

Held July 1,

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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, July 1, 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 Leonard Stubbs

Charles McQueeney

Ralph Spencer

Russell Sweetman

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

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

The Minutes of the Council Meeting of June 17, 1974 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of June 17, 1974 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Spencer abstained.

Mr. Melvin Tatman, representing the Multi-Service Towel and Uniform Company, appeared before Council wondering why bids were not advertised for uniforms for Street and Waste Collection Department employees for a period beginning July 1, 1974. Mayor Hoy suggested that this matter be discussed with the Acting City Manager; if it is not resolved satisfactorily Mr. Tatman is invited to appear at a future Council Meeting.

Mr. Michael Wilson, 295 Tauber Drive, appeared to make Council aware of a possible traffic problem on Tauber Drive with the development of the property to the west. Mr. Winterhalter located this land west of the Centerville Corporation Line in Washington Township on a map and explained the fact that this development was approved prior to Centerville exercising their three mile jurisdiction. Mr. Winterhalter will further review plans in this area with Mr. Wilson.

Mr. Ronald Overly, 295 Waterford Drive, appeared before Council concerning a drainage problem from the Chevy Chase Apartment Project. He is concerned for the safety of children playing in the drainage tile and the increased water flow in the open ditch east of Waterford Drive. Mr. Schab explained that the final grate over the drain tile will be installed soon by Chevy Chase. Mayor Hoy requested that the Acting City Manager conduct an investigation into all hazardous conditions in the City and report same to Council during the next Council Meeting.

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

Mr. Shroyer reviewed his park program for the summer months; 250 children have registered for programs in the five parks: Village South, Pleasant Hill, Concept, Red Coach and Black Oak; 2 leaders attend each park from 9:00 to 4:30 Tuesday through Friday, noon until 4:30 on Monday.

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A bi-weekly flyer is being distributed announcing future events.

Mr. Schab advised that the Whipp Road Improvement and the application of Slurry Seal on various streets are near completion. Repairs will be made to concrete streets during the coming weeks.

Mr. Winterhalter advised that he has received from the City of Kettering the Land Use Transportation Plan for the area east of Bigger Road, north of proposed I-675 and south of Oak Creek; this will be presented to Centerville Council.

Mr. Bettcher reviewed City Income Tax receipts through June 30, 1974: 1973 = \$214,655.00 vs. 1974 = \$240,547.00. He advised Council that again Robert Roderer, Treasurer of Montgomery County, has announced a delay in tax settlements to Municipalities; he estimates receiving this not before the end of October.

Police Chief William Randolph informed Council that three police officers have been hired, additional applicants are currently under investigation. As questioned by Mr. Stubbs, Chief Randolph advised that work will begin again on the Career Ladder Program.

Mr. Thompson explained to Council his current status of enforcing the weed control law.

The Public Hearing was held concerning 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, the Rezoning Request filed by Dr. Charles Ackley.

Mr. Winterhalter located the subject property on a map; it is located at the north east corner of Bigger Road with Alexandersville-Bellbrook Road; requested is a change from R-4 to O-S classification. Proposed is a very restricted veterinary hospital with ingress and egress being approximately 250 feet from the intersection. The Planning Commission by a 5-0 vote recommended approval of this Rezoning. Mrs. Lake pointed out the fact that the Commission felt that existing driveways should be utilized; no new ingress and egress should be established from the main streets.

Mr. Carlton Milbrandt, 7111 Bigger Road, reaffirmed the fact that the entrance and exit were to be off existing driveways, with this provision he is in favor of the proposed rezoning.

Dr. Charles Ackley advised that he will be willing to bring the entrance and exit off present drives if necessary.

Mrs. Lake pointed out the fact that she could not accept the proposal as presented with her concern with access to the property.

As questioned by Mayor Hoy, Mr. Winterhalter showed the zoning of adjacent land as residential.

