

Held December 16,

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CENTERVILLE CITY COUNCIL
SPECIAL MEETING
DECEMBER 16, 1974

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, December 16, 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
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Engineer Karl Schab
Director of Parks and Recreation Timothy Shroyer
Service Director Richard Bishop
City Planner Robert Winterhalter
Director of Finance William Bettcher
Chief of Police William Randolph
Municipal Attorney Robert Farquhar
Administrative Assistant John Levermann

Mr. Sweetman advised that Councilman Ralph Spencer is flying for the National Board, thus his absence at this Meeting. 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.

Mayor Hoy introduced City Manager Darryl Kenning to the Citizens of Centerville.

The Minutes of the Meeting of December 2, 1974 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of December 2, 1974 as distributed, be approved. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. James Gallagher, 294 Cherry Drive and Chairman of the Board of Architectural Review, appeared to obtain from Council the status concerning the City purchase of the northeast corner at Main and Franklin Streets and the status on the amendment to the complete Zoning Ordinance. Mayor Hoy advised that the City's purchase will again be activated by the new City Manager; the Zoning Ordinance amendment is presently being reviewed by Council, action should be forthcoming in a few months. Mr. Gallagher also proposed the painting of fire hydrants in the Architectural Preservation District, perhaps a project for the Centerville High School Art Department. Mayor Hoy requested that the City Manager review this proposal and report back to Council.

Mr. Robert Chappell and Mr. Richard Howells, representing the Board of County Commissioners for Montgomery County, appeared to appraise Council of the entitlement funds available under the Housing and Community Development Act of 1974. They are proposing co-operative Agreements between non-Metropolitan Cities and Montgomery County, excluding the Cities of Dayton and Kettering. The County is hoping for 100% participation from the

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incorporated and un-incorporated areas in order to obtain \$751,000.00 entitlement funds in 1975. If Centerville does not participate, the \$751,000.00 figure would be reduced. Mr. McQueeney questioned the marginal point for Centerville to join with Montgomery County or go alone, by what method would Centerville realize the most revenue. Mrs. Lake expressed the fact that Council must look to the betterment of Centerville while considering this proposal. Mayor Hoy requested that the City Manager review this proposal and recommend to Council whether to sign a Contract with Montgomery and if so whether to sign the Contract as proposed; a review of advantages and disadvantages to expect from signing and not signing a Contract.

Mr. Charles Taylor, representing the Centerville-Washington Park District, appeared to answer questions and clarify items concerning their financial report for the first nine months of 1974. Mr. McQueeney expressed his desire to see what specifically monies were spent on relative to each park, a detailed financial report. Mr. Taylor agreed to compile this information for Mr. McQueeney. As questioned by Mr. Stubbs, Mr. Taylor outlined sources by which funds are received for the Park District. Mr. Stubbs questioned 1975 estimated expenditures on equipment set at approximately \$3,000.00 while the emphasis during the Levy Campaign was on park development. According to Mr. Taylor, the bulk of 1975 monies will be spent on Iron Horse Park and/or Centerville East. Mr. Stubbs encouraged a Meeting between the Centerville Park and Recreation Board and the Centerville Washington Park District to initiate some co-operative efforts. Mr. Sweetman endorsed Mr. McQueeney's request, and expressed his desire to see in the report who is on the payroll and their salaries, he also endorsed a joint Meeting as soon as possible. Mayor Hoy reviewed the creation of the Centerville Washington Park District, its membership and purpose; he reminded the City Manager that it is his responsibility to co-ordinate better park development through the Park District in the future.

Mrs. Vivian Otten, Chairman of the Centerville Youth Board, presented to Council two proposals for the youth of the Community, each estimated to cost \$500.00. Discussion followed concerning the conformity of these proposals to the Ordinance describing the scope of the Board. Mayor Hoy suggested that Council take these proposals under advisement and report to the Youth Board Council's determination at a later date. Mr. McQueeney moved that these two proposals be tabled for further review and investigation. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Mr. Winterhalter reviewed his research relative to available funds for the acquisition and development of the northeast corner at Main and Franklin Streets, chances for financing are favorable. Mayor Hoy requested that this information be forwarded to Mr. James Gallagher.

