

Held September 17, 1973

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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, September 17, 1973 at 8:00 P.M. at the Centerville Municipal Building, Community Room. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: Leonard Stubbs, John McIntire, Charles McQueeney, Russell Sweetman, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab 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 five ayes in favor of the motion.

Councilman J. V. Stone entered the Meeting at this time.

Mr. Smith reviewed his City Manager's Report. On September 12, 1973 an escrow amount was agreed upon with Black Oak Development Company for the extension of Bigger Road. The agreed amount of \$4,582.99 was based on the construction cost of concrete, interest rate of 5% for nine months and one-half the share of the engineering fee. As questioned by Mr. Sweetman, Mr. Smith advised that the engineering cost was divided because of a change in engineering plans requested by the City as a result of the request of residents on Bigger Lane that the roadway not be completed. Mr. Sweetman stressed the necessity for the undeveloped portion of Bigger Road to be put in good shape by the City, ample time has been given.

Mr. Smith advised that a check in the amount of \$23,550.00 should be received by the City in about two weeks, being Revenue Sharing money from Washington Township.

Mr. Smith advised that the traffic light on East Franklin Street at the new high school should be installed in about two days. He summarized the construction on East Franklin Street, a future black top problem is not anticipated. In consideration of past asphalt problems and the season, Mr. Sweetman suggested that the City's resurfacing program for 1973 become a top priority project.

Mr. Smith proposed a Contract for housing inspection with Montgomery County Health Department at a cost of \$12.50 per hour. He recommended such a Contract on an as needed basis. Mr. Sweetman requested that the City Manager prepare a report as to the pros and cons of the City developing its own Health Department. Mr. McIntire moved that the City Manager enter into a Contract with the Montgomery County Health Department for housing inspection on an as needed basis at \$12.50 per hour. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. As requested by Mayor Hoy, Mr. Smith will review the establishment of a County Health Office in the new Municipal Offices.

Mr. Winterhalter distributed to Council a copy of the Impact Statement being finalized by the Planning Commission in co-ordination with a new Rezoning Application. He asked for Council's suggestions concerning this Statement.

The Public Hearing concerning Ordinance Number 72-73 was held. Mr. Sweetman sponsored Ordinance Number 72-73, An Ordinance To Appoint A Member To The City Beautiful Commission Of The City Of Centerville As Established By Ordinance 10-73 And To Establish A Term For Said Appointee, said appointee being Elyse Kindler to a term of three years commencing on October 18, 1973, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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The Public Hearing was held concerning Ordinance Number 73-73, the proposed Ordinance appoints Roberta F. Levine to a two year term on the Arts Commission commencing October 18, 1973. Mr. McIntire sponsored Ordinance Number 73-73, 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 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 74-73 was held. Mr. Smith reviewed the proposed Ordinance. As questioned by Mr. Stone, Mr. Farquhar advised that the City's Bond Indebtedness is no where near it's limitation. Mr. McQueeney sponsored Ordinance Number 74-73, An Ordinance Providing For The Issuance Of Not To Exceed \$35,633.49 Of East Franklin Street Special Assessment Bond Anticipation Notes By The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The City Engineer's recommendation concerning violations to the Court Settlement in reference to the Clareridge Manor Apartments was reviewed. Mr. Farquhar pointed out that this would be a practical solution to the problem. Mayor Hoy felt that the developer should be required to conform to the Court Order, he recommended and Council concurred that the developer be advised of the violations, be given a reasonable period of time to respond and then the City file a motion of contempt if he does not respond. Mr. Farquhar advised that perhaps something can be resolved to the satisfaction of everyone involved. This matter was placed in the hands of the Municipal Attorney and City Engineer to proceed.

Mr. McQueeney moved that the Replat of Pleasant Hill Plat, Section Eighteen be removed from the table. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab explained Zengel Builders, Inc. proposal for a Replat of three lots to one lot in Pleasant Hill Plat, Section Eighteen. As pointed out during the Rezoning of this subject land three buildings are planned for construction on this property. Mr. Karl Zengel advised that he has requested this Replat in order to conform to Deed Restrictions established at the time the Rezoning was granted. Mr. Farquhar pointed out the fact that locating three buildings on one residential lot is a violation to the Zoning Ordinance but the proposal is the best method of satisfying Council's request made when the Rezoning was approved. Review of the Minutes concerning this matter revealed that only the Ordinance was passed to effectuate the Rezoning, there were no covenants entered into at that time between the Developer and the City. Mr. Stobbs moved that Council approve the Replat of Pleasant Hill Plat, Section Eighteen submitted as the Record Plan dated June 1973. Mr. Stone seconded the motion. Mayor Hoy and Mr. McIntire pointed out the fact that Council cannot approve a violation of a City Ordinance, the developer will have to find another way to develop this land. A roll call vote resulted in five nays against the motion, Mr. Stubbs voted yes.