Mr. McQueeney questioned the dedication of additional land for roadway purposes. Mr. Farquhar will further review the proposed development of this land: whether subdivision or not, in consideration of acquiring additional right-of-way. Mrs. Lake moved that this Rezoning Request be tabled for further review by the Municipal Attorney and City Planner to determine whether the development qualifies as a subdivision. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter reported on the Planning Commission Meeting held June 25, 1974. He reviewed the Record Plan for Thomas Paine Settlement Number Two; a cul-de-sac type arrangement with zero lot lines. Recommended by Mr. Schab is the receipt of a Performance Bond of \$41,700.00 and an Inspection Fee of \$144.40. The subject property is located at the end of Thomas Paine Parkway east off Bigger Road. Mr. Sweetman moved that the Record Plan for Thomas Paine Settlement Number Two be approved subject to

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the receipt of a Performance Bond in the amount of \$41,700.00 and an Inspection Fee of \$144.40. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter reviewed the Record Plan for Black Oak Estates Six, Section One "Walnut Walks". This is the first section of the property north of the Weller Farm on Clio Road. Mr. Schab recommended that a Performance Bond in the amount of \$84,000.00 and an Inspection Fee of \$542.50 be required. Mr. Sweetman moved that Council approve the Record Plan for Black Oak Estates Six, Section One "Walnut Walks" subject to the receipt of a Performance Bond in the amount of \$84,000.00 and an Inspection Fee of \$542.50. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter reviewed the Plan as presented for the Ole Spanish Village, a shopping development to be located on the east side of State Route 48 south of Fireside Drive. As questioned by Mayor Hoy, Mr. Winterhalter advised that there will be no problem in supplying the Bethany Lutheran Church an access to Fireside Drive at the time the Church is ready. Mr. Sweetman suggested that businesses in the area work out a parking plan for total use of their parking areas. Mr. Spencer moved that the Plan for Ole Spanish Village as presented be approved subject to the receipt of a Performance Bond in the amount of \$21,575.00 and an Inspection Fee of \$120.00. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning 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. Mr. Winterhalter located Carriage Square Drive on a map; it is located west off Bigger Road into the Carriage Trace Condominium development. Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the property owner, explained their reason for the change. Mr. Winterhalter suggested that the Record Plan recorded with Montgomery County be changed to read Carriage Trace. Mr. Stubbs sponsored Ordinance Number 53-74 and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 55-74 was held. Mr. Spencer sponsored Ordinance Number 55-74, An Ordinance Repealing Ordinance No. 40-74 Relating To Council Salaries, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 56-74. Mr. McQueeney sponsored Ordinance Number 56-74, An Ordinance Appointing Ronald J. Browne To Membership On The Centerville Arts Commission For A Term Of Three Years, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning the 1975 Budget for the City of Centerville. Mr. Bettcher explained the fact that this is an estimate to be submitted to the Montgomery County Budget Commission. Mr. Stubbs moved that Council approve the Budget for the City of Centerville for the calendar year 1975 as submitted. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Ordinance Number 58-74 was briefly discussed by Council. Mayor Hoy

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pointed out the fact that this amendment to the Zoning Ordinance has been in the making for several years. As questioned by Mr. McQueeney, Mr. Winterhalter advised that this was before and approved by the Planning Commission last September 1973. Mr. Sweetman moved that Ordinance Number 58-74, An Ordinance Adopting The Zoning Ordinance Of 1974 For The City Of Centerville, Ohio As Well As A Zoning Map For The City Of Centerville, Ohio And Repealing Ordinances 15-61, 1-69, 25-69, 51-69, 28-70, 48-70, 13-71, 80-71, 86-71, 11-72, 24-72, 49-72, 70-72, 71-72, 20-73, 25-73, 27-73, 28-73, 50-73, 59-73, 79-73, 10-74 and 16-74, be set for Public Hearing on August 19, 1974. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 59-74, An Ordinance To Approve, Adopt And Enact The New Municipal Code: To repeal Ordinances In Conflict Therewith; And To Publish The Enactment Of New Matter Therein, be set for Public Hearing on July 15, 1974. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Thompson advised that items in the Memorandum of Agreement for the Teen Center in Centerville are being finalized. Mayor Hoy stressed the need for the Acting City Manager to proceed with haste to hire the Director and the Memorandum of Agreement to be prepared by the Municipal Attorney to finally be signed by Council and the Washington Township Trustees.

