

RECORD OF PROCEEDINGS

Minutes of

SPECIAL MEETING

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held January 22,

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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, January 22, 1973 at 8:00 P.M. at the Centerville High School, South Building. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: Charles McQueeney, Russell Sweetman, J. V. Stone, John McIntire, Leonard Stubbs, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

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

The Minutes of the Meeting of January 8, 1973 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of January 8, 1973 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing was held concerning the Conditional Use Request submitted by Zengel Builders, Inc. to provide a Residential Office in a R-3 zoned district.

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

The subject property was located on a map by Karl Schab, being on the east side of North Main Street approximately 250 feet north from the intersection of State Route 48 with Zengel Drive.

Applicant Karl Zengel reviewed his Request. He explained how the proposed building has been moved nearer the north property line (10 feet from line) than was originally proposed. The building will be used for Professional and Medical practice, a better use of the land than apartments, the area is no longer of residential environment. He explained the proposed layout; parking in the front, side and rear of the building is necessary to achieve the required number of parking spaces and to achieve a colonial type entrance to the front of the building.

Dr. Lawton Gerlinger, proposed occupant and owner of the building, explained his desire as well as that of other Physicians to locate in Centerville.

Mr. Charles Rush, 534 Duberry Place, questioned the traffic situation at the intersection of Zengel Drive and State Route 48. Mayor Hoy advised that under the TOPICS Program the light will be improved.

Mrs. Wayne Dietz, 30 Tranquil Trail, expressed her concern with the location of the entrance into the parking lot for the proposed building being across from Tranquil Trail, and her dislike for looking at a parking lot. Mr. Schab located Tranquil Trail on a map relative to this property, it is located approximately 100 feet across from the north property line. Mr. Zengel explained how trees and shrubbery will buffer the highway from the parking lot.

As questioned by Mr. McIntire, Mr. Schab explained that the curb and sidewalk to be provided will be the same as currently exists in front of the First National Bank Building, curb will be installed in accordance with State Standards. He recommended that the radius of the curve be increased for entrance into the parking lot. Mr. Schab pointed out that the building will be located 100 feet east from the centerline of State Route 48, set back being more than is required.

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City Planner Robert Winterhalter read the definition for a Residential Office as provided in the Zoning Ordinance. He recommended that the Use be approved, parking be limited to side and rear and that the building be located 40 feet from the front right-of-way line.

Mayor Hoy read Planning Commission's recommendation. The vote was 3-3, objections being to parking in the front of the building and the compatibility of the use to the neighborhood.

Mr. Zengel then explained a revised plan placing parking in the side and rear of the building by increasing the size of the lot, entrance and exit being from North Main Street, access from Zengel Drive could be provided when land to the south is developed. Mr. Stone moved that Council approve the Application for the Conditional Use as requested by Zengel Builders, Inc. and Dr. Gerlinger as outlined on Drawing Number 2, dated January 22, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 2-73 was held. Mr. Farquhar explained the proposed Ordinance, it increases the salary of the Clerk of Council to \$8,200.00 per year. Mr. Stone sponsored Ordinance Number 2-73, An Ordinance Amending Ordinance No. 7-71 Relative To The Salary Of The Clerk Of The Council Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 5-73 was held. Mr. Farquhar reviewed the proposed Ordinance, it appoints John E. Riley to the Personnel Appeals Board for a three year term commencing January 1, 1973. Mr. McQueeney sponsored Ordinance Number 5-73, An Ordinance Appointing A Member Of The Personnel Appeals Board For A Term Of Three Years Commencing January 1, 1973, and moved that it be passed. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Oath of Office was administered to Mr. John E. Riley by Mr. Farquhar.