Mr. Stone moved that the Record Plan for Carriage Square, Section One be removed from the table. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Applicant explained a revised Plan for Carriage Square, Section One, which provides a left turn storage lane (storage for five

RECORD OF PROCEEDINGS

Minutes of

Meeting

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cars) for traffic moving north into the development on Bigger Road and an extra lane for traffic traveling south and into this development. This Plan has received the City Engineer's approval. The transition for traffic moving south takes place in approximately 600 feet. Mr. Winterhalter advised that the street width as proposed matches the City's Thoroughfare Plan. As questioned by Mr. McQueeney, Mr. Archdeacon advised that the improvement to Bigger Road will be one of the first items of construction, it will follow the approval of the Record Plan. Mr. Archdeacon pointed out the fact that the name of the Plat has been changed to Carriage Square Condominium Plat, Deed Restrictions now require conformity to the Condominium Statutes of the State of Ohio. Discussion followed concerning the void for an access from the Plat to Hewitt Road. Mr. McQueeney stated his objection to only one entrance and exit for this type of development from the safety aspect and to the type of construction for the entrance into the construction parking area. Mr. Ralph Woodley, Developer, explained a possible exit onto Bigger Road to the north through the non-residential land. He advised that Bigger Road would be widened from the Kettering Corporation Line south to the proposed boulevard entrance. Mr. McIntire requested that the north entrance be designed the same as the one previously planned for the main entrance. Mr. Stone moved that the Record Plan for Carriage Square Condominium Plat, Section One be approved subject to the following conditions: acceleration and deceleration lanes be provided for both the boulevard entrance and the construction traffic entrance and to provide off street parking for construction vehicles and the vehicles driven by construction workers to and from the construction site. Mr. Stubbs seconded the motion. A roll call vote resulted in three ayes in favor of the motion, Mr. McIntire, Mr. McQueeney and Mr. Sweetman voted no. Mr. Woodley further proposed that in Section Two a twenty-five foot paved emergency drive be extended north to Hewitt Avenue, this to become a part of the Preliminary Plan. Mr. McIntire requested that this be incorporated on paper, discussed with the City Engineer and brought to Council for final approval. Mayor Hoy advised that this item will be on the September 24, 1973 Council Meeting agenda.

Mr. Smith explained the proposed Agreement prepared by TCC (Transportation Co-ordinating Committee) to conduct a transportation plan for the City of Centerville, study estimated to cost approximately \$6,500.00. Mr. Stone wondered what the City's in house capabilities are. Mr. Smith reviewed the current tasks of the City Engineer and City Planner. Mr. McIntire moved that Council authorize the Centerville City Manager to enter into an Agreement for engineering and planning services with the Transportation Co-ordinating Committee relative to the October 4, 1973 Meeting. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McQueeney advised that the Sister-City Committee has requested a Meeting with Council to discuss future plans concerning the Sister-City Program for Centerville. The Meeting will be held on Saturday, September 22, 1973 at 4:30 P.M. in the Community Room of the Centerville Municipal Offices.

Mr. Farquhar explained proposed Ordinance Number 75-73, it limits the time period for the storage of damaged or wrecked vehicles to five days in any location within the City. Mr. Sweetman sponsored Ordinance Number 75-73, An Emergency Ordinance Amending Ordinance No. 11-66 As Amended By Ordinance 29-70 By Changing The Definition Of "Junk Car", and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy requested enforcement of this Ordinance immediately.

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Mr. McIntire moved that Ordinance Number 76-73, An Ordinance Amending Ordinance No. 11-66 As Amended By Ordinance 29-70 By Changing The Definition Of "Junk Car" be set for Public Hearing on October 1, 1973. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy recognized Washington Township Board of Trustee Member Russell Miller in attendance at this Meeting.

