

Held July 15,

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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, July 15, 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

Russell Sweetman

Ralph Spencer

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

Street Superintendent Richard Bishop

Director of Finance William Bettcher

Chief of Police William Randolph

Municipal Attorney Robert Farquhar

The Minutes of the Meeting of July 1, 1974 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of July 1, 1974 as distributed, be approved. Mr. Sweetman seconded the motion. As questioned by Mr. Spencer, Mrs. Lake clarified her motion regarding the control of hand guns. A roll call vote resulted in six ayes in favor of the motion, Mr. Spencer voted no.

Mrs. Frances Payne, 6842 Cranford Drive, submitted to Council a Petition regarding the continuation of Grants Trail through to Alexandersville-Bellbrook Road; this Petition has been submitted to the Washington Township Trustees and now to Centerville for their consideration in their three mile jurisdiction. Mayor Hoy referred the Petition to the Acting City Manager for review.

Mr. Robert Muzecheck, 9525 Sheehan Road, appeared before Council in opposition to the use of the home next door for the mentally retarded; he feels this is in violation to the Centerville Zoning Regulations.

Barbara Conner, representing the Montgomery County Board of Mental Retardation (the Agency proposing the home), explained the proposed home: six girls with live in house parents. The Agency has met with neighbors and will meet again to reach an acceptance for the use in the neighborhood; the Planning Commission sees no violation to the Zoning Ordinance. Mayor Hoy suggested that Mr. Muzecheck meet with City Staff to review whether there will exist a violation to City Law. Mr. Thompson pointed out the fact that a legal opinion on this matter has been rendered by the Municipal Attorney. Mr. Farquhar outlined his basis for the opinion: the present Zoning Ordinance does not require occupants of a home to be related by blood. Mr. Muzecheck invited Council to attend a Meeting concerning this matter on July 16, 1974 at 7:30 P.M. at the home of Robert Kilian.

Mr. Robert Kilian, 100 Marsha Jeanne Way, made reference to previous Planning Commission Minutes relative to this subject matter.

Mr. Harvey Stein, Director of the Montgomery County Board of Retardation and a resident of Madison Township, cited cases in other Cities permitting this use.

Mr. Albert Jones, 1640 Heritage Drive and a resident of Washington Township, advised that the Board is looking for acceptance in the neighbor-

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hood.

Mrs. Marian Lang, 205 South Hill Court, a parent of a retarded child, reminded people that these children need a place in which to live, they are good neighbors.

Mrs. Robert Kilian wondered why information they have received concerning this matter has been false.

Mr. Carl Gaiser, 118 Jeanette Drive, appeared before Council concerning a use of the property at the south west corner of Virginia Avenue and West Franklin Street; outside salesmen are basing their operation in this home and there is an employee not living in the home. Mayor Hoy requested that this be investigated and a report be forthcoming to Council at the next Council Meeting.

Mr. Howard DePew, 47 Virginia Avenue, wondered when trucks will be prohibited on Virginia Avenue. As suggested by Mr. Thompson, Mayor Hoy requested that, if necessary, an Ordinance be prepared establishing truck routes and that this be an agenda item for the next Council Meeting.

Mr. John Geiger, representing the Transportation Co-ordinating Committee, outlined their recommendations concerning the Central Sector Thoroughfare Plan for Centerville. The Report contains three areas of recommendations: parking, minor street and major thoroughfare recommendations for improved traffic flow. Mr. Stubbs complimented Mr. Geiger on their study and his report.

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

Mr. Shroyer reviewed his recreation program for the past week, trips were made to Kings Island, Putt Putt and a Swimming Pool.

Mr. Schab advised that the 1974 street resurfacing program is underway: three mile of street will be resurfaced; concrete street repair has begun.

Mr. Winterhalter informed Council that Applications have been prepared and pursued for Federal Funds for bikeways and overall highways.

