

Held

November 26

19 73

SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday November 26, 1973 in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: John McIntire, Charles McQueeney, J. V. Stone, Leonard Stubbs, John Davis, Russell Sweetman, City Manager James Smith, City Engineer Karl Schab, Municipal Attorney Robert Farquhar, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

Mr. Farquhar reviewed his opinion concerning the motion made at the Council Meeting of November 19, 1973 relative to the proposed Arby's Restaurant to be located on the southeast corner of West Franklin Street and Virginia Avenue; the motion failed for lack of a vote of five as required by Ordinance, no further action on the Appeal was taken because of the absence of two Council Members.

Mr. Stone, in view of the problems concerning traffic and safety at the location of West Franklin Street and Virginia Avenue, moved that the Arby's Appeal be tabled, that a Traffic Engineer be employed by the City to make a traffic and safety study at the property located at West Franklin Street and Virginia Avenue and to make a recommendation to Council relative to safety and the traffic pattern and to make this recommendation, if possible, by December 15, 1973. Mr. McQueeney seconded the motion. Mr. Sweetman suggested amending this motion to include "that other Arby locations throughout the City of Dayton be studied relative to the volume of traffic generated as would parallel this situation at West Franklin Street and Virginia Avenue." Mr. Stone and Mr. McQueeney agreed with the amendment. Mr. Stubbs felt that action concerning a traffic study should have been taken some time ago, he does not feel that it is now a pertinent question, he is willing to accept the concepts of the City Manager and City Engineer relative to the traffic pattern. Mr. Sweetman suggested that such a study be made by an expert/outside, in consideration of complaints made that the counter was turned off earlier than scheduled during the traffic count made by the City Manager. Mr. McQueeney advised that he will reluctantly vote in favor of the Arby's if the traffic study shows that such an establishment will be suitable for the location from the safety aspect and that an Arby's Restaurant is a permitted use in the A.P. District. Mr. McIntire expressed his dissatisfaction with the interpretation made concerning the motion of November 19, 1973, he feels that the Board of Architectural Review's decision was upheld. Mr. Davis feels that one of the fundamental problems in this case is the traffic situation, he needs to be shown that an Arby's will not create a traffic problem. A roll call vote on the motion resulted in five ayes in favor of the motion, Mr. McIntire and Mr. Stubbs voted no.

Mr. Stubbs moved that the Board of Architectural Review begin as soon as possible a review of all Ordinances relating to the A.P. District and present a report and recommendation to the Planning Commission within 60 days. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire stated his objection to allowing any board on a minority vote to rule. He moved that the Department of Law of the City of Centerville bring forward any procedural Ordinances or any Ordinances relating to any matter that allows for a minority vote of Council to rule and prepare the necessary revisions pertaining to any matter of voting by the City of Centerville Council to allow for only a simple majority of Council to decide

RECORD OF PROCEEDINGS

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Minutes of

Meeting

Johnson-Watson • Dayton Blank Book--D-2585

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an issue by vote yea or nay and that pertains only to the necessary quorum of Council to be present at any Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. Stone, Mr. Stubbs and Mayor Hoy voted no.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of Council