Mr. McLaughlin advised that a Notice has been received from the Ohio Department of Liquor Control of an Application submitted for a D5 Permit, a Permit to sell all alcoholic beverages, by Virgil Bowling, DBA Smileys, 875 East Franklin Street. Mr. McIntire clarified the fact that this concerns the sale of all alcoholic beverages until 2:30 A.M. Mr. McQueeney suggested that the Clerk of Council send a copy of this Notice to the School Board and St. Leonards College.

Clerk of Council Marilyn McLaughlin read a letter addressed to Council from Elizabeth Hoy concerning the Elizabeth Hoy Park. She brought Council's attention to a proposal submitted by Paul E. Knoop, Jr. Director-Naturalist of the Aullwood Audubon Center. Mr. McIntire moved that, upon the recommendations of Paul E. Knoop, Jr., Director-Naturalist of the Aullwood Reserve in the area, his plan submitted with his letter of August 29, 1973 be incorporated into the City's overall park plans and overall park development plans for sequential development of that plan as submitted. Mr. McQueeney seconded the motion. Mr. McIntire amended his previous motion to include that Mr. Knoop be contacted on a consultant basis. Mr. McQueeney agreed with the amendment. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman requested that Mr. Knoop be thanked in writing for his time concerning this matter.

Mr. Stone sponsored Ordinance Number 77-73, An Emergency Ordinance Reappointing John A. Davis To The Centerville Planning Commission For The Remainder Of His Term As Centerville Council Member, and moved that it be passed. Mr. Sweetman seconded the motion. Mr. Stubbs questioned the need for a Councilman serving on the Planning Commission with the assistance of the City Planner. Mayor Hoy suggested that this matter and the Council Representative on the MVRPC be considered prior to 1974. A roll call vote resulted in six ayes in favor of the motion.

Mr. McQueeney moved that Ordinance Number 78-73, An Ordinance Reappointing John A. Davis To The Centerville Planning Commission For The Remainder Of His Term As Centerville Council Member, be set for Public Hearing on October 1, 1973. Mr. Stubbs 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 questioned the status of Centerville Waste Incineration-City of Franklin vs Montgomery County. Mr. Smith explained that the County has not increased their cost and has not as yet indicated such, a transfer station has been provided for breakdowns at the South Incinerator. Mr. McIntire suggested that if breakdowns continue to happen at the South Incinerator, that Centerville perhaps look in other directions. Mr. Stubbs requested a recommendation of the City Manager.

Mr. McQueeney requested to be updated as to the present plans for the Chevy Chase Apartment Project and how the present specifications are being adhered to. A full report will be forthcoming from the City Manager.

Mr. Sweetman brought Council's attention to Rezoning proposals in Washington Township near the Centerville Corporation Line. He asked that

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the City Administration keep Council abreast of these proposals, he asked of the City Manager how many condominium units have been approved over the past six months in the Corporation Limits as compared with apartment units in Washington Township and what is the current vacancy rate in apartments.

Mr. Sweetman questioned how the Cushman Scooters are performing: maintenance and down time. Mr. Smith advised that the accident rate has been high, there has been some down time, one scooter is now being used for parts. Mr. Sweetman requested to see some cost figures on the operation of these scooters. He suggested that a driver training program be developed for the operation of these vehicles. Mayor Hoy suggested that an analysis over several months be made concerning this matter.

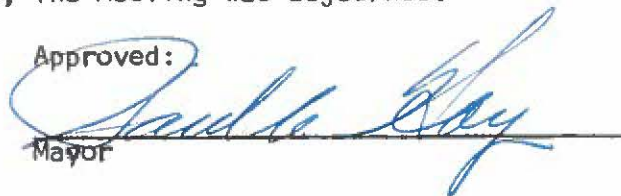
Mr. Sweetman wondered what the fall plans are for mulching and removal of leaves, how will Citizens be advised. Mr. Smith advised that such information will be contained in the newsletter.

Mayor Hoy asked for a full report as to which businesses are receiving City waste collection, what they are being charged and a recommendation be made as to what the established fee should be.

Mr. Russell Miller, Washington Township Trustee, suggested that community representatives meet jointly to discuss planned projects for the entire community.

There being no further business, the Meeting was adjourned.

Approved:


Mayor

ATTEST:


Clerk of Council