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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, October 15, 1973 at 8:00 P.M. at the Centerville Municipal Building in the Community Room. 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, 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. McIntire moved that Councilman Leonard Stubbs be excused from this Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Smith introduced Centerville's Superintendent of Parks and Recreation Timothy Schroyer.

Mr. Glenn Aidt, Member of the Centerville Youth Board, read their recommendation to City Council dated October 3, 1973 requesting funding of \$80.00 for the formation of the Centerville Arts and Crafts Company. Officers of the Company Chris Zappe and John Willis were introduced; John explained the function and purpose of the Officers and Company. Mr. Sweetman moved that Council approve the expenditure of \$80.00 to the Centerville Arts and Crafts Company Treasury from the Youth Board Appropriations. Mr. McIntire seconded the motion. Mr. McQueeney and Mr. Sweetman complimented Mr. Willis for his presentation and the formation of this type of project. A roll call vote resulted in five ayes in favor of the motion.

Mr. Tony Evans, 925 Fernshire Drive, representing Citizens for Centerville Parks, read their presentation concerning future development, use and management of the parks in the City of Centerville. They want more, well equipped and better staffed parks in the City to cover a large range in age groups. Future park development must be compatible with an overall plan for the growth of Centerville. They feel that a Park District must be responsible and accountable to local governmental authorities. They also believe that the citizens of Centerville have not received substantial and well-balanced park programs which should have been accomplished from tax dollars invested. They recommended that the City of Centerville take action to acquire all park lands within the City and to establish a park authority for their operation. The City has the necessary support agencies, management, equipment and services available to operate a progressive park program. The citizens asked the City to provide a sound park program for Centerville citizens and to provide control over park lands which the City has created. Mr. McIntire expressed his concurrence with Mr. Evan's presentation and those he represents, he feels this is the correct direction for the City to take. Mr. McIntire recognized the fine job the Centerville-Washington Park District has done in past years. Mr. Sweetman moved that Council direct the Municipal Attorney to draft an Ordinance for the organization of a Centerville Parks and Recreation Board to serve the needs of all citizens in the Community in a balanced park program. Mr. McIntire seconded the motion. Mr. McQueeney suggested that this Board first ascertain that this is financially possible. A roll call vote resulted in five ayes in favor of the motion. Mr. Sweetman suggested that this Board be composed of eight to ten members, Mr. McQueeney suggested that the Director of Finance and the Superintendent of Parks and Recreation be ex-officio members of this Board. Mr. Sweetman requested that Mr. Shroyer immediately

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put together programs involving the adult Community.

Mrs. Carol Lieghty, Centerville Arts Commission Member, explained their Resolution Action dated October 15, 1973 relative to the purchase of a 7 acre tract of land, one mile east of Clyo Road on Centerville Station Road for the construction of an Art Museum and Auditorium. Mayor Hoy complimented the Arts Commission on their many proposals to City Council, he suggested and Council concurred that this matter be referred to the City Administration for a complete analysis with the City Engineer, City Planner, Municipal Attorney, etc. Mr. Sweetman moved that the Memorandum dated October 15, 1973 from the Centerville Arts Commission in reference to the purchase of a tract of land on Clyo Road be referred to the City Manager, City Engineer, City Planner, Municipal Attorney and Director of Finance to look further into the matter. Mr. Davis 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.

Mayor Hoy advised that the open house for the new Municipal Building will be held the first Sunday in December, the City Manager will formulate details and plans with Commission Chairmen and the President of the Police Auxiliary for this open house. Mr. McIntire moved that Council approve the request of the Centerville Arts Commission concerning their proposal for their group for the open house to be held on December 2, 1973. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy read the Memorandum of the Centerville Arts Commission dated September 28, 1973 concerning a "Christmas in Centerville". Mrs. Leighty advised that this project is estimated to cost from \$800.00 to \$1,000.00. Mr. McIntire moved that Council approve the request of the Centerville Arts Commission concerning a "Christmas in Centerville". Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Memorandum to City Council from the Centerville Arts Commission dated September 28, 1973 relative to "An Evening with Nostalgia" was reviewed. Discussion followed concerning the reason for a donation of \$1.00 being received from the public for this performance and how it could be received. Mr. Stone suggested that this matter be further researched, he moved that this Resolution Action be tabled until the next Meeting. The motion died for want of a second. Mr. McIntire moved that the Centerville Arts Commission Resolution of September 28, 1973 in that it states Sunday, January 13, 1974, the Centerville Arts Commission will present a musical show entitled, "An Evening with Nostalgia" be approved and that the City Administration and Legal Department find a method with which the receipt of donations be allowed. Mr. Davis seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Stone and Mr. McQueeney voted no.

Mrs. Claudette Cash, 223 Freyn Drive, wondered what the previous park proposal would cost the City of Centerville. She questioned priorities in the City making reference to employment in the Police Department. Mr. Smith advised that City staff is currently being built to adequate status. Mrs. Cash also questioned the Council Meeting agenda preparation. Mr. Farquhar pointed out the fact that the wording is to inform Council of matters to be considered.