Clerk of Council Marilyn McLaughlin read the Appeal filed by James Gilvary, Attorney at Law in behalf of the Robert B. Ferguson Plat Number One. The Appeal concerns the decision of the Planning Commission rendered on June 11, 1974 to reject the Preliminary and Final Plats for the Robert B. Ferguson Plat, Number One. Mr. Farquhar explained the fact that the Appeal procedure as defined by Ordinance has not been complied with; therefore, it is a discretionary decision for Council to make to set the matter for Public Hearing. Mr. Stubbs moved that this Appeal be set for Public Hearing on August 5, 1974. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McQueeney sponsored Resolution Number 37-74, A Resolution Urging The Montgomery County Commissioners To Make Certain Considerations And Take Certain Steps Concerning The Handling Of Solid Waste Problems, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stubbs reviewed his recent Meeting with the City Beautiful Commission; their concerns are the development of the 35 acres of land and the maintenance of their previous projects. Mayor Hoy stressed the need for refinement in City Budgeting; more consideration must be given to beautification maintenance. Mrs. Lake suggested that a City Beautiful Commission Member be present at Planning Commission Meetings to give landscape recommendations in developments.

Mrs. Lake reported for the Miami Valley Review Committee, she moved that the Municipal Attorney put into Ordinance form Resolutions prepared by MVRPC concerning the control of hand guns. Mr. Stubbs seconded the motion. As questioned by Mr. Sweetman, Chief Randolph advised that there have been no homicides or sale of hand guns in the Centerville area of which he is aware. A roll call vote resulted in five ayes in favor of the motion, Mr. Spencer and Mr. Sweetman voted no.

Mrs. McLaughlin related that a resignation letter has been received from Youth Board Member Rachel Sweetman. Mayor Hoy requested that a Recognition Resolution be prepared for Mrs. Sweetman.

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Mr. Thompson reviewed the following two bids received for the purchase of four auto vehicles for use by City employees:

Voss Chevrolet, Inc.	\$13,717.00
Borchers Ford	14,206.00

He recommended accepting the bid as submitted by Voss Chevrolet, Inc. Mr. Spencer sponsored Resolution Number 38-74, A Resolution Accepting The Bid Of Voss Chevrolet, Inc. To Supply Four Auto Vehicles 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. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Thompson recommended accepting the bid of the L. P. Cavett Company to apply bituminous material to various streets within the City of Centerville at a total bid price of \$65,350.00. Mr. Sweetman expressed his concern with going out of town for this proposal. Mr. Stubbs sponsored Resolution Number 39-74, A Resolution Accepting The Bid Of L. P. Cavett Company To Apply Bituminous Material To Various Streets In 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. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Thompson recommended accepting the bid of Bode Finn to supply a rear load refuse packer, cab and chassis for the City of Centerville for a total bid price of \$24,850.00. This packer is three cubic yards larger than present equipment. Mr. Bettcher explained the fact that a packer note will be necessary to make this purchase. Mr. Stone sponsored Resolution Number 40-74, A Resolution Accepting The Bid Of Bode Finn To Supply One Rear Load Refuse Packer, Cab And Chassis 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. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 60-74, An 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, be set for Public Hearing on July 15, 1974. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The recommendation of the Board of Architectural Review concerning the Curb Cut Request filed by the First Baptist Church of Centerville was reviewed by Mr. Schab. The cuts as requested are located on Maple Avenue, widths being 25 and 35 feet with a minimum radius of 15 feet. Mr. Stubbs moved that Council approve the Curb Cut Application submitted by the First Baptist Church of Centerville be approved as recommended by the Board of Architectural Review. Mr. Stone 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. Stone, Acting City Manager Thayer Thompson advised that he is working on his report concerning a street fair for the center of Centerville.

Mr. Stubbs expressed his concern with the drop off of separate newspaper collection by Centerville. He hopes that rates will not require increasing to offset the proposed receipts. He requested that this collection be pursued to get maximum cooperation from Centerville residents.

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Mr. Stubbs also questioned the status of the Recycling Center. He encouraged the City's aid in finding a new location.

There being no further business, the Meeting was adjourned.

Approved:

Paul C. Day
Mayor

ATTEST:

Marilyn D. ...
Clerk of Council