Ordinance Number 6-73 was reviewed by Mr. Farquhar, it appoints Christine Pikora to the Centerville Youth Board for the unexpired term of Paul W. Buhr. Mr. McIntire moved that Ordinance Number 6-73, An Ordinance Appointing Christine Pikora To The Centerville Youth Board, be set for Public Hearing on February 5, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Municipal Attorney Robert Farquhar reviewed the proposed Contract with the City of Dayton's Human Rehabilitation Center for the quartering of Centerville's prisoners. Mr. Sweetman sponsored Resolution Number 3-73, A Resolution Authorizing And Directing The City Manager To Enter Into A Contract With The City Of Dayton For The Use Of The City Of Dayton's Human Rehabilitation Center For Quartering Prisoners Of The City Of Centerville, and moved that it be passed, Contract to be for a one year period commencing January 1, 1973 and continuing to January 1, 1974. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab explained the recommendation of the Municipal Attorney concerning the time brick walkways should be put in place in the AP District. They should be put in place only when a Building Permit is required. Mr. McIntire recommended that they also be put in place when the one previous is in poor repair or when there is no one presently in existence. Mr. Farquhar will prepare the necessary Ordinance for adoption of Sidewalk Specifications in the AP District for Planning Commission's review on January 30, 1973.

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Mr. Farquhar, after a complete review of proposals from the Walter H. Drane Company and the W. H. Anderson Company, recommended that a Contract be awarded to the Walter H. Drane Company for the Codification of City Ordinances. Mr. McIntire moved that the City Manager be authorized to execute a Contract with the Walter H. Drane Company for the Codification of City of Centerville Ordinances. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. The Resolution ratifying the Contract will be prepared.

Mr. Sweetman reviewed the Meeting held January 18, 1973 concerning Cable TV, the purpose of the Meeting being a presentation by the Mitre Corporation, this Corporation would advise the South of Dayton Committee on a technical basis. Mr. Sweetman and Mr. McIntire made it clear at this Meeting that Centerville is financially involved only for the study concerning Cable TV, that it is not to be assumed that Centerville will go forth in granting a franchise.

Mr. Victor Green, 7715 Greenbrier Place, suggested that Centerville wait and see first how the franchise works in other Municipalities before entering into one itself.

Mr. Smith reviewed his proposal to purchase four new and one used three-wheeled waste collection vehicles. Discussion followed relative to renting this equipment at \$300.00 per vehicle, per month with rental costs being 100% applicable to the purchase price, until bids are received and awarded for the purchase of same. Mr. McIntire was concerned with renting equipment and going to bid for same simultaneously. Mayor Hoy suggested going to bid for the vehicles and that they not be rented during the bidding procedure.

Clerk of Council Marilyn McLaughlin advised that a Notice of Intent to Appeal and the Petition has been received from Acro Realty Company concerning the Planning Commission's Decision rendered on January 9, 1973 relative to their three Rezoning Requests. Property in question is 76 acres at the north west corner of Bigger Road and Alexandersville-Bellbrook Road.

Mayor Hoy brought attention to a fact sheet concerning Revenue Sharing distributed by the Miami Valley Regional Planning Commission. He pointed out that according to this fact sheet the population figure of 24,497 used to derive at Revenue Sharing for Washington Township includes the Residents of Centerville, Centerville Residents accounting for 42% of the population of Washington Township. He suggested that Council contact the Washington Township Trustees to make certain that 42% of their share is spent in Centerville. Mr. McIntire moved that the Revenue Sharing money which has been derived for Washington Township by the population in Centerville must be spent for the benefit of the Centerville Residents. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy requested that the Clerk of Council forward this information to the Board of Trustees of Washington Township. Mr. McQueeney suggested that the three factors used to figure allocation to various Municipalities as outlined in this fact sheet be better explained. Mr. Smith advised that he has requested additional information from Washington, D.C.

