated. In gathering information, concerned residents have made a partial survey of the area residents directly involved. More than 350 signatures (over 90% of those contacted) representing Black Oak residents and others who join in opposing this action.

Our position on this matter is as follows:

We do not wish to minimize the concern of our neighbors on West VonDette Circle. We would point out that additional access routes will, in time, be made available which will tend to relieve traffic in their area without opening the Black Oak area to heavy through-way travel by those who live in communities remote to Black Oak, i.e. Fairborn, Beaver Creek, Dayton, Kettering, etc. It should be pointed out that these additional access routes will be constructed by developers at no cost to the City of Centerville. On the other hand, opening Bigger Lane would create a freeway through the very heart of an exclusive residential area, creating serious traffic problems particularly to pedestrians, particularly children biking and walking to the swim-club and to schools.

We believe that opening Bigger Lane will do little to relieve the West Von Dette problem, in fact, will increase the over-all traffic flow. Some of Von Dette residents also agree with this.

We feel that responsible planning would logically route through traffic around the perimeter of Black Oak. The boundary of Clyn, Alex-Bellbrook and Centerville-Station form a natural and historic peripheral network for traffic flow without intruding on heavily residential areas. The same circumference of roads can be improved and will have to be improved, consistent with the growth of major plats to the surrounding Black Oak. In the meantime traffic density in areas of bicycle and foot traffic should not be allowed to increase beyond the present level.

The north end of the Black Oak area will be open to rezoning for apartments etc., since by increasing the tax burden coupled with decreasing property values, residents will be forced to sell to developers whose concerns may not be consistent with the best interests of the citizens of the Black Oak and Centerville areas.

The proposed road will gut a wooded area, destroying more than 150 trees, most of them of irreplaceable value to the community both esthetically and ecologically. Ecology experts tell us that the removal of so many large trees from an area of natural springs would compound the drainage problem already existent in Black Oak.

We have instructed our attorneys to direct a letter to Council to the effect that sufficient notification be given to interested residents before any action is contemplated on this matter.

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Mr. Robert Michael, 7179 West Von Dette Circle, wondered if without adequate access building permits could be stayed. Mr. Farquhar explained that permits must be issued if the Building Code is met.

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

Mr. Shroyer reviewed his summer recreation program.

Mr. Schab reported that surfacing of Whipp Road east of the railroad tracks is in process. Slurry Seal is being applied in accordance with the 1973 street resurfacing program.

Mr. Winterhalter reviewed the newly elected officers for the Planning Commission: Gary Maxton, Chairman; Bruce Baker, Vice-Chairman; Elmer Tate, Secretary. The Planning Commission has approved a format for the development of the 35 acres of Municipal Land, Mr. Wilson Gillingham will be the co-ordinator between the Planning Commission, other Boards and Commissions and Citizens. Mayor Hoy stressed the importance for the timetable set for October for a development plan for the 35 acres of land to be met or moved forward if possible.

Mr. Bettcher reviewed the City expenses encountered during clean up, fix up week; a final report will be forthcoming. He briefly reviewed a financial report ending May 31, 1974.

Chief Randolph advised that the new NCR Teletype Equipment has been received for the Police Department. Applicants for Police Officer have been interviewed, other investigations are underway.

Mr. Thompson advised that garden plots are now available from the City. Rectification of Municipal Building construction problems are being pursued. A maintenance procedure has been received from the nurseryman for the grounds surrounding the Municipal Building. The Annual Report Calendar is on schedule, a proof should be ready during the week of June 24. Bids will be advertised this week for dump trucks and snow plows. Mr. Thompson recommended that the City proceed with the Federal plan for a Disaster Warning System, this would cost the City approximately \$10,000 - \$12,000 dollars. City aid at the Centerville Ox Roast was reviewed. A Fire Department representative will be present during future Council Meetings to answer questions of Council. Mr. Thompson recommended that the request for Revenue Sharing Monies by the Washington Township Public Library be denied as all monies have been appropriated for 1974,

The Public Hearing concerning the Petition to Vacate Wythe Parish, was held.

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

Mr. Winterhalter located Wythe Parish on a map and gave a brief history on the proposed extension of Wythe Parish. As questioned by Mayor Hoy, Mr. Winterhalter explained that this street having a right-of-way of 60 feet, 200 feet long, was constructed in 1971-72.

Mr. John Coleman, 55 Wythe Parish, pointed out the fact that 75% of the people in the Gorman and Terrace Villa Plats and 100% of the people in the immediate area of Wythe Parish are opposed to the proposed extension of said roadway. He requested Council's position concerning this matter. Mayor Hoy advised that T.C.C. has been requested to prepare a Traffic and Transportation Plan for Centerville, the final Plan was received this date, action on the Plan will be forthcoming soon.

