

Minutes of

REGULAR

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held

June 4,

19 73

REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, June 4, 1973 at 8:00 P.M. at the Centerville High School, South Building. The Meeting was opened with the Pledge of Allegiance to the Plag with Mayor Paul Hoy presiding. Councilmen present were as follows: John McIntire, John Davis, Leonard Stubbs, Russell Sweetman, Charles McQueeney, J. V. Stone, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of May 21, 1973 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of May 21, 1973 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mrs. Betty Mantis, 7276 West Von Dette Circle, appeared before Council asking for some traffic relief on Von Dette Circle from the Black Oak Estates. She suggested dedication of Bigger Lane and a street be constructed to link Clyo Road with Wilmington Pike through the Black Oak Estates Development. She also asked that a traffic count be made to ascertain how many cars do use West Von Dette Circle per day. Mr. McIntire explained how the dedication of Bigger Lane has been discussed since 1959. Mr. Schab explained how a street will continue from Clyo Road east to Wilmington Pike with one missing link of approximately 600 feet in undeveloped land. Mr. Stone explained that the Council does plan to create a traffic plan for this area to the benefit of the Community, but it will take time.

Mr. Mike Koester, representing the Dayton Public Service Union and appearing in behalf of employees of the Street and Waste Collection Departments, appeared to advise Council that a Petition has been filed with the City Manager, signed by fourteen employees, for membership in the DPSU, Local 101. Mr. Farquhar explained the City's position in the organization of a Union, he pointed out the fact that a reason for joining a Union has not been evidenced to Council. As requested by Mr. Sweetman, Mr. Smith explained how a grievance should be filed with the Personnel Appeals Board. Mayor Hoy referred to the duties and the reason for the creation of the Personnel Appeals Board as outlined in the Charter and named the Members of the Board; he advised that these names, addresses and phone numbers are available to all employees. Mr. Sweetman suggested that a Meeting be set for the Personnel Appeals Board to get acquainted with Street and Waste Collection Department employees.

Mr. Russell Hyland, owner of the Stop and Go and the Cork and Bottle Party Supply, appeared to point out to Council that beer and wine are not being sold to minors in his two establishments, to his knowledge.

Mr. Charles Rush, 534 Duberry Place, appeared to ask Council whether anything is being done concerning drainage and storm sewers in the older sections of Centerville. Mr. Schab advised that this would be an excess amount of work for the

RECORD OF PROCEEDINGS

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held June 4, 1973 continued 19

City Engineer, he explained a drainage problem existing to the rear of lots on the north side of Spring Valley Road. Mr. McIntire pointed out that perhaps drainage plans were not required when this particular area was developed, there are some academic questions which need answering. Mayor Hoy suggested that this matter be reviewed to ascertain whether a drainage plan was required at the time the homes were built.

During his City Manager's Report, Mr. Smith explained Ray Rose and Tom Sowder's request for release of the Performance Bond for Rose Estates, Section One, all City specifications and requirements have been met. Mr. McIntire moved that the Performance Bond for Rose Estates, Section One be released subject to the receipt of a Maintenance Bond in the amount of \$2,500.00. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed the status of the plantings in the buffer strip between properties on Loop Road and Village South properties; trees are growing and sod is taking hold; there appears to be no drainage problem in Village South and the Villager Apartment Development.

Mr. Davis reported on the Planning Commission Meeting held May 28, 1973. He explained the Conditional Use Request submitted by Warehouse Beer Systems Company Inc. for an auto carry out selling beer and wine to be located immediately south of the Marathon Service Station on North Main Street. As proposed, Wythe Parish would dead end into the building. The Planning Commission recommended denial of the Request by a 4-2 vote. An Intent to Appeal the decision of the Planning Commission has been filed with the Clerk of Council.

Mr. Davis explained the Conditional Use Request submitted by the Village Delicatessen, Inc. to locate a beer and wine carry out on South Main Street, the location of the old Arco Service Station. The Planning Commission recommended approval of this Request by a 6-0 vote. A Public Hearing before Council will be set concerning this matter.