Mr. Bishop reviewed his involvement in security provisions at the Olympian Club on Bigger Road. He reviewed other improvements and activities throughout the City. As questioned by Mr. Sweetman, Mr. Farquhar advised that the cost of the installation of the fence at the Olympian Club (estimated to cost \$550.00) will be paid to the City when the property is sold. The Street Department is behind on special pick-ups and chipper service.

Mr. Bettcher advised that work has begun on the 1975 Budget for the City of Centerville.

Police Chief Randolph advised that a Police Officer has been hired and another is under investigation. A Federal Grant in the amount of \$5,500.00 has been received to update the Police Department's record system.

Mr. Thompson explained the reason for discolored water in Centerville: the level in the water tank is low, it is being refilled. Mr. Stubbs pointed out the fact that people experiencing damage to clothing or utensils should contact Montgomery County. A sprinkling ban has been instituted by Montgomery County.

The Public Hearing was held concerning the Appeal filed by Goldman's Inc. to relocate a 261 square foot free standing sign 80 feet from the centerline of State Route 43 in front of the Goldmans Retail Department Store, 8900 Lebanon Pike.

Mr. Winterhalter explained the proposed sign and located it on the property, it is proposed to be located approximately 160 feet north of the south property line. Such a sign according to a recent amendment to the

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Zoning Ordinance is not permitted. The Planning Commission recommended denial of this Variance Request by a 5-2 vote.

No representation from Goldman's Inc. was present during this Public Hearing.

Mr. Stubbs moved that the Variance Application to locate a 261 square foot free standing sign in front of the Goldmans Retail Department Store, 8900 Lebanon Pike, be denied. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Sweetman voted no.

Mr. Winterhalter reported on the Planning Commission Meeting held July 9, 1974. He reviewed steps outlined for Planning Commission and Council action concerning zoning, subdivision regulations and site plan review.

Mr. Winterhalter reviewed the Shopping Center Plan for Carriage Trace, proposed to be located on the west side of Bigger Road south of the Kettering Corporation Line. The Planning Commission recommended approval of this use and site plan by a 4-3 vote. Mr. Sweetman moved that the Conditional Use Request submitted for the Carriage Trace Shopping Center be set for Public Hearing on August 19, 1974. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter reviewed for Council the Record Plan for Franklin East, Section One, the single family portion of the development proposed for the north east corner of Centerville Station Road and Clio Road. The Planning Commission recommended approval of this Plan by a 5-2 vote subject to East Franklin Street being widened to 26 feet from the centerline to back of curb, sidewalks on both sides of all streets and street trees to be planted in accordance with Ordinance Number 26-74, and subject to the receipt of a Performance Bond in the amount of \$105,087.00 and an Inspection Fee of \$431.00. Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Developer, objected to placing sidewalk on both sides of the streets in this Section. Discussion followed concerning whether sidewalks on both sides of the streets are required by Ordinance or are necessary if not required. Mr. Farquhar suggested that the Subdivision Regulations be amended to provide Council's desires relative to sidewalks. Mr. Sweetman moved that this item be tabled to be further reviewed during a Council Work Session. Mr. Stone seconded the motion. Mr. McQueeney expressed his displeasure with developers making promises to gain a Rezoning and then backing off in every possible legal manner when developing their land. A roll call vote resulted in six ayes in favor of the motion, Mr. Stubbs voted no.

Mr. Winterhalter reviewed the Grading Plan for Sycamore Canyon and located it on a map, being that property owned by Mildred Fisher at the south east corner of Centerville. The Planning Commission previously recommended approval of this Plan by a 6-0 vote subject to the receipt of a Bond of \$45,000.00, work to be completed within four years, and no topsoil removal from the site. The Conditional Use Request for this property was previously approved subject to an acceptable Grading Plan. On July 9, 1974, the Planning Commission approved this revised Grading Plan by a 5-2 vote, revision being in the tree line. Mr. Schab reviewed his recommendation concerning the acceptance of this Plan. Mr. McQueeney moved that Council approve the Grading Plan for Sycamore Canyon subject to the conditions outlined in the recommendation of the Planning Commission, the receipt of a Bond in the amount of \$45,000.00, an adequate Inspection Fee be required to cover City expense and subject to the City Engineer's recommendation dated May 3, 1974 concerning the placement of top soil. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 59-74. Mr.

