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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, May 21, 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: Russell Sweetman, John McIntire, Charles McQueeney, Leonard Stubbs, J. V. Stone, John Davis, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance William Bettner and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of May 7, 1973 had been distributed prior to this meeting. Mr. Stubbs moved that the Minutes of the Meeting of May 7, 1973 as distributed be approved. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning the rezoning request submitted by Zengel Builders, Inc. for a change of 1.15 acres, more or less, from Centerville R-2 to Centerville R-3 classification.

The notice of public hearing was read by the Clerk of Council.

Mr. Smith located the subject property on a map; the property is located at the south west corner of Cedarleaf Drive and Alexandersville-Bellbrook Road. Proposed is the erection of 1 four family apartment at the corner with 2 double units on the west side of Cedarleaf Drive immediately south of the four family building. The Planning Commission vote resulted in 4-3 in favor of the rezoning. Questions in Planning Commission were concerning the design of the garage doors on the double units, the need for the four family building on the corner, the need for the double to the extreme south and the transition of the multi-family to single-family.

Mr. Karl Zengel reviewed their proposal. The architecture of the buildings will be in conjunction with the single family surrounding the area. The four family building will resemble the already constructed eight family building across the street.

Mr. Sweetman wondered whether the garages for the doubles could be located to the rear of the buildings. Mr. Zengel explained how this could not be done due to lot size and practicality.

Mr. Davis sponsored Ordinance Number 26-73, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-zoning 1.15 Acres, more or Less, From Centerville R-2 Classification To Centerville R-3 Classification, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Sweetman and Mr. McIntire voted no.

City Manager James Smith announced that an Assistance Service Director has been hired for the City of Centerville. He is Ted Thompson, present Assistant to the City Manager of Oakwood, he will begin his services with the City of Centerville on June 11, 1973. His duties will be varied, from research projects to drawing specifications for equipment for city purchase. He will act as liaison between the Street and Waste Collection Departments, and between the City Manager and Council.

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The Public Hearing was held concerning the Rezoning Request filed by Anthony B. Wenzler for a change of 21.301 acres, more or less, from Washington Township R-4 to Centerville R-3 Classification.

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

Mr. Smith located the subject property on a map; it is located along the north Centerville Corporation Line east of Marshall Road. The Planning Commission recommended approval of this Request by a 5-1 vote. Mr. Baker objected to the request for two reasons: 1. uncertainty of the Industrial Development to the north (in the City of Kettering) and 2. he feels doubles do not serve as a necessary buffer between multi-family and single family residences.

Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Applicant, explained the proposal. Erected will be 26 doubles, 13 four family dwellings, the four family dwellings to back up against the Industrial Zoning in Kettering.

Mr. Davis wondered what and where buffering will be provided between the multi-family buildings and industry; he felt adequate buffer must be determined prior to passage of the ordinance. Mr. Archdeacon advised that buffering will be provided by garages with shrubbery between to be located at the rear of the properties.

Mr. Joseph Hylton, 5007 Marshall Road, advised that multi-family dwellings north of the proposed doubles and west of the Industrial zoning do not exist. Mr. Archdeacon pointed out that the structures do not exist but the zoning allows for them.

Mr. Kenneth Love, 5067 Marshall Road, fears that additional multi-family zoning will be requested for adjacent land.

Mrs. Anna Klazusko, 5155 Marshall Road, a representative for her wondered whether the apartments will face Marshall Road. Mr. Archdeacon pointed out that the land included in the Request for apartments is approximately 500 feet east of Marshall Road.

Mr. Brent Koogler, 5101 Marshall Road, wondered what guarantee residents on Marshall Road have that further rezoning will not take place along Marshall Road. Mr. Joseph Wenzler, speaking in behalf of the Applicant, gave his assurance that single family homes will be built on the Applicant's property along Marshall Road.

Mr. Dennis DeBrosse, 985 Marycrest Lane, advised that he was led to believe that the subject land had been zoned for doubles at the time he purchased his property.

Mrs. Ernest Szabad, 995 Marycrest Lane, advised that she did not receive a "Notice of Public Hearing". Mr. Dennis DeBrosse advised that he did not receive one. The list of property owners within 500 feet of the property was checked and their names were contained on the list.

City Planner Robert Winterhalter explained that he has been working with the City of Kettering and there will be buffering between the Industrial zoning and multi-family, the buffer will be provided in the City of Kettering. Buffer is required on the west side and south side of the proposed doubles. He recommended approval of the Rezoning Request.

Mr. McIntire referred to this rezoning as default zoning. He feels some commitment should be made for use of the land on the east side of Marshall Road and west of the subject property. Mr. Archdeacon verbally committed that this land will be con-

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structed in single family residences. Mr. Farquhar pointed out that this is merely a good faith commitment.

