

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held August 6

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REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, August 6, 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, J. V. Stone, Leonard Stubbs, John Davis, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

Mr. Stone moved that Councilman Charles McQueeney be excused for the beginning of this Meeting. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of July 16, 1973 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of July 16, 1973 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Davis abstained.

The Minutes of the Meeting of July 23, 1973 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of July 23, 1973 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of July 27, 1973 had been distributed prior to this Meeting. Mr. Stone moved that the Minutes of the Meeting of July 27, 1973 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Davis abstained.

Mr. Mel Scott, 2408 Glenheath Drive, Kettering, Ohio, representing the Dayton Public Service Union Local 101, appeared to request recognition from Council for them to be the bargaining agent for the Street and Waste Collection Department employees, almost 100% of the employees have requested this recognition. Mayor Hoy suggested that this matter be reviewed for 30 days, then the Union advised whether or not Council will recognize them.

Councilman Charles McQueeney entered the Meeting at this time.

Mr. Stubbs wondered what benefits the City would receive by recognizing this Union. Mr. Scott explained a possible morale problem since employees have requested this right. Mr. McIntire feels this matter is top priority in the City, the Administration is not moving fast enough, he hopes this question will be resolved in less than 30 days. Mr. Scott advised that all is being requested at this time is a Representation Election. Mr. McIntire moved that within^a30 day period of time the City Administration allow for an election of these employees by secret ballot with a third party acting as the agent of the election, the Membership of the Personnel Appeals Board being the third party. Mr. Stubbs seconded the motion. Discussion followed concerning the fact that this motion only authorizes the election, it does not decide whether or not the Union is recognized by Council. Mr. McIntire withdrew his motion, Mr. Stubbs withdrew his second to the motion. Mr. Stone moved that a secret election be held between the Street and Waste Collection Departments of the City of Centerville conducted by the Personnel Appeals Board to determine whether or not it is the employees desire for a union and what union shall represent them; Council will recognize the union that is voted by the majority of the employees of said departments if in fact a union is selected; the election is to be held within 30 days. Mr. Stubbs seconded the motion. Mr. Farquhar pointed out

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the fact that a Contract will be negotiated after a union has been voted upon. Mr. Sweetman moved that the previous motion be amended to have employees include group leaders and to exclude supervisory people and seasonal help. Mr. McQueeney seconded the motion. A roll call vote on the amendment resulted in seven ayes in favor of the motion. A roll call vote on the main motion resulted in seven ayes in favor of the motion.

Mr. John Eldred, 333 East Franklin Street, appeared to ask Council to reconsider their previous approval of the Rezoning of the Jane H. Magsig Property. He opposes the Rezoning for three reasons: 1. he wants good visibility of the new high school, 2. he wants no more teenage hangouts and 3. he is concerned with the increase of vehicular traffic on East Franklin Street and in front of his property.

Mr. James Swaim appeared before Council to ascertain whether Council has made a decision relative to the continuation of Wythe Parish. Mayor Hoy pointed out the fact that Council has requested the City Manager to contact the TCC (Transportation Co-ordinating Committee) to conduct a comprehensive study relative to transportation, traffic pattern and streets in a large area of the City of which this section is a part. Mr. Swaim wondered how long this study will take, he is interested in a determination soon. Mayor Hoy emphasized the fact that it has always been the City's intention for Wythe Parish to continue through to State Route 48.

Mr. McIntire, in reference to Mr. Eldred's comments and in consideration of a letter to Municipal Attorney Robert Farquhar from James Gilvary concerning the Magsig Property Rezoning, requested a clarification from Mr. Farquhar concerning who may request a reconsideration of a previous Council motion. Mr. Farquhar advised that a motion for reconsideration can be introduced by a Council Member who had voted with the majority or did not have the opportunity to vote. Mr. McQueeney asked that this action be reconsidered as he does not believe 5 Councilmen voting were enough on such an important issue. Mr. Farquhar suggested that any reconsideration be placed on the agenda so that interested parties can be present at the Meeting, however, reconsideration should take place before the referendum period has terminated. Mayor Hoy requested, that before a motion of reconsideration is made, that Planning Commission and Council controls be reviewed in B-1 zoned districts. Mr. McQueeney moved that Council reconsider their action involving the rezoning of the Magsig Property. Mr. Sweetman seconded the motion. A roll call vote resulted in four nays against the motion, Mr. Sweetman, Mr. McIntire and Mr. McQueeney voted yes. Mr. McIntire stressed the the importance of the south side of East Franklin Street being developed as nice as possible for the City. Mr. Sweetman fears the door is open to additional rezonings on East Franklin Street.