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Farquhar reviewed the proposed Ordinance; it is merely a codification of present Ordinances and the updating of same to conform to Constitutional Amendments. Mr. Stone sponsored 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, 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 was absent for this item of business.

The Public Hearing was held concerning Ordinance Number 60-74. The proposed Ordinance was reviewed by the Acting City Manager; it reflects previous changes and conforms to Union negotiations. Mr. Stubbs sponsored 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, 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. McQueeney sponsored Resolution Number 41-74, A Resolution Adopting In General The Final Report Of The Montgomery-Greene County Transportation Coordinating Committee For The Central Sector Thoroughfare Plan For The City Of Centerville, Ohio, and moved that it be adopted. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Thompson reviewed a Resolution to authorize the execution of a Memorandum of Agreement for a Teen Center in the Centerville area. The Memorandum of Agreement was also reviewed. Mr. Stubbs sponsored Resolution Number 42-74, A Resolution Authorizing And Directing The Mayor And Acting City Manager To Execute A Memorandum Of Agreement With The Trustees Of Washington Township, Montgomery County, Ohio Relative To The Establishment Of A Teen Center, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone sponsored Resolution Number 43-74, A Resolution Expressing The Appreciation Of The City Of Centerville For The Service Of Rachel Sweetman On The Centerville Youth Board, 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. Thompson reviewed his staff report concerning safety hazards relative to culverts and drain pipes in Centerville; improvements are now being made to the drain tile behind the Chevy Chase Apartment Complex; improvements in other areas will be pursued.

Mr. Winterhalter briefed Council on the Rezoning Request filed by Dr. Charles Ackley for the north east corner of East Alexandersville-Bellbrook Road and Bigger Road; proposed is a change of 1.72 acres from R-4 to O-S classification to provide for a veterinary clinic. Previous discussion concerned access and egress to the clinic and the widening of Alexandersville-Bellbrook Road. Mr. Farquhar rendered the opinion that this could not be considered a subdivision, therefore right-of-way could not be acquired through Subdivision Regulations. Mr. Spencer felt that the entire area should have been considered in Rezoning, this constitutes spot zoning. As questioned by Mr. Stubbs, Mr. Winterhalter explained the fact that a site plan for this development will require Planning Commission approval. Discussion followed concerning the effect this change of zoning would have on adjacent land and the three remaining corners, all corners must be considered at the same time. Mr. Stone moved that Ordinance Number 46-74,

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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 tabled. Mr. Sweetman seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mayor Hoy, Mr. Stubbs and Mr. Spencer voted no. Mayor Hoy requested that a Mini Master Plan be developed for these four corners, and this Plan receive Planning Commission approval prior to submission to Council. Mr. McQueeney requested that this Plan include thoroughfare widths and right-of-way.

Mr. Sweetman announced two Meetings to be held concerning Cable TV: one at 3:00 P.M. in Mayor Horn's Office, the other at 8:00 P.M. at the Kettering Government Center, both on July 18, 1974.

Mr. Spencer reviewed a letter he received concerning Federal Funds for the purchase and development of the north east corner of Main and Franklin Streets; said letter was referred to the Acting City Manager for pursuance.

Mr. Thomson asked for Council's authorization to proceed with implementation of the weed control law on nine lots in Centerville. Mr. Stone moved that Council authorize the Acting City Manager to proceed with the enforcement of the weed control Ordinance against the nine property owners as listed and upon others found to be in violation. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Discussion followed concerning the sketch plan for land use and circulation for the area south of Kettering between Bigger Road and I-675 received from the City of Kettering. The Planning Commission recommended considering only the relative items being: 1. the cul-de-sacing of Pondview Drive and, 2. the connection of Brookbank Drive to Bigger Road in a circuitous fashion. Following additional discussion, Mr. Spencer moved that Council endorse this concept if and when the property is developed, concept being that Brookbank Drive be connected to Bigger Road in a circuitous fashion and that Pondview Drive be cul-de-saced. Mrs. Lake seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. McQueeney moved that Kettering Planning be brought into the total planning and development of the area in question. Mr. Spencer seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Resolution Number 44-74, A Resolution Appointing An Assessment Equalization Board To Hear Objections Relative To The Improvement To East Franklin Street In The City Of Centerville, Ohio, Improving 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, the Board consisting of Mr. Roland McSherry, Mr. Daniel Strayer and Mrs. Jean Feiler, the date of the Meeting to be July 31, 1974 at 7:30 P.M. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone moved that Ordinance Number 61-74, An Ordinance Providing