The Rezoning Request filed by Jane H. Magsig was explained by Mr. Davis. Requested is a change of 5.508 acres on the south side of East Franklin Street west of the Industrial Zoned land from R-2 to B-1. The Planning Commission recommended approval of this Request by a 5-1 vote. Mr. McIntire moved that Ordinance Number 49-73, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning 5.508 Acres, More Or Less, From Centerville R-2 Classification To Centerville B-1 Classification, be set for Public Hearing on July 16, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the Planning Commission's recommendation concerning a proposed Ordinance to provide an expiration date on Zoning Certificates. They recommended by a 6-0 vote that the Ordinance provide for a 12month expiration period rather than the proposed 6 month period. The Ordinance was changed to correspond with the Planning Commission's recommendation. Mr. Stone moved that Ordinance Number 50-73, An Ordinance Amending Ordinance 15-61, The Zoning Ordinance, Section 22, By Providing For The Expiration Of Zoning Certificates In The Event The Rights Granted Thereunder Are Not Exercised Within The Prescribed Period Of Time, be set for Public Hearing on

Held

June 4, 1973 continued

19

July 16, 1973. Mr. McQueeney seconded the motion. Mr. McIntire questioned why the Planning Commission recommended a longer expiration period. Mr. Davis advised that they felt the 6 month period was too short in some instances, the Ordinance is to prevent a Certificate from remaining valid for several years. A roll call vote resulted in six ayes in favor of the motion, Mr. Sweetman was not present for this item on the agenda.

Mr. Davis explained the Preliminary Plan for Carriage Square, a Multi-Family Development (253 units) to be located on the west side of Bigger Road north of proposed I-675. A 35 foot green space has been provided to include screening between the pavement of the parking lot and Red Coach South properties. Screening has also been provided between the Multi-Family Development and the remaining EC zoned land. An acceleration lane and deceleration lane will be provided on Bigger Road. The Planning Commission recommended approval of this Preliminary Plan by a 6-0 vote. Mr. Sweetman wondered what provision has been made for a run off area and parking for construction trucks. Mr. Charles Abramovitz, from the Ralph L. Woolpert Company and representing the Developer, advised that gravel parking spaces can be provided for the parking of construction trucks on the property, this should be incorporated on the final plan. Mr. McIntire pointed out the fact that an entrance to this Development could have been provided off Hewitt Road. Mr. Davis moved that the Preliminary Plan for Carriage Square be approved. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. McIntire voted no.

Section Two and Section Three of Pelbrook Farm were outlined by Mr. Davis. The subject property is located south of Alexandersville-Bellbrook Road and west of Wilmington Pike, it is part of the Paul Lapp property. The Plan provides a street in front of the park and a continuing street from this Development and Black Oak Estates north to Alexandersville-Bellbrook Road. The Planning Commission recommended approval of the Record Plans for Pelbrook Farm, Section Two and Three subject to the right-of-way on Alexandersville-Bellbrook Road being 120 feet, the name of Ambridge Road be changed in Greene County and a deceleration lane be provided on Alexandersville-Bellbrook Road in Section Three. The length of the deceleration lane will be established on the final plan. Mr. McIntire expressed his concern with the safety aspect on SR 725: the new street in relationship to the bridge. Mr. Davis moved that the Record Plan for Pelbrook Farm, Section Three be approved subject to the receipt of a Performance Bond in the amount of \$65,000.00, a Sub-Dividers Agreement and an Inspection Fee of \$675.50. Mr. Stubbs seconded the motion. Mr. McIntire moved to amend the previous motion to include that there be communications with the State of Ohio, Department of Highways concerning a new bridge on Alexandersville-Bellbrook Road in this area. Mr. Davis accepted the amendment to the motion, Mr. Stubbs agreed. A roll call vote resulted in seven ayes in favor of the motion. Mr. Davis moved that the Record Plan for Pelbrook Farm, Section Two be approved subject to the receipt of a Performance Bond in the amount of \$79,000.00, a Sub-Dividers Agreement and an Inspection Fee of \$570.71. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RECORD OF PROCEEDINGS

25

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2685

Held June 4, 1973 continued 19

Mr. Davis explained the Record Plan for Fox Run, Section One, property being located south east of Overbrook Drive and north of proposed I-675. Proposed is the erection of 111 units on 12.8 acres of land. The Planning Commission recommended approval of this Plan by a 7-0 vote, subject to the City Engineer's approval of screen plantings. Mr. Davis advised that an easement will be granted by the Oak Creek Development Company for the 26 foot wide ditch which runs from this property over Oak Creek property. Mr. McIntire requested that the City of Centerville legal department determine whether this easement is necessary. Mr. Farquhar explained how the easement is a right to go upon this property, it does not bind the City to maintenance of the ditch. Mr. Davis moved that Council approve the Record Plan for Section One, Fox Run subject to the receipt of a Sub-Dividers Agreement, a Performance Bond in the amount of \$1,400.00 to cover sidewalks and a Performance Bond of \$5,800.00 to cover other unfinished items within the public right-of-way, an Inspection Fee is not required. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. McIntire voted no. Mr. McIntire pointed out that his no vote was not a reflection against the integrity of the builder, he opposed the multi-family zoning with no covenants being required. Mr. McIntire stressed the importance of the Planning Commission to completely understand the entire area of a Rezoning Request.