Mr. Smith reported the following during his City Manager's Report:

1. Two bids were received for the sprinkler system for the new Municipal Building; because the low bid was \$4,640.00 over the estimated \$5,000.00 Mr. Smith recommended rejecting both bids and reverting to some other means of sprinkling. Mr. Sweetman moved that Council reject the bids as received for the sprinkler system at the Municipal Building. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

2. One bid was received for the purchase of two 1973 vehicles, however the bid received was for 1974 models, Mr. Smith recommended rejecting this bid until a later date when more bids can be received. Mr. Davis moved that Council reject the one bid received for the purchase of two 1973 automobiles. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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3. Contact has been made with Rev. R. E. Brewer in reference to the Temple Property on North Main Street. Rev. Brewer has invited an offer to purchase the Temple Property from the City of Centerville. Mr. Stubbs moved that an appraisal be made of this property, the appraisal to be reviewed and agreed to by Council and then an offer be sent to Rev. Brewer. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

4. Temporary sidewalk on East Franklin Street is currently being put in place.

5. The new Municipal Building will be partially occupied around September 1, 1973. Council Meetings could be held in the Community Room after that time. Mayor Hoy suggested that a meeting be held between the General Contractor, Robert Makarius and the City Manager to determine whether Public Meetings can be held while the parking lot is being prepared.

6. The Progress Report should be received within the new few days.

7. Mr. Smith briefed Council on his meeting with the Montgomery County Budget Commission on August 1, 1973,

8. Mr. Smith reviewed his meeting with Washington Township Trustee Walter Buchanan concerning Revenue Sharing Monies and 7/10 Mill Monies. According to the Montgomery County Prosecutor, monies cannot be given to the City in a lump sum, monies cannot be spent on traffic signalization within the City, monies can be spent on road repair and resurfacing in accordance with Township bidding procedures or through the County Engineer. Mayor Hoy suggested that the City Manager develop four or five projects for the use of the \$23,000.00 City's share.

9. Mr. Smith explained his contact with the Dayton Power and Light Company concerning a Section included in the Underground Utility Ordinance, said Section being number 2, paragraph F relating to 22,000 volt lines. D. P. & L. would object to the Ordinance being amended to delete this Section.

Mayor Hoy introduced Tom Dovel, Vice President of The Research Team, who gave a brief summary of the Community Attitude Survey performed for the City of Centerville. Citizens were very enthusiastic, responsive and most co-operative during the Survey. Residents seem to be very well satisfied with City Services. Mayor Hoy suggested that the City Manager review this Survey with all Department Heads and develop a program to improve areas which need improving. As suggested by Mr. McQueeney, the letter received from School Superintendent Donald Overly concerning this Survey was distributed to members of the press.

The Public Hearing was held concerning the Conditional Use Request submitted by Mildred L. Fisher to provide for a Residential Development Plan for 20.5 acres of land.

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

City Planner Robert Winterhalter located the subject property on a map, it is located on the south side of Centerville Station Road along the east Corporation Line. Access to the property will eventually be from Wilmington Pike.

Centerville-Washington Park District Director Russell Miller pointed out that the proposed park land is part of the Sugar Creek Park Reserve, he urged that these five acres be deeded to the Centerville-Washington Park District.

Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Applicant, advised that following approval of this Plan, a grading Plan will be before the Planning Commission and Council for approval. Access to the park will be a 5 foot walkway between two residential lots.

Mr. McIntire wondered what certification the City has that at a certain point mining is discontinued on this property if this Conditional Use is granted. Mr. Farquhar suggested that approval be given subject to the

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receipt of a satisfactory grading plan to the Planning Commission and Council.

Mr. Davis pointed out a potential erosion problem if no top soil is left or backfilled. Mr. Farquhar advised that this should be included on the grading plan.

Mrs. Claudette Cash, 223 Freyn Drive, questioned the reduction in lot sizes. Mr. Archdeacon explained there are 31 lots ranging from 14,000 to over 25,000 square feet.

Mr. McIntire felt that the grading plan should include how this development will effect the topography of the land in Greene County.