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For The Issuance Of \$26,750 Bond Anticipation Notes By The City of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, be set for Public Hearing on August 5, 1974. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McQueeney sponsored Resolution Number 45-74, A Resolution Of Intent With Regard To A Proposed Disaster Warning Program For The City Of Centerville And Washington Township, Montgomery County, Ohio, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Resolution Number 46-74, A Resolution Accepting The Bid Of The Standard Oil Company To Supply Gasoline 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. Mr. Stubbs and Mr. McQueeney questioned the reason for the City receiving only one bid for this purchase; Mr. McQueeney suggested that a copy of this Resolution be sent to the Federal Oil Allocation Board accompanied with a cover letter. A roll call vote resulted in six ayes in favor of the motion, Mr. Stubbs voted no.

Mr. Thompson briefed Council on the two bids received for the purchase of two dump trucks for use by the Service Department. He recommended accepting the bid of Key GMC Sales in Cincinnati, Ohio. Mr. Spencer sponsored Resolution Number 47-74, A Resolution Accepting The Bid Of Key GMC Truck Sales, Inc., To Supply Two Dump Trucks 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 seven ayes in favor of the motion.

Mr. Schab explained his recommendation for a reduction in the Performance Bond for Thomas Paine Settlement, Section One, a reduction of \$57,000.00 to \$12,000.00. Mr. Sweetman moved that Council concur with the recommendation of the City Engineer in reference to the Performance Bond on Thomas Paine Settlement, Section One. Mr. McQueeney 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:

Mr. McQueeney expressed his concern with the ditch running along Centerville Station Road; he would like to see plans to widen Centerville Station Road along the total area of development for Franklin East.

Mr. Sweetman complimented the Centerville Arts Commission on their great job concerning their second annual art show and evening entertainment; he would like to see more open air activities.

Mrs. Lake suggested that the sidewalk section of the Subdivision Regulations be considered for passage as an emergency measure when it has been amended; sidewalks to be required on both sides of all streets.

Mrs. Lake moved that Ordinance Number 62-74, An Ordinance Regulating The Sale Of Hand Guns Within The City Of Centerville, Ohio, be set for Public Hearing. Mr. Stubbs seconded the motion. Mr. McQueeney would like to see an Ordinance providing a cooling off period in place of this Ordinance; Mrs. Lake advised said Ordinance will be forthcoming after further review by the Municipal Attorney. As questioned by Mr. Sweetman and Mr. Spencer, Police Chief Randolph explained an enforcement problem with the Ordinance as proposed. Following discussion, Mayor Hoy suggested that input concerning this matter be received from the Chief of Police and Police Sergeants before legislation is considered. Mr. Stone would like to see an all inclusive Ordinance. Mrs. Lake withdrew her motion,

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Mr. Stubbs withdrew his second to the motion.

Mr. Stubbs expressed his concern with the 1975 Budget for the City of Centerville as compared with 1974 expenses. He suggested that future finances for the City be studied; Mr. Stubbs, in order to progress, proposed a 1/2% additional Income Tax or an increase in millege be put to the electors this fall. Mr. Stubbs moved that the City Staff review the City's financial status and make a recommendation to Council within the next 30 days as to the best course of action to follow regarding the meeting of Centerville's future financial obligations. Mr. Stone seconded the motion. Mr. McQueeney felt this matter without study is out of order at this time. A roll call vote resulted in seven ayes in favor of the motion.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of the Council