

Held _____ August 5, 1974 _____ 19 _____

REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, August 5, 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 Ralph Spencer
 Leonard Stubbs
 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

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

The Minutes of the Meeting of July 15, 1974 had been distributed prior to this meeting. Mr. Stubbs moved that the Minutes of the Meeting of July 15, 1974 as distributed, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Robert Muzeczek, 9535 Sheehan Road, appeared in behalf of citizens living in and about Rose Estates in opposition to the proposed Group Home at 9525 Sheehan Road. He submitted to Council their list of eighteen questions asked of the Planning Commission and Acting City Manager and a copy of their petition submitted to the Planning Commission. He questioned whether the Home has been inspected under Ohio Building Code BB-53 and whether it was found in compliance.

Mrs. Barbara Conner, 25 Thorpe Drive and representing the Montgomery County Board of Retardation, advised that all rules and regulations concerning a Group Home have been complied with.

Mr. Jacque Sheley, 181 Pleasnat Hill Drive, made reference to the Central Section Throughfare Plan prepared for Centerville by T.C.C. questioning when recommendations will be effectuated. Mayor Hoy advised that the Report in general was accepted by Council, priorities will be recommended by the City Administration.

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

Mr. Shroyer reviewed recreation activities in the final weeks of the summer program. As questioned by Mr. Stubbs, Mr. Shroyer advised that plans for the fall and winter program will be prepared in two weeks.

Mr. Schab advised that the 1974 street resurfacing program has been accomplished. Catch basin bids in new plats are of a type to eliminate a hazard to bicycles. As suggested by Mr. Sweetman, Mr. Thompson will consider changing catch basin lids in all areas of the city. Mayor Hoy brought attention to wide expansion joints in some streets throughout the City, these also pose a threat to bicycles.

Mr. Winterhalter related his progress with a commercial need study for Centerville.

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Mr. Bettcher outlined Income Tax receipts through July 31, 1974: \$296,394.00, a 15.1% increase over the same period in 1973. Waste collection receipts are up; 3847 bills were mailed the beginning of this month.

Chief Randolph reviewed a new proposal for 12 disaster warning sirens to cover Centerville and Washington Township for a total maximum cost of \$78,080.50.

Mr. Thompson advised that the Annual Report Calendar will be distributed the end of August.

The Public Hearing was held concerning the zoning change of .54 acres owned by Dr. Donald Glanton on West Franklin Street, a change from R-1 to O-S classification.

Mr. Winterhalter located the property on a map and outlined adjacent zoning. The property is located on the north side of East Franklin Street one lot east of Hampton Road. Uses permitted in the O-S classification were summarized. The Planning Commission unanimously recommended approval of this rezoning.

Mr. Ron McDonnell, attorney for Dr. Glanton, endorsed the City Planner's presentation.

Mrs. Lake sponsored Ordinance Number 63-74, An Ordinance Amending Ordinance No 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning .54 Acres, More Or Less, From Centerville R-1 Classification To Centerville OS Classification, and moved that it be passed. Mr. Stone seconded the motion. As questioned by Mr. Stubbs, Mr. Winterhalter advised that he believes the doctor plans to use the building for office space only, not as living quarters; there is other office space available in Centerville. A roll call vote resulted in five nays against the motion. Mrs. Lake voted yes.

The Public Hearing was held concerning the Appeal filed by Robert B. Ferguson concerning the preliminary plat and final plat for Robert B. Ferguson, Plat Number 1.

Mr. Winterhalter located the subject property on a map and reviewed the basis for Planning Commission's denial for Plat approval. Their motion for denial passed unanimously due to a lack of improvements to the plat to meet subdivision regulations and failure to include all of the property of Robert Ferguson, Edwin H. Swaim and Irene Cultice in the Plan. As questioned by Mr. Spencer, Mr. Winterhalter related that violations to the subdivision regulations occurred eight years ago and thenseforth.

Mr. James Gilvary, Attorney for the Appellant, made reference to correspondence received from Mr. Farquhar advising of the subjects property. In response to this letter came Plat plans from Robert Ferguson. Mr. Farquhar explained his letter, all owners must adjoin in a common Plat as all lands were included in the subdivision regulation violations originally and at the same time.

