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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, October 1, 1973 at 7:30 P.M. in the Centerville Municipal Offices, Community Room. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: John McIntire, J. V. Stone, Leonard Stubbs, Charles McQueeney, City Manager James Smith, City Engineer Karl Schab, Municipal Attorney Robert Farquhar, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of September 10, 1973 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of September 10, 1973 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Minutes of the Meeting of September 17, 1973 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of September 17, 1973 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Councilman Russell Sweetman entered the Meeting at this time.

Mr. Arthur Bostwich, 155 Waterford Drive, owner and operator of the Village Delicatessen in Centerville, appeared concerning Council's previous decision to reject his Conditional Use to sell beer and wine at his new location on South Main Street. He stressed the need to sell these items in order to succeed in his new location, he requested reconsideration and a reverse decision be made.

Councilman John Davis entered the Meeting at this time.

Mayor Hoy pointed out to Mr. Bostwich that objection to this establishment was received from the Church across the street, he expressed his concern for the youth being drawn to the area by two ice cream establishments. Mayor Hoy suggested that Council take this matter under study by the next Meeting and advise Mr. Bostwich if there would be a possible reverse decision.

Mr. Smith discussed his City Manager's Report. He reviewed his contact with representatives of the Phillips Oil Company concerning their Service Station at Main and Franklin Streets. Mr. Smith will be in further contact with the Company to ascertain their intention of selling this property. Centerville's plans were discussed for development of the property with the representatives. Mr. Davis moved that Council encourage the City Manager to proceed with the acquisition of the Phillips Oil Company property at the corner of Franklin and Main Streets. Mr. Stubbs seconded the motion. Mr. Stone felt that the City is not in a position at this time to make a determination concerning the subject property. A roll call vote resulted in six ayes in favor of the motion, Mr. Stone voted no. Mr. McIntire moved that the City Manager proceed in like manner to obtain information necessary to arrive at a decision for the acquisition of that property to the north of the Phillips Petroleum property sometimes known as the Grace Brewer-Temple property. Mr. Sweetman seconded the motion. Mr. Smith advised that the next step on this particular property is for the City to make Reverend Brewer an offer to purchase, a price will not be set by the property owners. A roll call vote resulted in seven ayes in favor of the motion.

An Income Tax Administrator has been hired for the City of Centerville, Centerville collection will begin November 1, 1973. A notice of Contract cancellation has been sent to the City of West Carrollton to be effective November 1, 1973. Information will be circulated through the month of

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October to businessmen in Centerville concerning the change in collection agency.

Mr. Smith advised that blacktop for the 1973 street resurfacing program will be forthcoming soon.

Mr. Sweetman suggested that the City Manager remind the General Contractor for the new Municipal Building, the City's intention to have the parking lot paved without delay, information should be received almost on a daily basis.

Mr. Smith advised that it has been determined that the old generator will not provide sufficient emergency power for the entire new Municipal Building. He recommended purchasing an additional generator for approximately \$1,600.00, this cost was included in the original proposal to bid for the Municipal Building addition. Following discussion, Mr. McIntire moved that a cost survey be made on the additional wiring necessary for the implementation of an additional emergency generator. Mr. Stone seconded the motion. Mr. Davis wondered if what has been recommended would do the job which is needed, adequate equipment should be purchased now. Mr. McIntire withdrew his motion, Mr. Stone withdrew his second to the motion. Mr. Davis requested that the City Manager give further study to the building's true needs, that adequate equipment be pursued. Mayor Hoy advised that this item will be on the agenda for the next Meeting. Mr. Stone suggested that at this same time other extras for the building be considered.

Mr. Smith advised that the Codification of City Ordinances should be completed shortly after January 1, 1974.

Mr. Smith also advised that the City of Centerville has entered into a Contract for joint purchase of salt with Montgomery County; 600 tons have been ordered.

Mr. Smith explained the improvement being made on City right-of-way at Bigger Road and Mapleton Drive. The area has been soded, small trees have been ordered and the fence will be installed along the north side at the dead end of Bigger private lane.