Mr. McIntire sponsored Ordinance number 19-73, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 21.301 Acres, More Or Less, from Washington Township R-4 Classification to Centerville R-3 Classification. Mr. Stone seconded the motion. Mr. Davis suggested that this Ordinance be tabled for further determination for screening between the R-3 and Industrial zoned land. Mr. Archdeacon agreed that the Preliminary Plan for this area will include screening in the R-3 zoned land or screening will be confirmed in the City of Kettering. A roll call vote resulted in four ayes in favor of the motion, Mr. Sweetman, Mr. McIntire, and Mr. McQueeney voted no.

Discussion followed concerning people within 500 feet of the property not receiving the "Notice of Public Hearing". Mr. Sweetman suggested that the Clerk of Council ascertain who did and who did not receive the Notice and a tracer be placed upon the undelivered Notices. Mr. Davis suggested that a cover letter be sent with the Notices advising people of the procedure being followed.

Mr. McIntire stated his opposition to recommendations for additional multi-family zoning in this Community.

The Public Hearing was held concerning Ordinance Number 20-73, an Ordinance adding additional specifications for sidewalks in the Architectural Preservation District. Mr. Schab reviewed the specifications; in general, required is a sidewalk of brick on a concrete base. Mr. Davis sponsored Ordinance Number 20-73, An Ordinance Amending Ordinance No. 15-61 And Ordinance No. 80-71 By Adding Additional Specifications For Sidewalks In The Architectural Preservation District, and moved that it be passed. Mr. Stubbs seconded the motion. Mr. McIntire felt that paragraph "E" should be more specific (transition from concrete walks to brick walks). Mr. Farquhar pointed out that this is a guide for the Board of Architectural Review. As questioned by Mr. McIntire, Mr. Schab explained how a brick walk could be applied over an existing concrete walk depending on the construction and condition of the walk and the grade of the access drive. A roll call vote resulted in seven ayes in favor of the motion.

Ordinance Number 27-73 was explained by Mr. Farquhar, it amends the procedure for Public Hearings before the Planning Commission on amendments to the Zoning Ordinance. Mr. Sweetman moved that Ordinance Number 27-73, An Ordinance Amending Section 24 Of Ordinance 15-61 Relating To Public Hearings On Proposed Amendments And Times Within Which To Take Action, be set for Public Hearing on July 2, 1973. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter explained changes made to Ordinance Number 28-73, the proposed sign Ordinance. Discussion followed concerning advertising signs: a sign being permitted which directs attention to a use, commodity, or service not related to the premises on which the sign is located. Mayor Hoy objected to advertising signs being permitted anywhere in the City, Council

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concurring. Mr. Farquhar advised that because of substantial change to this Ordinance it must be returned to the Planning Commission. Mr. Sweetman moved that Ordinance Number 28-73, An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance, By Additional Regulations Concerning Signs And Definitions For All Zoning Districts Within The City Except Architectural Preservation, be sent back to the Planning Commission. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Schab reported on the drainage problem in the Terrace Villa Plat. The problem exists within lots 10, 11, 12 and 13. He explained how the problem can be solved by the construction of an additional catch basin and a french drain. In a Meeting with Mr. Balough, Cameo Construction Company, Mr. Balough agreed to install additional drain tiles between lots 10, 11, 12 and 13. As questioned by Mayor Hoy, Mr. Schab advised that the work will be done when weather permits. He will continue to pursue the solution to this problem.

Mr. Farquhar advised that he has reviewed the Court Settlement between Senate Builders, Inc. and the City of Centerville relative to Clareridge Manor Apartments on Clareridge Lane; he sees a possible violation occurring in the location of a parking lot and lack of screening between the parking lot and single family residences. Measurements will determine what violations are existing. Mayor Hoy suggested that violations be determined and legal recommendations be made to Council at the next Council Meeting concerning this matter.

Mr. Schab advised that Building Permits have been stopped in Rose Estates until the drainage problem has been solved.

City Manager James Smith reviewed the one bid received from Standard Oil Company for the purchase of gasoline by the City of Centerville. Bid price is 20.40 cents per gallon Boron, 17.90 cents per gallon for Regular, plus 7 cents per gallon for State Tax. A Resolution will be prepared for authorization to enter into a Contract for this purchase. Mr. McQueeney suggested holding this Resolution until the second Council Meeting in June to allow time to review a possible move by the Federal Government concerning the provision of gasoline to Municipalities.

A Memorandum received from the Centerville Arts Commission to City Council was read by Mrs. McLaughlin. The Memorandum contained proposed projects for the year 1973 and one for 1974. Mayor Hoy requested that the Clerk of Council acknowledge receipt of this Memorandum and invite Art Commission Members to a Council Work Session on Thursday, May 31, 1973 to discuss this Memorandum.

Mrs. McLaughlin also informed Council of a Dinner Meeting to be held at Neil's Heritage House before the Cable TV Meeting on Thursday, May 24, 1973. Mr. Sweetman suggested that details be obtained concerning the Cable TV Meeting.