Mr. Charles Lundy, 222 Gerber Court, wondered if and when a Meeting will be held concerning the Arby's Restaurant to be located on the south-east corner at Franklin Street and Virginia Avenue.

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Mr. Howard Depew, 47 Virginia Avenue, wondered if he would be invited to this Meeting concerning Arby's. As questioned by Mr. Depew, Mayor Hoy reviewed the status of the traffic study being made by the Transportation Co-ordinating Committee for the City of Centerville.

Mr. Smith reviewed his City Manager's Report. He reviewed recreation programs which can be effected immediately.

Mr. Smith reviewed his meeting with a Phillip's Petroleum Company representative concerning their property on the northeast corner of Main and Franklin Streets; they offered several alternatives for the use of the land.

Mr. Smith has contacted J. R. Remick, Inc. to compile the necessary data for an approximate purchase price on the property.

Mr. Smith advised that bids have been advertised for trees along East Franklin Street and South Main Street.

Mr. Smith advised that an agreement has been made between the City of Centerville and the City of Bellbrook for their use of Centerville's leaf gathering equipment. Mr. Davis emphasized the need for Centerville's collection to be kept on schedule.

Mr. Smith advised that bids have been advertised for two new automobiles to be used by City employees, one by the Electrical Inspector and one for the Assistant Service Director.

As proposed by Mr. Smith, blacktopping of the Municipal Building parking lot will take place Wednesday, October 17, 1973.

Mr. Smith advised that the traffic light on East Franklin Street in front of the new high school is now in operation.

Mr. Ronald Rude, a staff member from T.C.C. made a presentation to Council concerning a Light Rail Transit System proposed between the Dayton Central City Business District and the City of Centerville. He explained what is being proposed and located the system on a map. Existing Penn Central right-of-way will be used for this system in conjunction with freight use. The consultant has suggested that the system be operated by the Miami Valley Regional Transit Authority. Mr. Rude outlined the advantages of this light rail system; it would cost in the neighborhood of 29.2 million dollars, local share being 10 to 15 per cent, other funds received through State and Federal funding. Implimentation of the system is estimated to take seven years. Mayor Hoy wondered what type of people will use this facility, upon what has this need been based. Mr. Rude advised that ridership estimates were based on the 1968 Origin and Destination Study. Mr. Sweetman wondered who in the City has been consulted for current data. Mr. McIntire suggested that Council arrive at a policy decision concerning this matter in the very near future. Mayor Hoy and Mr. McQueeney expressed their dissatisfaction with the method in which this system has been presented. Mr. Stone feels that this corridor should be preserved for transportation, he is in favor of this rail transit system but he is concerned with the fact that it has not been determined who will use the facility and what the projected cost of the system will be after it is in operation.

Mr. Jim Reinhardt, representing Citizens Committee for Dart (Dayton Area Rail Transit) reviewed for Council the estimated ridership of this system. He prefers, in consideration of the south of Dayton area of growth, a rail line through the area rather than another interstate.

The Public Hearing was held concerning an Application for a Conditional Use submitted by the Bonded Supply Company to sell beer and wine on the south west corner at Spring Valley Road and State Route 48.

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

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City Planner Robert Winterhalter located the subject property on a map, it is approximately 300 feet east of the Municipal Building.

Mr. William Stumpf, representing the Bonded Supply Company and Bonded Oil Company explained their plan to convert the building and extra property into a convenient type store. The gas pump operation will have only a small office inside the building; the two businesses would be completely separate from each other. As questioned by Mayor Hoy, Mr. Farquhar advised that the building design, landscaping and parking will require approval from the Planning Commission, before Council at this time is the use itself. Mr. Stone, Mr. Davis and Mayor Hoy expressed their concern with this type of combined sales, gasoline and food (beer and wine).

The Public Hearing was held concerning Ordinance Number 25-73.

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

Mr. Winterhalter explained the proposed Ordinance, it changes various Figures in Ordinance Number 15-1961 and Ordinance Number 24-72. The Ordinance changes residential densities and requires a lower density in the Entrance Corridor District, however, these changes would not affect that land for which permits have been granted. The Ordinance eliminates business uses on industrial zoned land except for those lands zoned industrial prior to the passage of this Ordinance. It eliminates Outdoor Theaters in B-2 and I-1 zoning classifications.

Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing several developers in the Centerville area wondered how this Ordinance will effect recent rezoned lands with covenants for which plans are being developed. Mr. Winterhalter explained that footnote h. will protect these developments, they will be constructed in accordance with previously approved plans, however the permits must be obtained prior to the effective date of this Ordinance. Mr. Farquhar clarified the fact that land for which a Zoning Certificate has not been issued will be required to conform to this proposed Ordinance. The properties referenced in the above discussion were Greenbrier Commons and Carriage Square. Mr. Archdeacon also wondered how this Ordinance effects Dr. Zimmerman's property and the property of Southbrook Manor, the Springmont Company and the Paul Lapp property. Mr. Farquhar advised that the City will honor deed covenants as previously approved or requested by Council. Mr. McQueeney sponsored Ordinance Number 25-73, An Ordinance Modifying Figure 1, Residential Uses And Requirements; Figure 2, Business Uses And Requirements; Figure 5, Industrial Uses And Requirements; Figure 9, Conditional Uses, Requirements And Procedures; Of The Centerville Zoning Ordinance; An Ordinance Amending Ordinance 28-70 Which Amended Ordinance 15-61, The Zoning Ordinance, By Making Certain Additions To And Deletions From Figure 1; Amending Ordinance 24-72 Which Amended Ordinance 15-61, The Zoning Ordinance, By Making Certain Deletions From Figure 2; Amending Ordinance 15-61, The Zoning Ordinance, By Making Certain Deletions From Figure 5 And Amending Ordinance 24-72 Which Amended Ordinance 15-61, The Zoning Ordinance, By Making Certain Deletions From Figure 9, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Bettcher reviewed his Financial Quarterly Report ending September 30, 1973. The Report reflects a 24% increase in Income Tax receipts this year over 1972 to date. He reviewed items totaling \$650,000.00 which have been allotted for but have not been included as paid items in the Report.

Clerk of Council Marilyn McLaughlin advised that a Notice of Intent to Appeal and the Appeal has been received from the Brainard Construction Company concerning a Planning Commission decision rendered on September 25, 1973 relative to their Rezoning Request. Requested has been a change of one lot on Overbrooke Road from R-2 to B-3 classification. A Public Hearing

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Hearing has been set before Council.

Mr. McLaughlin advised of the receipt of a Notice of Intent to Appeal a Board of Architectural Review decision rendered on October 9, 1973 filed by Russell E. and Zelma L. Frasure concerning their property at 20 West Ridgeway Road.

A resignation letter received from Personnel Appeals Board Member Ronald H. Zanetzke was referenced by Mrs. McLaughlin. Mr. McIntire moved that Council extend thanks and appreciation to Ronald H. Zanetzke for his services to the City for the period of time he served on the Personnel Appeals Board. Mr. McQueeney seconded the motion. A Resolution for this purpose will be prepared by Mr. Farquhar. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy requested that the City Manager advise the news media of this vacancy; Application Forms can be obtained from the Clerk of Council.

Mr. Schab explained his recommendation for release of the Performance Bond on Black Oak Estates Five, Section Three. A Maintenance Bond of \$500.00 should be required. Mr. Stone moved that the Performance Bond on Black Oak Estates Five, Section Three be released in accordance with the recommendation of the City Engineer and the receipt of a \$500.00 Maintenance Bond. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab explained his recommendation concerning the release of the Performance Bond on Black Oak Estates Four, Section One, the Maintenance Bond has been posted. Mr. McQueeney moved that the \$2,000.00 Performance Bond on Black Oak Estates Four, Section One be released. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab reviewed his recommendation for a partial release of the Performance Bond on Black Oak Estates Four, Section Two, a reduction from \$67,000.00 to \$17,000.00. Mr. Sweetman moved that the original Performance Bond of \$67,000.00 be reduced to \$17,000.00. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab reviewed his recommendation concerning the release of the Performance Bond on Rose Estates, Section Two, a Maintenance Bond of \$1,000.00 should be required. Mr. Stone moved that Council comply with this recommendation of the City Engineer with reference to Rose Estates, Section Two. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab explained his recommendation relative to the partial reduction of the Performance Bond on Rose Estates, Section Three, he recommended that the original Performance Bond of \$68,000.00 be reduced to \$17,000.00. Mr. Sweetman suggested that the City receive in writing the commitment of the property owners bordering the ditch of their responsibility for maintaining the ditch in this Section, Mr. Smith will advise these property owners of their responsibility. Mr. Stone suggested that a sellers Ordinance be drafted to require the owner to advise the seller of property of his responsibilities. Mr. Sweetman moved that the original Performance Bond on Rose Estates, Section Three be reduced in accordance with the City Engineer's recommendation. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab also explained his recommendation concerning the reduction

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of the Performance Bond of \$82,000.00 to \$8,200.00 on Southbrook Manor, Section One. Mr. Stone moved that the original Performance Bond on Southbrook Manor, Section One, be reduced in accordance with the City Engineer's recommendation. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 80-73, An Emergency Ordinance Appointing Marion Simmons To Fill The Unexpired Term Of Pat Catchpool Reppert On The Centerville Youth Board, and moved that it be adopted. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McIntire moved that Ordinance Number 81-73, An Ordinance Appointing Marion Simmons To Fill The Unexpired Term Of Pat Catchpool Reppert On The Centerville Youth Board, be set for Public Hearing on November 5, 1973. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of September 24, 1973 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of September 24, 1973 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Davis abstained.

As the poll of Council was taken, the following comments were received: Mr. Sweetman announced a Meeting for the Centerville CIC Trustees to be held in the Community Room on October 25, 1973.

Mayor Hoy complimented the City Manager on the appearance of City streets, blacktop and striping.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of the Council