Mr. Smith reviewed the turn of events concerning the Frasure property, 20 West Ridgeway Road. A Restraining Order has been served upon the City to delay the removal of blacktop from City right-of-way, Board of Architectural Review action has been continued for October 9, 1973. The City right-of-way line has been established so that when permissible, the blacktop can be removed. Mr. Stubbs making reference to a letter received on October 1, 1973 from Mr. and Mrs. Russell Frasure, asked for a clarification of events occurring from August 6, 1973. Mr. Sweetman suggested that this letter be reviewed and discussed by Council at a later date.

The Oath of Office was administered by Mr. Farquhar to the following Commission Members:

Centerville Arts Commission:

Centerville City Beautiful Commission:

Sister-City Committee:

Edward Levine

C. Pamela Boyles

Susan Huber

Jack Steinbrunner

Joyce Tamaska

Gordon Coffin

John Spoor

Nancy Snyder

Gilles DeCourtivron

City Planner Robert Winterhalter reported on the Planning Commission Meeting held September 25, 1973. He briefly reviewed the entire Zoning Ordinance Amendment, it includes all previous amendments to the Zoning Ordinance. The Planning Commission has recommended approval of this Ordinance to Council by a 6-0 vote. Mayor Hoy advised that a Public

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Hearing will be set when the subject matter has been put in Ordinance form.

Mr. Winterhalter explained the zoning map to accompany the revised text, changes are not in use but are necessary to conform to the new text classifications. Mayor Hoy requested that a copy of this map be provided to Council for their review.

The Rezoning Request submitted by Brainard Construction Company was reviewed by Mr. Winterhalter. The request is for a change from R-1 to R-3 for one lot on the west side of Overbrooke Drive at the Kettering barricade. The vote in Planning Commission concerning this request ended in 4-2 in favor of approval. A Notice of Intent to Appeal the Planning Commission's decision has been filed by the Applicant. Mayor Hoy suggested that this Public Hearing not be held until after Kettering and Centerville Officials have met concerning this particular area.

Mr. Winterhalter recommended that the Ordinance establishing the O-S and R-O-I Districts and revising the I-1 District be set for Public Hearing on November 5, 1973. The Planning Commission recommended approval of this Ordinance at a previous Meeting. Mr. Davis moved that Ordinance Number 79-73, An Ordinance Amending Ordinance 15-1961, The Zoning Ordinance By Providing For Office-Service, Research-Office-Light Industrial Parks And Light Industrial Districts And By Amending Figure 5 And Section 17 Of Said Ordinance, be set for Public Hearing on November 5, 1973. 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 76-73. Mr. Farquhar reviewed the proposed Ordinance; it better defines "Junk Cars" and makes the definition less restrictive. Mr. Sweetman sponsored Ordinance Number 76-73, An Ordinance Amending Ordinance Number 11-66 As Amended By Ordinance 29-70 By Changing The Definition Of "Junk Car", and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. As questioned by Mr. Stone, Mr. Smith advised that all Service Station Owners have been notified of the Emergency Ordinance for this same purpose and all but one has made an effort to conform.

The Public Hearing concerning Ordinance Number 78-73 was held. Mayor Hoy advised that Councilman John Davis has agreed to serve on the Planning Commission for the remainder of his term as Councilman. Mr. McQueeney sponsored 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, and moved that it be passed. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Davis abstained. Mr. Stubbs extended his appreciation to Mr. Davis for his time spent on the Planning Commission.

Mr. Farquhar, making reference to the City Engineer's recommendations concerning the surfacing of parking lots, asked for further suggestions from Council. No comments having been received, the Ordinance will be drafted according to these recommendations.