Mr. Sweetman moved to sustain the Planning Commission decision concerning the preliminary plat and final plat for the Robert B. Ferguson Plat Number 1. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Winterhalter reviewed the Planning Commission Meeting held July 30, 1974. The Planning Commission unanimously recommended repealing Ordinance Number 86-71. Mr. Stone moved that Ordinance Number 64-74, 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 set for Public Hearing on October 7, 1974. Mayor Hoy seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

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The Public Hearing was held concerning Ordinance Number 61-74. Mr. Bettcher reviewed this proposed Ordinance, it enables the City to purchase a garbage paker through waste collection revenues. Mr. Stubbs sponsored Ordinance Number 61-74, An Ordinance Providing for The Issuance Of \$26,750 Bond Anticipation Notes By The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, 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. Winterhalter reviewed a proposed Ordinance to require sidewalks on both sides of all streets in Centerville and on both sides of collector streets and throughfares in Washington Township within the three mile jurisdiction of Centerville. Mr. Spencer sponsored Ordinance Number 65-74, An Emergency Ordinance Amending Ordinance No. 10-1958, Ordinance No. 12-66 And Ordinance No. 28-1974, Subdivision Regulations of The City Of Centerville And The Unincorporated Area Of Washington Township, Montgomery County, Ohio Line Within Three Miles Of The Corporation Limits Of Centerville, 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. Stubbs voted no.

Mr. Jacque Sheley and Mr. Ned Haverstick, 33 Meeting House Road, questioned this Ordinance being passed as an emergency measure. Mayor Hoy explained the need for sidewalks in new subdivisions.

Mr. Sweetman moved that Ordinance Number 66-74, An Ordinance Amending Ordinance No. 12-1966 And Ordinance No. 26-1974, Subdivision Regulations Of The City Of Centerville And The Unincorporated Area Of Washington Township, Montgomery County, Ohio Line Within Three Miles Of The Corporation Limits Of Centerville, be set for Public Hearing on September 9, 1974. Mayor Hoy seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Spencer voted no.

Mr. Farquhar explained a proposed Ordinance to increase the compensation for City Council to begin January 1, 1976; included is a cost of living index. Mr. Stone moved that Ordinance Number 67-74, An Ordinance Amending Ordinance 10-69 By Raising The Salaries Of Council Taking Office On January 1, 1976 And Thereafter, be set for Public Hearing on September 9, 1974. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Spencer voted no. Mr. Sweetman reminded all citizens of the Public Hearing, hoping that voices will be heard on September 9, 1974 or before.

As questioned by Mayor Hoy, Mr. Thompson advised that he is currently working on the establishment of truck routes in Centerville; the total picture must be considered.

Mr. Sweetman announced meetings held by the South of Dayton Cable TV Committee to work out a possible conflict of interest between the Mitre Corporation and Continental Cable Vision.

Mrs. McLaughlin referenced a letter received from Mr. Robert Amos resigning as a member of the Centerville Arts Commission.

Mrs. McLaughlin also advised of correspondence received from Board of Architectural Review Member Fredrick Focke offering his resignation. Mayor Hoy invited Centerville residents to apply for positions on City Boards and Commissions.

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A notice of Intent to Appeal a Planning Commission Decision was read by Mrs. McLaughlin; appeal received from Robert Ferguson concerning denial to approve a site plan for the Centerville Station Shopping Center.

Mrs. McLaughlin also advised that a Notice of Intent to appeal has been received from Edward G. and Mary K. Wainscott concerning a Planning Commission Decision rendered on their Rezoning Request.

Mr. Stubbs brought attention to seven letters received from area residents in support of the perposed Group Home on Sheehan Road; six of the seven are from Centerville residents.