Mr. Robert Perkins, 32 Ridgeway Road, from the safety aspect, explained how the people in the Terrace Villa Plat are trapped when something happens at the intersection of West Ridgeway Road with State Route 48. He suggested that attention be given to perhaps extending Lyons Drive north and east to State Route 48 at Bradstreet Road. He opposed the extension of

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Wythe Parish to State Route 48.

Mr. Richard Chaney, 174 Lyons Drive, asked Council to address themselves to a long range problem, what problem will exist if State Route 725 is terminated at Normandy Lane.

Mr. Sweetman explained how in 1971 Wythe Parish was planned to be a through street, this was before any homes in the immediate area were constructed, perhaps the City should have reacted three years ago.

Mayor Hoy advised that after these Minutes have been written and the T.C.C. report has been reviewed, a decision will be made by Council on this matter. Mr. Sweetman requested that information relative to the extension of Wythe Parish included in the Minutes when the Plans for Terrace Villa Plat were approved be made available to Council along with these minutes.

Mrs. Walter Braun, 53 Wythe Parish, pointed out for Council the great number of cars which now travel West Ridgeway Road in route to the Dayton Mall, if Wythe Parish is extended to State Route 48 the same will happen to that street and will create a danger to the small children in the area.

Mr. Winterhalter reviewed the Planning Commission Meeting held June 11, 1974. He reviewed the proposed rezoning for one lot located on the north side of West Franklin Street just east of Hampton Road, a change from R-1 to O-S classification for the property beonging to Dr. Glanton. Mr. Stone moved that Council set this rezoning for Public Hearing on August 5, 1974. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 52-74 was held. Mr. McQueeney sponsored Ordinance Number 52-74, An Ordinance Appointing Two Members To The City Beautiful Commission And Establishing Terms, 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. Stone sponsored Resolution Number 33-74, A Resolution Accepting The Proposal Of The Centerville Youth Board, With Certain Modifications, To Establish A Youth Center In The City Of Centerville And Authorizing The Expenditure Of Funds, 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. McQueeney sponsored Resolution Number 34-74, Resolution Of Support For The Southeast Corridor Light Rail Transit System Local Funding Share Of Capital Cost, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Acting City Manager Thayer Thompson distributed to Council the Thoroughfare Plan for the Central Sector of Centerville prepared by the Transportation Co-ordinating Committee. Mayor Hoy requested that a summary of this Report be presented by a T.C.C. representative during a Council Meeting in July, Mr. Thompson will co-ordinate such a presentation.

Mr. Sweetman moved that Ordinance Number 53-74, An Ordinance Changing The Name Of Carriage Square Drive To Carriage Trace Boulevard For The Entire Length Of Said Street As Same Appears On The Record Plan Entitled Carriage Square, Section 1, As Recorded In Plat Book 95, Page 43 In The Plat Records Of Montgomery County, Ohio, 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.

Mr. Thompson recommended that Council endorse the Southern Greene-

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Montgomery County's Joint Planning Committee's recommendation that the Montgomery-Greene County Transportation Development and Planning Staff (TCC) be requested to expand its Dayton Mall Thoroughfare Plan to the intersection of State Route 48 and State Route 725. Mr. Sweetman moved that Council encorse this recommendation of the Southern Greene-Montgomery County's Joint Planning Committee. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Clerk of Council Marilyn McLaughlin advised that a Notice has been received from the Ohio Department of Liquor Control of an Application by Danners, Inc., DBA Cambridge Inn Cafeteria for a D-1 Permit. A D-1 Permit provides for the sale of low powered beer by glass or container on premises or in containers for carry out.

Mr. Sweetman sponsored Resolution Number 35-74, A Resolution Declaring It Necessary To Improve East Franklin Street In The City Of Centerville, Ohio, From A Point Approximately 75 Feet East Of East Drive To A Point 180 Feet East Of Cemetery Drive By Construction Of Brick Sidewalk Four Feet Wide On The North Side Of Said Street For Approximately 530 Linear Feet, Construction Of Concrete Sidewalk Four Feet Wide On The South Side Of Said Street For Approximately 470 Linear Feet, Construction Of Concrete Curb On Both Sides Of Said Street For Approximately 1,300 Linear Feet, Installation Of 130 Linear Feet Of Fifteen Inch Concrete Pipe And Two Catch Basins, And Other Improvements Incidental To Such Construction And Installation, and moved that it be passed. Mr. Stubbs seconded the motion. As questioned by Mrs. Lake, Mr. Schab explained the reason for brick sidewalk on the north side while concrete on the south side is being proposed: the north side in is the AP District, the south side is not. Mrs. Lake expressed her concern with brick sidewalks, she wonders about liability to the City, she requested that Mr. Thompson inquire into this matter with other Municipalities having brick sidewalks.