Mr. Winterhalter reviewed Planning Commission's unanimous recommendation for approval of this Conditional Use Request, subject to a grading plan approved by the Planning Commission and Council and the dedication of the five acre park land to the City of Centerville.

Mr. McIntire moved that this Request for the property located along the south side of Centerville Station Road along the east Corporation Line be approved subject to the conditions which are: a grading plan to be submitted by the Developer including the replacement of removed gravel with some top soil, which grading plan is acceptable to the Planning Commission and Council and subject to the recommendation of the Planning Commission relative to the park. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning the EC Application for the Cambridge Inn Cafeteria submitted by Encrete, Inc.

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

Mr. Winterhalter located the subject property on a map, being that land lying between Fireside Drive and the Access Road along Far Hills Avenue, just south of the Far Hills Veterinary Clinic. Parking surrounds the building on all sides with the majority in the front. The Planning Commission recommended by a 5-1 vote that this Plan be approved contingent upon the receipt of a landscape plan. Mayor Hoy and Mr. Sweetman stated their objection to this type of use and number of parking spaces being placed on this small lot, the effect of Entrance Corridor is being lost. Mr. Sweetman moved that this Application for Cambridge Inn Cafeteria be tabled for further study. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Stubbs was not present for this item of business.

The Public Hearing was held concerning Ordinance Number 60-73. The proposed Ordinance was reviewed by the City Manager. Mr. McIntire sponsored Ordinance Number 60-73, An Ordinance Determining To Proceed With The Improvement Of East Franklin Street In The City Of Centerville, Ohio, By Widening The Said Street And Lowering The Crown Thereof From A Point 2800 Feet West Of Clio Road To A Point Approximately 1900 Feet West Of Clio Road (A Distance Of Approximately 900 Feet), Including The Installation Of Curbs, Gutters, And Approximately 310 Feet Of Storm Sewers, And Installation Of Concrete Sidewalk On The North Side Of Said Street From A Point 1950 Feet West Of Clio Road To Clio Road (Comprising Approximately 1344 Feet Of Sidewalk Four Feet Wide), and moved that it be adopted. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reported on the Planning Commission Meeting held on July 31, 1973. Mr. Schab explained a revised storm drainage plan for and through the Chevy Chase Park Apartment Complex. This revised Plan was unanimously approved by the Planning Commission.

Mr. McIntire sponsored Resolution Number 22-73, A Resolution Providing For The Establishment Of A City Park To Be Known As "Elizabeth Hoy Park" And Ratifying The Proclamation Of John W. McIntire, Jr., Deputy Mayor Pro-

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claiming Said Park On July 31, 1973, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Director of Finance William Bettcher reviewed his Second Quarter Financial Analysis for 1973. Income Tax receipts as of June 30, 1973 were \$214,655.00 as compared with \$175,000.00 at this same time in 1972.

In accordance with the recommendations of the City Engineer, Mr. Stone moved that the Performance Bond be released on Red Coach South, Sections One, Three and Five subject to the posting of their respective Maintenance Bonds with the City. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis moved that the Performance Bond for Pleasant Hill Plat, Section Seventeen be released subject to the receipt of the recommended Maintenance Bond. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman moved that the Performance Bond for the Route 48 Access Road in front of the Far Hills Kitchen be released subject to the receipt of the recommended Maintenance Bond. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman briefed Council on the Public Hearing held concerning Cable TV on July 25, 1973. Pros and Cons were received from the panel and people in the audience. Mr. Sweetman suggested that perhaps another Hearing be held with better publication sometime in the future. Mr. Sweetman read and sponsored Resolution Number 25-73, A Resolution Authorizing The City Of Kettering To Receive CATV Proposals On Behalf Of The City Of Centerville And To Forward Same To The City Of Centerville For Review And Approval, 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 reviewed the progress being made by the Community Relations And Promotion Council Committee concerning the establishment of a Sister-City Program.

Mayor Hoy advised that a resignation has been received from Centerville Youth Board Member Pat Catchpool Reppert. Applications for this vacancy can be obtained from the Clerk of Council.

Mayor Hoy advised that a Notice of Intent to Appeal and the Appeal concerning a Planning Commission decision rendered on July 10, 1973 relative to the DeGroot, Norfleete Rezoning Request has been received. A Public Hearing has been set for August 20, 1973.

Mayor Hoy advised that a Notice of Application for a transfer of a C1 and C2 (carry out of 3.2 and 6% beer and wine) Permit has been received from the Ohio Department of Liquor Control. The Applicant is Highley & Son, Inc., a change from 925 East Franklin Street to 871 East Franklin Street.