Mr. Bishop advised that chipper service is being emphasized. Dead plantings surrounding the Municipal Building are being replaced by the Nursery, drain tile is being installed for adequate drainage before the plants are replaced.

Mr. Shroyer reviewed Youth Center activities during Christman week. Upon question by Mr. Sweetman, Mr. Shroyer outlined adult events available in open gym. Mayor Hoy encouraged increased concentration on adult activities in the recreation program.

Mr. Schab reviewed co-operation between Centerville and Washington Township in implimenting the three mile jurisdiction. Discussion followed concerning the status and financial problems of the Chevy Chase Apartment Project. Mayor Hoy requested that the City Manager review and investigate

1 Mr. Stone reviewed Council's following two concerns relative to these proposals: whether the proposals fall within the scope of the Ordinance which governs the activity of the Youth Board, and whether they fall within the budgeting restrictions of the Youth Board.

2 Mrs. Otten advised that the Youth Board is reviewing an amendment to the Ordinance which dictates the scope of the Board.

3 Mr. Stone reminded Council that the Youth Board is in the process of reviewing Ordinances from other Municipalities establishing Youth Boards, he asked that this study be accelerated.

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the current condition of the Chevy Chase Project and report same to Council. Mr. Bettcher advised that the balance of the August Tax Settlement should be received this week from Montgomery County.

ORDINANCE NUMBER 93-74 ZONING ORDINANCE AMENDMENT REZONING

The Public Hearing was held concerning the Rezoning Request filed by Augusta H. Son for approximately 0.92 acres of land on Lyons Drive, a change from R-1 to R-3 zone classification.

Mr. Winterhalter reviewed the Request and located the property on a map; located on the east side of Lyons Drive immediately south of the Wythe Parish Condominiums. A townhouse or double type development is proposed. The property is bounded on the south and west by single family residential homes, the east by the Architectural Preservation District. In accordance with the Zoning Ordinance, R-3 would permit five units upon this land. The Planning Commission unanimously recommended denial of this Rezoning, the Commission recommended that a workshop be scheduled between the Applicant and Planning Commission to provide requirement information.

Mr. Robert Seeley, Attorney for the Applicant, explained how he believes the development as proposed is compatible with the neighborhood, it does conform to the requirements of the Zoning Ordinance. The Rezoning does not adversely affect the public health, safety or welfare of the Community.

Mr. Harold Kepler, 90 Sheldon Drive, expressed his concern for increased left turn traffic onto North Main Street from Ridgeway Road.

Mr. Gary Maxton, 8080 Condor Court and Chairman for the Planning Commission, explained Planning Commission's denial of the subject Rezoning. He requested that Council reject this Application in order that the Planning Commission may obtain a more desirable proposal from the Applicant.

Mr. Stone sponsored Ordinance Number 93-74, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 0.92 Acres, More Or Less, From Centerville R-1 Classification To Centerville R-3 Classification, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six nays against the motion.

ORDINANCE NUMBER 94-74 ZONING ORDINANCE AMENDMENT REZONING

Mr. Winterhalter reviewed the Planning Commission Meeting held December 10, 1974. He reviewed the Rezoning Request filed by the R. and R. Investment Trust for approximately 82.134 acres located on the west side of Wilmington Pike surrounding the Saint Francis Catholic Church. The Planning Commission recommended approval of the Request by a 5-1 vote. Mr. Sweetman moved that Ordinance Number 94-74, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 82.134 Acres, More Or Less, From Washington Township R-4 And Centerville B-1, B-2 And I-1 Classifications To Centerville B-2, O-S, R-4, R-3 And R-1 Classifications, be set for Public Hearing on February 17, 1975. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ZONING ORDINANCE AMENDMENT GROUP HOME

Mr. Winterhalter reviewed the Planning Commission's 4-2 vote to approve the modified definitions concerning Group Homes in the Zoning Ordinance, An Ordinance Amending Ordinance 15-61, The Zoning Ordinance, By Changing Definitions, Adding Definitions And Adding Conditional Use Requirements For Group Homes; due to the 4-2 vote Council received no recommendation from the Planning Commission. The proposed Ordinance initiated in Planning Commission. Mr. Stone moved that this Ordinance be reviewed by Council during a Work Session before any action is taken. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor

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of the motion.