Mr. Farquhar reviewed Resolution Number 4-73, it appropriates \$400.00 for operations of the Centerville Recycling Center. Mr. McIntire sponsored Resolution Number 4-73, A Resolution Appropriating The Sum Of \$400.00 For The Operations Of The Centerville Recycling Center And Authorizing And

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Directing The City Manager And Director Of Finance To Make Payment Of Same To The Centerville Recycling Center, and moved that it be adopted. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs read Resolution Number 5-73, A Resolution Authorizing The Participation Of The City Of Centerville In A Catv Study By The South Suburban And Communities And Appropriation Of The Funds Necessary Therefore. Mr. Stubbs sponsored Resolution Number 5-73 and moved that it be passed. Mr. McIntire seconded the motion. Discussion followed concerning Section One of the proposed Resolution, it was determined that it remain as written. A roll call vote resulted in six ayes in favor of the motion.

Mr. Farquhar explained how a Community Improvement Corporation can be established. He suggested that Council, acting individually, cause the Corporation to be set up and then a Contract be entered into between the Corporation and the City. The Corporation would be called the Centerville Community Improvement Corporation. As suggested by Mr. Farquhar, Council concurred to be Trustees of the Corporation. Mr. Stubbs recommended that Mr. Farquhar obtain and research the corporation of the former Community Area Development Corporation.

Centerville Building Inspector William Armour reviewed the recommendation of the Board of Architectural Review concerning the Curb Cut Application for the property located at 100 and 102 East Franklin Street. The Board recommended approval of the twenty foot Curb Cut as requested by Mr. Glenn A. Zink. Mr. McIntire moved that this Curb Cut Request be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Armour reviewed the recommendation of the Board of Architectural Review concerning the Curb Cut Application submitted by Mr. Edward Decker for the property located at 63 South Main Street. The Board recommended approval of the twenty-seven foot Curb Cut as submitted. Mr. Sweetman moved that this Curb Cut be approved as submitted. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman expressed his dissatisfaction with the service the City of Centerville is receiving in reference to the Animal Warden. He asked the City Manager to provide a Centerville Warden for Animals, manpower perhaps from another Department. Mayor Hoy requested that a program be developed for Council's consideration within the next 90 days. During discussion of the proposed Contract with Eugene R. Romer, Mr. McQueeney questioned paragraph 2 and suggested that the Contract be reviewed with Mr. Romer.

Mr. McIntire moved that the City Manager be authorized to go to bid for 5 three-wheeled trash vehicles (4 new, 1 used). Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Smith advised that the cost of uniform rental is becoming in excess of \$1,500.00, thus it is necessary to go to bid for same. The present Contract is terminating. Mr. McIntire moved that the City Manager be authorized to go to bid for the rental of uniforms for the Street and Waste Collection Department Employees. 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:

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Mr. Stubbs questioned the progress being made concerning parking lot specifications. Mr. Schab advised that he has been working on them but not actively because of other priorities. The weather at this time would not permit applying asphalt.

Mr. Stubbs made reference to a letter received from the Centerville City School Superintendent Donald Overly concerning improvements to East Franklin Street in the vicinity of the new High School, and pointed out that no promises were made by the City of Centerville in a previous Meeting. Discussion followed concerning improvements which should be made. Mr. McQueeney suggested that a planning session be held to arrive at an overall plan for the entire area of the new High School, the area should have been improved when the School is completed. Mr. McIntire recommended that the street grade be determined for East Franklin Street now for future development. Mr. Schab will prepare maps showing sidewalks, grade, what land is and is not developed, for Council's consideration. Mayor Hoy advised that the item will be on the agenda for the next Council Meeting.

Mr. McIntire recognized Washington Township Trustee Mrs. Ann Murrow and welcomed her to this Council Meeting.

Mr. Sweetman suggested that a Resolution be prepared for the past Director of Finance Ronald Budzik in recognition of his fine job. Necessary legislation will be prepared.

Mayor Hoy wondered what has been done relative to safety information for City employees in the various departments. He suggested that safety programs be established for each department.

There being no further business, the Meeting was adjourned.

Approved:

Mayor

ATTEST:

Clerk of the Council

Paul C. Hoy

Barbara J. Laughlin