Mayor Hoy made reference to a letter received from Linda Smith, 1080 Kentshire Drive, concerning a drainage problem in Red Coach South. Mr. Schab advised that the problem is being resolved.

Clerk of Council Marilyn McLaughlin read a thank you letter received from Elizabeth Hoy to Council concerning the park dedication in her name.

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Mr. Sweetman explained the Youth Board Recommendation to City Council dated July 20, 1973, they are asking Council to reward the working school year volunteers (4 youths) for 7 weeks work during the summer at the Recycling Center; total cost of the expenditure being \$560.00. Mr. Stubbs wondered if this type of expenditure is what was intended when the Youth Board was established, he felt that monies should be used for the benefit of the entire community. Mr. McIntire pointed out the fact that these salaries are a part of the activity formally approved by Council. Mayor Hoy pointed out the benefit to the City - a reduction in refuse incineration. Mr. Stone suggested paying this expenditure from a fund other than the Youth Board Appropriation. Mr. McQueeney moved that this matter be tabled for further study, to possibly take funds from another source. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone sponsored Resolution Number 26-73, A Resolution Accepting The Bid Of The Ohio Printing Company To Provide An Industrial Development Brochure And Envelopes For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, 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. McIntire sponsored Resolution Number 27-73, A Resolution Accepting The Bid Of Wagner-Smith Company For The Installation Of Certain Traffic Signals For The Sum Of \$25,417.00 And Ratifying The Action Of The City Manager In Executing A Contract For Same, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Resolution Number 28-73 was reviewed by Council. As recommended by the Community Relations And Promotion Council Committee the Resolution was completed to appoint five members to the Sister-City Committee. Mr. Sweetman sponsored Resolution Number 28-73, A Resolution To Provide For The Establishment Of A Sister-City Committee Program, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The blanks in Ordinance Number 62-73 were completed to concur with the recommendation of the Community Relations And Promotion Council Committee, to appoint the following five members to the Sister-City Committee:

Gilles DeCourtivron
Nancy Snyder
John Spoor
Joy Tamaska
Gordon Coffin

Mr. McQueeney moved that Ordinance Number 62-73, An Ordinance Appointing Various Members To The Sister-City Committee Of The City Of Centerville And Establishing Terms, be set for Public Hearing on August 20, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Proposed Ordinance Number 63-73 was reviewed by the Municipal Attorney; it takes care of all discrepancies which may exist. Mr. Stone moved that Ordinance Number 63-73, An Ordinance Defining The Applicability Of The "Uniform Building Code" And The "Ohio Building Code", As Same Are Enforced By The City Of Centerville, be set for Public Hearing on August 20, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Resolution Number 29-73, A Resolution Designating A Public Depository And Awarding Public Moneys, and moved that it

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be passed. Mr. Stone seconded the motion. Mr. McIntire requested a clarification of this proposed Resolution in accordance with the Ohio Revised Code. Mr. Sweetman withdrew his motion, Mr. Stone withdrew his second to the motion. Clarification will be forthcoming from the Municipal Attorney.

Proposed Ordinance Number 64-73 was completed to appoint Jack W. Steinbrunner and Susan Huber to 3 year terms and C. Pamela Boyles to a 2 year term on the City Beautiful Commission. Mr. Sweetman moved that Ordinance Number 64-73, An Ordinance To Appoint Members To The City Beautiful Commission Of The City Of Centerville As Established By Ordinance 10-73 And To Establish Terms For Said Appointees, be set for Public Hearing on August 20, 1973. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Proposed Ordinance Number 65-73 was completed to appoint Edward Levine to a 3 year term on the Arts Commission. Mr. McIntire moved that Ordinance Number 65-73, An Ordinance To Appoint A Member To The Arts Commission Of The City Of Centerville As Established By Ordinance 9-73 And To Establish A Term For Said Appointee, and moved that it be set for Public Hearing on August 20, 1973. Mr. Stubbs 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 comment was received:

Mr. Stubbs suggested that Council look at the Mental Health Board, Number 648# and make it known that Centerville is interested in the development of a Mental Health Plan in the area. He suggested that the Public Health And Safety Council Committee look into the drug and mental health problems in this area.

There being no further business, the Meeting was adjourned.

Approved: 

 Mayor

Attest:



 Clerk of Council