Mr. Smith located parks in the City of Centerville on a map, owned by the Centerville-Washington Park District and the City of Centerville, and reviewed their size and present equipment. He proposed additional community and neighborhood parks in various areas of the City. He advised that he has been in contact with a prospect to be Centerville's Recreation Director, he recommended amending the personnel Ordinance to provide for this employment. A full time Recreation Director could work with the schools on recreation programs for the youth, with young adults and senior citizens. Mr. Smith explained how equipment and facilities could be expand-

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ed - swimming pool, band shelter, tennis courts, ball fields, target shooting, bicycle trails, etc. He recommended that the City follow some course agreeable to all parties involved for the City to make an effort to acquire ownership of the parks in Centerville. Mr. Sweetman suggested the formation of a Recreation Board for the City. Mr. McIntire moved that the Annual Appropriation Ordinance be amended to include that recommendation of the City Manager pertaining to the employment of a full time Recreation Director. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. As questioned by Mr. Stubbs, Mr. Smith explained how activities can be co-ordinated with the Centerville-Washington Park District. Mr. Farquhar explained that the City could install removable equipment on Park District land, the Park District is willing to go to the State Legislature to find some method for co-operation. Mr. Davis suggested that this item be discussed at the meeting scheduled between Council and the Park District Board Members; Mr. Stubbs suggested that a Council policy be formulated after the meeting has been held.

City Planner Robert Winterhalter explained his contact with the Dayton Power and Light Company and the Dayton Development Corporation relative to the distribution of the Centerville Industrial Brochures. The Dayton Power and Light Company will distribute now 600 copies of the Brochure to their prime list of industries. The Brochures will also be distributed to local Realtors who work closely with industrial development. Mr. Winterhalter explained how follow ups will be made relative to the distribution. Mr. Stubbs wondered whether adequate staff is available for this activity.

Mr. Schab located the Access Road to State Route 48 on a map, it runs parallel with Far Hills Avenue and between North Village Drive and Fire-side Drive, an approximate 500-600 foot concrete road. Mayor Hoy stressed the importance for the Planning Commission and City Planner to aid the Lutheran Church property located south of this area, to provide access from their property to another area other than Far Hills Avenue. Mr. Schab explained his recommendation for reduction of the Performance Bond on this particular roadway, the \$12,500.00 will be adequate for any deficiencies which may occur. Mr. Stone moved that the Performance Bond on the Access Road to State Route 48 be reduced from \$51,000.00 to \$12,500.00. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed the six bids received for trees and shrubs, specifications submitted by the Centerville City Beautiful Commission for North Main Street and Rahn Road. Countryside Nursery was the low bidder at a cost of \$3,611.00. The Chairman of the City Beautiful Commission and the City Manager recommended the acceptance of the low bid of Countryside Nursery. The bid includes planting, mulching, guying, fertilizing and first watering. Mr. Sweetman sponsored Resolution Number 32-73, A Resolution Accepting The Bid Of Countryside Nursery To Supply Trees And Shrubs For The Beautification Of North Main Street And Rahn Road 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. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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

Mr. McIntire, making reference to a newspaper article concerning the allocation of \$29,000.00 Montgomery County Permissive Tax Money from the County Engineers Office to the City of Centerville referencing the East Whipp Road project, wondered what communications the City has received. Mr. Smith advised that no communications have been received; Mr. McIntire felt this should have been received right away and the project be pursued.

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Mr. Stone questioned the proposed widening of Marshall Road by Washington Township. Mr. Smith advised that this will be a 1974 project.

Mr. Stubbs questioned the status of the City Engineer's survey concerning all ditches in the City of Centerville. Mr. Schab advised that a map has been prepared showing the condition of all ditches and needed improvements but it lacks cost figures for certain areas. Mr. Stubbs questioned the run off water increase from the Chevy Chase Project into Concept East. Mr. Schab pointed out the fact that the flow of water in the ditch will be increased, however, he foresees no future problem in this ditch than what now exists. Mayor Hoy suggested that this item be on the agenda for the next Meeting.

Mr. Stubbs suggested that Council sit down with key people in the area to attempt to resolve the Arby's Restaurant question to the best interest of everyone. Mayor Hoy advised that all things will be explored before a decision is made.

Mayor Hoy advised that the Kettering Council can meet with Centerville Council on October 18, 1973.

Mayor Hoy made reference to the Resolution Action taken by the Centerville Arts Commission for a Christmas in Centerville. He requested that information concerning this Resolution and other Resolutions be given to Council by an Arts Commission Member at the next Council Meeting.

There being no further business, the Meeting was adjourned.

Approved: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

Clerk of Council