Mr. Sweetman moved that Ordinance Number 68-74, An Ordinance Appointing Appointing Susan E. Wells and Donald E. Ernst To Membership On The Centerville Arts Commission And Establishing Terms, be set for Public Hearing on September 9, 1974. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stone sponsored Resolution Number 48-74, A Resolution Designing The Daylily Or Hermerocalis As The Official Centerville Flower, 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. Thompson reviewed perposed Resolution Number 49-74 , it provides immediate repair to the bridge guard rails on East Alexandersville-Bellbrook Road, rails which were damaged in an automobile collision. The City is taking steps to recoup the finances for this repair from the driver responsible for the accident. Mr. Sweetman encouraged this repair as soon as possible. Mr. Sweetman sponsored Resolution Number 49-74, A Resolution Declaring A Real And Present Emergency Necessitating The Immediate Repair Of Bridge Guard Rails On The North Side Of Alexandersville Bellbrook Road Just West Of Wilmington Pike In The City Of Centerville, Ohio And Authorizing The City Manager To Enter Into A Contract For Said Repair Without Formal Bidding And Advertising, 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. Thompson reviewed perposed Ordinance Number 69-74, it provides for the hiring of a Youth Center Director, Mechanic and Planning Intern. Discussion followed concerning the need and advisability of hiring a Planning Intern at this time. Mr. Spencer moved that the Planning Intern be deleted from this emergency Ordinance. Mr. Sweetman seconded the motion. A roll call vote resulted in a tie vote: Mr. Spencer, Mr. Sweetman and Mayor Hoy voted yes; Mr. Stone, Mr. Stubbs and Mrs. Lake voted no. Mr. Stubbs encouraged this type opportunity to college students, the City will benefit. Mr. Winterhalter outlined his need for this Planning Intern. Mr. Stubbs sponsored Ordinance Number 69-74, An Emergency Ordinance Amending Ordinance 82-72 As Amended By Ordinances 34-74, 47-74, 57-74 And 60-74 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. Stone seconded the motion. A roll call vote resulted in three ayes in favor of the motion, Mr. Spencer, Mr. Sweetman and Mayor Hoy voted no.

Mr. Stubbs moved that Ordinance Number 70-74, An Ordinance Amending Ordinance 82-72 As Amended By Ordinances 34-74, 47-74, 57-74 And 60-74 To Establish A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio,

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be set for Public Hearing on September 9, 1974. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Winterhalter reviewed the Record Plan for Franklin East, Section One. The Planning Commission recommended approval of the Plan with sidewalks on both sides of all streets, street trees and the widening of East Franklin Street - 26 feet from centerline to back of curb. There are proposed no private entrances onto Centerville Station Road. Discussion followed concerning Planning Commission's request for sidewalks on both sides of all streets in this particular Section. Mr. Farquhar pointed out the fact that sidewalk is a question to be determined only by the Planning Commission, subdivision regulations in effect at the time of Planning Commission's decision must prevail. Mr. Sweetman requested this opinion in writing. Mr. Sweetman moved that Council approve the Record Plan for Franklin East, Section One, as recommended by the Planning Commission and required by the subdivision regulations and subject to the receipt of a Performance Bond in the amount of \$91,400.00 and on Inspection Fee of \$430.34. Mr. Stubbs seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Stubbs and Mrs. Lake voted no. Mr. Robert Archdeacon from Ralph Woolpert Company and representing the developer, agreed that sidewalk will be constructed on East Franklin Street as outlined on the Plan .

Mr. Schab reviewed his recommendation concerning full release of the Performance Bond on Southbrook Manor, Section One, all improvements are in place. Mr. Sweetman moved that Council release the full Performance Bond on Southbrook Manor, Section One. Mayor Hoy seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab explained his recommendation concerning the Performance Bond on Southbrook Manor, Section Two. He recommended that the original Bond of \$93,000.00 be reduced 80% or to \$19,000.00. Mr. Sweetman moved that Council reduce the original Performance Bond on Southbrook Manor, Section Two, from \$93,000.00 to \$19,000.00. Mr. Spencer 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 recommended that consideration be given next spring to door to door sales by local farmers.

Mr. Stubbs suggested that City finances be considered at a Work Session item for August 12, 1974.

Mr. Sweetman questioned the procedure used by which the noxious weed problem is handled. Mr. Farquhar explained the current procedure according to the present Code, the new Code provides a less cumbersome method. Mr. Thompson will review the problem to effectuate a quicker reply.

Mr. Sweetman expressed his concern with the lack of visibility at the intersection of Maple Avenue and East Ridgeway Road. He suggested that consideration be given to a one way street.

Mr. Stone suggested that the Police Department report to the City Manager, intersections needing attention.

There being no further business the meeting was adjourned.

ATTEST:

Approved:


Clerk of Council


Mayor