ORDINANCE NUMBER 91-74 EMPLOYEE COMPENSATION

Mr. Stubbs sponsored Ordinance Number 91-74, An Ordinance Amending Ordinance 60-74 By Eliminating The Post Of Acting City Manager From Section 3A And By Adding The Post Of City Manager To Said Section And Designating A Salary, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ROSE ESTATES SECTION THREE

Mr. Schab reviewed his recommendation for release of the Performance Bond on Rose Estates, Section Three. He recommended that the \$17,000.00 Performance Bond be released subject to the receipt of a Maintenance Bond in the amount of \$5,000.00 to cover items yet to be corrected. Mr. Farquhar explained the fact that a Maintenance Bond does not cover uncorrected items, it merely assures good construction. Mayor Hoy stressed the importance of the complete construction of all Plats within the time specified in the Performance Bond and Sub-Dividers Agreement. Mrs. Lake moved that the present Performance Bond on this Section of Rose Estates remain. Mr. Sweetman seconded the motion. Mr. Schab pointed out the fact that Rose Estates' obligations do not amount to \$17,000.00. A roll call vote resulted in four ayes in favor of the motion, Mr. Stubbs and Mr. Stone voted no.

MCDONALD'S RESTAURANT APPEAL TO COUNCIL

Mrs. McLaughlin advised that a Notice of Intent to Appeal a Planning Commission decision rendered on December 10, 1974 has been filed by Douglas Gowdy in behalf of McDonald's Restaurant. The Appeal concerns a proposed sub-division to be located on Far Hills Avenue just south of Siebenthaler's.

PLANNING COMMISSION MEMBERSHIP

Mrs. McLaughlin made reference to a resignation letter received from Planning Commission Member John Myers, resignation to become effective December 31, 1974. Mayor Hoy announced that Council will be receiving applications for this vacancy.

RESOLUTION NUMBER 72-74 CHECK SIGNING

Mr. McQueeney sponsored Resolution Number 72-74, An Resolution Amending Resolution 63-74 By Substituting The Name Of Darryl Kenning City Manager, For The Name Of William Randolph In Connection With Signing Checks, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 73-74 CITY MANAGER APPLICANT EXPENSE

Mr. McQueeney sponsored Resolution Number 73-74, A Resolution Authorizing And Directing The Director Of Finance To Reimburse Certain Expenses Incurred By A Candidate For The Post Of City Manager Of The City Of Centerville, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 74-74 APPRECIATION TO WILLIAM RANDOLPH

Mr. Sweetman sponsored Resolution Number 74-74, A Resolution Of Appreciation For The Services Of William F. Randolph As Acting City Manager Of The City Of Centerville, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy outlined Chief Randolph's outstanding performance during his duration as Acting City Manager.

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RESOLUTION NUMBER 75-74 SEASON GREETINGS TO CITIZENS

Mayor Hoy sponsored Resolution Number 75-74, A Resolution Wishing The Citizens Of Centerville A Very Merry Christmas And Happy New Year And Wishing Said Citizens A Prosperous Future, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

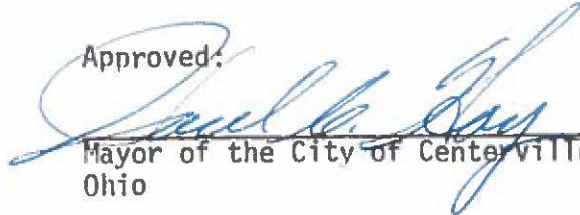
As the poll of Council was taken, the following comments were received:

Mr. Stubbs outlined the outstanding job performed by the Centerville Arts Commission in presenting a free concert by the Dayton Philharmonic Youth Orchestra on December 15, 1974.

As requested by Mr. Stubbs, Mrs. McLaughlin reviewed her report concerning religious denominations in Centerville and Washington Township. In general, Ministers in Centerville are willing to give invocation during Council Meetings. Mayor Hoy advised that since this is a requirement in the Council Rules, he will attend to this matter and further discuss it during a Council Work Session.

There being no further business, the Meeting was adjourned.

Approved:



Mayor of the City of Centerville,
Ohio

ATTEST:



Clerk of the Council