Mr. Sweetman moved that the 1975 Budget for the City of Centerville for submission to Montgomery County be set for Public Hearing on July 1, 1974. Mayor Hoy seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mrs. Lake moved that An Ordinance Amending Ordinance No. 15-61, By Repealing Ordinance 86-71 Which Amended Said Ordinance By Creating Certain Conditional Uses In The B1, B2, B3, EC and I1 Zones, be referred to the Planning Commission for their recommendation. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stone sponsored Resolution Number 36-74, A Resolution Accepting The Bid Of The National Cash Register Company To Supply An Electronic Accounting Machine To The City Of Centerville And To Authorize The Acting City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. McQueeney seconded the motion. As questioned by Mr. Sweetman, Mr. Thompson advised that this accounting machine was placed on the market in February, 1974, it is up to date and should be adequate for Centerville uses for the coming two to three years. Mr. Sweetman wonders whether lease or purchase is best for this type of equipment. A roll call vote resulted in six ayes in favor of the motion.

Mrs. Lake sponsored Ordinance Number 54-74, An Emergency Ordinance Repealing Ordinance No. 40-74 Relating To Council Salaries, and moved that it be passed. Mr. Sweetman seconded the motion. As explained by Mayor Hoy, this Ordinance repeals Ordinance Number 40-74 which established compensation for Councilmembers taking office in 1976. This repealing

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Ordinance is being considered due to public concern for Ordinance Number 40-74. Mayor Hoy advised that Council will take this matter under study to arrive at an Ordinance to increase Council Compensation which would clarify the amount. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs moved that Ordinance Number 55-74, An Ordinance Repealing Ordinance No. 40-74 Relating To Council Salaries, be set for Public Hearing on July 1, 1974. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mrs. Lake requested that Applicants for all Boards and Commissions be interviewed by Council prior to their appointment by Ordinance. Mayor Hoy explained why Applicants for the Arts and City Beautiful Commissions have not been interviewed, these Commissions have never been filled to capacity.

Mr. Sweetman moved that Ordinance Number 56-74, An Ordinance Appointing Ronald J. Browne To Membership On The Centerville Arts Commission For A Term Of Three Years, be set for Public Hearing on July 1, 1974. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Thompson reviewed proposed Ordinance Number 57-74, it is in accordance with previous employee increases and with the Union Contract. Mr. McQueeney sponsored Ordinance Number 57-74, An Emergency Ordinance Amending Ordinances 82-72, 34-74 and 47-74 To Establish A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, 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 questioned Mr. Schab on the status of the Drainage Ditch study. Mr. Schab advised that engineering costs have been determined, perhaps this should be discussed during a Council Work Session. Mayor Hoy requested that the Acting City Manager review past recommendations and bring Council up to date on this matter.

Mr. Stubbs indicated his pleasure with Council's support for a Teen Center, he looks forward to cooperation with Washington Township in this endeavor, he hopes for great success.

As questioned by Mr. Stubbs, Mr. Farquhar explained the procedure for Chevy Chase to follow to locate a Day Care Center within the Apartment Project, an Application for a Conditional Use is necessary.

Mrs. Lake suggested that during a future Council Work Session the purpose and duties of the various Boards and Commissions be discussed, Council should indicate to the Boards what they expect, the Boards need a procedure to follow. Perhaps during this week Members and Council could present to the Acting City Manager items which need defining. Mrs. Lake suggested that a Council Work Session per year be devoted to each Board or Commission. She expressed her concern with voting on a Board Resolution the same evening it is received. She suggested that a staff member attend meetings of each Board. Mrs. Lake suggested that regular meeting dates be established and posted in the Municipal Building for each Board and Commission Meeting and all meetings be held in the Municipal Building or in another public building. Mrs. Lake also suggested that Council review Ordinances creating the various Boards to ascertain whether they are accomplishing their purpose. Mayor Hoy suggested that this matter be

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discussed in a future Council Work Session.

Mr. Stone appraised the Washington Township Trustees for their widening of Marshall Road, and reminded them of the hazardous condition existing at the intersection of Rahn Road with Marshall Road. Township Trustee Russell Miller advised that flasher lights will be installed at the intersection along with shrub removal or trimming.

Mr. McQueeney brought attention to the fact that the white line at the edge of Centerville Station Road is too close to the ditch, he asked that the City do whatever necessary to correct the situation.

Mr. McQueeney made reference to a letter to Montgomery County Mayors, Managers and Township Trustees from Charles V. Simms, President of the Board of County Commissioners referencing their letter to the Regional Air Pollution Control Agency to endorse the concept of Emergency Resource Recovery and to outline a plan to proceed toward a system utilizing that concept. He proposed language to be put into Resolution form: Centerville's request relative to a Resource Recovery System in Montgomery County. Mayor Hoy requested that this Resolution be prepared for the next Council Meeting.

There being no further business, the Meeting was adjourned.

Approved:

Paul H. Hoy
Mayor

Attest:

Marilyn J. McLaughlin
Clerk of the Council