Mr. Davis reviewed the Record Plan for Plymouth Notch, Section One. The property is located immediately east of Black Oak Estates on the north side of Centerville Station Road. Sidewalk will be provided on Braewood Trail to the bridge and on Centerville Station Road. Mr. Davis moved that Council approve the Record Plan for Section One, Plymouth Notch subject to the receipt of a Sub-Dividers Agreement, a Performance Bond in the amount of \$32,000.00 and an Inspection Fee of \$208.45. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 29-73. Mr. Stubbs sponsored Ordinance Number 29-73, An Ordinance Appointing Joyce Cology And Rosemary Teigler To The Centerville Beautification Commission And Establishing Terms Of Office, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 30-73. Mr. McIntire sponsored Ordinance Number 30-73, An Ordinance Appointing Carol Ann Leighty To The Centerville Arts Commission And Establishing A Term Of Office, and moved that it be passed. 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 Numbers 32-73, 34-73, 36-73, 38-73, 40-73, 42-73, 44-73, 46-73 and 48-73. Mr. Stone sponsored Ordinance Number 32-73, An 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

Held

June 4, 1973 continued

19

be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis sponsored 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 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. Stubbs sponsored 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, 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 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, 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. Davis sponsored 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, 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. McQueeney sponsored 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, 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. Stone sponsored 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, 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. Stubbs sponsored 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, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held June 4, 1973 continued

19

Mr. Sweetman sponsored 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, 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. Farquhar reviewed a Resolution which authorizes the Centerville Arts Commission to hold an Art Exhibit, sets the date and appropriates funding. Mr. McIntire sponsored Resolution Number 17-73, A Resolution Authorizing The Centerville Arts Commission To Hold An Art Exhibit Project Known As "An Old Fashion Summer In Centerville" To Be Held On July 15, 1973 Or On July 22, 1973 As An Alternate Rain Date And Appropriating Funding, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy withdrew from this portion of the Meeting. Deputy-Mayor John McIntire presided. Municipal Attorney Robert Farquhar explained Ordinance Number 51-73 an Ordinance which requires the installation of all utilities in new residential plats underground. Mr. Stone moved that Ordinance Number 51-73, An Ordinance Requiring Underground Installation Of All Utilities In New Residential Plats And Subdivisions, be set for Public Hearing on June 18, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy returned to the Meeting and presided at this time.

Mr. Stone sponsored Ordinance Number 52-73, An Emergency Ordinance Appointing William F. Murphy To The Centerville Planning Commission For A Term Of Three Years Commencing June 5, 1973, 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 53-73, An Ordinance Appointing William F. Murphy To The Centerville Planning Commission For A Term Of Three Years Commencing June 5, 1973, be set for Public Hearing on June 18, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stubbs sponsored Ordinance Number 54-73, An Emergency Ordinance Appointing Elmer C. Tate, Jr. To The Centerville Planning Commission For A Term Of Three Years Commencing June 5, 1973, 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. McIntire voted no.

Mr. Stone moved that Ordinance Number 55-73, An Ordinance Appointing Elmer C. Tate, Jr. To The Centerville Planning Commission For A Term Of Three Years Commencing June 5, 1973, be set for Public Hearing on June 18, 1973. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held June 4, 1973 continued _____ 19____

Mr. McIntire sponsored Ordinance Number 56-73, An Emergency Ordinance Appointing Bruce H. Baker To The Centerville Planning Commission For A Term Of Three Years Commencing June 5, 1973, 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. Davis moved that Ordinance Number 57-73, An Ordinance Appointing Bruce H. Baker To The Centerville Planning Commission For A Term Of Three Years Commencing June 5, 1973, be set for Public Hearing on June 18, 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. McIntire requested that changes be implimented in Planning Commission procedures concerning impact studies - zoning changes relative to their surrounding area. He suggested that the City Manager develop some positive recommendations in this area; Council concurred.

Mr. Stone questioned some extra expense in the construction of the new Municipal Building. Why wasn't "downspouts connected to the storm sewers" included in the overall cost.

Mr. Stubbs wondered about drainage and equipment for the City owned four acre park in Terrace Villa. Mr. Smith advised that he is currently working on this matter.

Mr. Davis suggested that salaries and fringe benefits for the Street and Waste Collection Departments be compared with surrounding Municipalities. Mayor Hoy suggested that the City Manager compile a comparison of these figures for review with City employees.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of the Councio