Ordinance Number 29-73 was reviewed by Mr. Farquhar; one term will be for two years and one term for one year. Mr. McQueeney moved that Ordinance Number 29-73, An Ordinance Ap-

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pointing Joyce Cology And Rosemary Teigler To The Centerville Beautification Commission And Establishing Terms Of Office, be set for Public Hearing on June 4, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 30-73, An Ordinance Appointing Carol Ann Leighty To The Centerville Arts Commission And Establishing A Term Of Office, be set for Public Hearing on June 4, 1973. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Schab explained the Curb Cut Application submitted by Zengel Construction Company for the Medical Building to be located on North Main Street in the Architectural Preservation District. Mr. McQueeney moved that that the Curb Cut for Zengel's Medical Building on North Main Street be granted in accordance with the recommendation of the Board of Architectural Review. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Stubbs was not present for this item on the agenda.

Mr. Davis sponsored Ordinance Number 31-73, An Emergency Ordinance Accepting The Bid Of Reinhardt Painting, Inc. For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. McQueeney seconded the motion. Mr. Sweetman questioned and stated his objection to spacle and finishing of the dry wall being separate from the installation of same. He felt additional money will be spent because of this division. A roll call vote resulted in six ayes in favor of the motion, Mr. Sweetman voted no.

Mr. McIntire moved that Ordinance Number 32-73, An Ordinance Accepting The Bid Of Reinhardt Pa inting, Inc. For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Sweetman voted no.

Mr. McIntire sponsored Ordinance Number 33-73, An Emergency Ordinance Accepting The Bid Of Frank L. Luhn Associates, Inc. For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Sweetman voted no.

Mr. Davis moved that Ordinance Number 34-73, An Ordinance Accepting The Bid Of Frank L. Luhn Associates, Inc. For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The

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Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Sweetman voted no.

Mr. Stubbs sponsored Ordinance Number 35-73, An Emergency Ordinance Accepting The Bid Of Irwin Enterprises For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, 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. McIntire moved that Ordinance Number 36-73, An Ordinance Accepting The Bid Of Irwin Enterprises For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Ordinance Number 37-73, An Emergency Ordinance Accepting The Bid Of Darol Company For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire moved that Ordinance Number 38-73, An Ordinance Accepting The Bid Of Darol Company For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Ordinance Number 39-73, An Emergency Ordinance Accepting The Bid Of Sears, Roebuck And Company For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, 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. Davis moved that Ordinance Number 40-73, An Ordinance Accepting The Bid Of Sears, Roebuck And Company For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. McQueeney sponsored Ordinance Number 41-73, An Emergency Ordinance Accepting The Bid Of El Bee Office Outfitters For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, 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. Stubbs moved that Ordinance Number 42-73, An Ordinance Accepting The Bid Of El Bee Office Outfitters For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Ordinance Number 43-73, An Emergency Ordinance Accepting The Bid Of Seitz And George Office Equipment Company For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis moved that Ordinance Number 44-73, An Ordinance Accepting The Bid Of Seitz And George Office Equipment Company For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Ordinance Number 45-73, An Emergency Ordinance Accepting The Bid Of Miami Business Interiors, Inc. For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McQueeney moved that Ordinance Number 46-73, An Ordinance Accepting The Bid Of Miami Business Interiors, Inc. For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Sweetman sponsored Ordinance Number 47-73, An Emergency Ordinance Accepting The Bid Of Dayton Communications Corporation For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 48-73, An Ordinance Accepting The Bid Of Dayton Communications Corporation For The Interior Finishing Or Furnishings For The Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on June 4, 1973. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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

Mr. Stubbs, in recognition of the organization founded by a local Attorney dealing with phonography in this area, personally endorsed this Organization and urged Citizens to make complaints concerning this matter.

Mr. Stone, in making reference to a safety film concerning the installation of signs, break away signs, death traps within Municipalities (poles too close to the street), etc. suggested that consideration be given to hiring a traffic or safety engineer; death or injury traps are now being installed without the City realizing it.

Mr. Stone suggested that each Councilman personally endorse the establishment of a Medical School at Wright State University, he encouraged letter writing to the Governor and State Representatives to solicit their co-operation in having this School established.

Mr. McIntire, in reference to the Final Draft for the 1973 Progress Report, pointed out the fact that Council employs two people for the City, the City Manager and the Clerk of Council. Mayor Hoy and Mr. McIntire requested that the Report include a paragraph defining the duties and importance of the Clerk of Council along with her picture, and this be included on the same page with Council. Mr. McIntire further requested that the first sentence in paragraph 2 on page sixteen read as follows "Further, as we have noted, the new City Building will, in a sense, be a Commons--where the Citizens and their Government come together." Mr. McIntire complimented this outstanding Report.

Mr. Sweetman suggested that Legislation be considered to provide the City Manager with the tools necessary to prevent the deposit of mud on the roadway and require the parking of construction trucks and vehicles on the construction site. Mr. Farquhar will draft such Legislation for discussion at a Council Work Session.

There being no further business, the Meeting was adjourned.

ATTEST:

Wanda J. McLaughlin
Clerk of Council

Approved:

Paul G. Day
Mayor