

Minutes of

REGULAR

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held

December 3

19 73

## REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, December 3, 1973 at 8:00 P.M. at the Centerville Municipal Building in the Council Chambers. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: J. V. Stone, John Davis, John McIntire, Russell Sweetman, 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 November 5, 1973 had been distributed prior to this Meeting. Mr. Davis moved that the Minutes of the Meeting of November 5, 1973 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Minutes of the Meeting of November 19, 1973 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of November 19, 1973 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Sweetman and Mr. McQueeney abstained.

The Minutes of the Meeting of November 26, 1973 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of November 26, 1973 as distributed, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone advised that the fifth sentence in paragraph four of the Minutes of the November 19, 1973 Council Meeting should read as follows: "As questioned by Mr. Stone, Mr. Kester advised that Mr. Isaac, Mr. Kester and the Union would be agreeable to his case now being heard by the Personnel Appeals Board". Mr. Stone moved that the Minutes of the Meeting of November 19, 1973 be amended to include his previous recommendation. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. Sweetman and Mr. McQueeney abstained.

Assistant Service Director Thayer Thompson explained his and Supervisor of Parks and Recreation Timothy Shroyer's feasibility study concerning a teen center in Centerville. Used in the study were groups in the Centerville-Washington Township area. He outlined what the youth are doing today: youth groups, school activities, City activities, Church groups and individual activities. A teen center might provide indoor games, recreation and sports, music, arts and crafts. Mr. Thompson read the response to such a center by Police Chief William Randolph, and reviewed an overview of what's happening to a proposed teen center in the Centerville-Washington Township area prepared by the Youth Board Chairman Glenn Aidt. He explained problems as foreseen by a counselor in the Centerville City School District. Mr. Thompson also explained various ways in which funding for a youth or community center could become available. During the study eighteen communities were contacted, seven of which have community centers serving all age groups and only two having just a teen center. Mr. Thompson feels that a center serving all age groups would help to avoid school, community and home problems, he suggested that such a center for Centerville be investigated as soon as possible. Mayor Hoy requested that this report be put in writing and forwarded to the Youth Board. Mr. McQueeney would like to see a clearer definition as to the type of center needed in this community, he moved that an additional report concerning a community center be made within 30-60 days and a recommendation be received from the Administration relative to the type,

Held

December 3, 1973 continued

19

size, need and cost of a center for the Centerville area. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 89-73, An Emergency Ordinance To Appoint Arthur E. Weeks, Jr. To The Personnel Appeals Board Of The City Of Centerville For The Unexpired Term Of Ronald H. Janetzke, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Oath of Office was administered to Personnel Appeals Board Member Arthur E. Weeks by Mr. Farquhar.

The Public Hearing was held concerning an application for a neighborhood center to be located in an Entrance Corridor District.

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

City Planner Robert Winterhalter explained this Conditional Use Request and located the subject property on a map. It is proposed on a site of five acres on the east side of Far Hills Avenue, just south of Fireside Drive, the Development to be known as Spanish Village, Developers are John Weiland and Dale Smith, 50-50 office-retail uses are proposed. The Application is flexible relative to specific uses, parking is adequate (199 spaces). Indicated on the Site Plan is an access road along the east property line into the Epiphany Church property. The Church has requested that a fence and tree be placed on the property line where it borders the Church property. Mr. Winterhalter explained the Market Analysis and Purchasing Power as prepared by the Applicant and explained how, insome areas, he does not fully agree with the report relative to the number of certain shops needed. He feels the Plan is good but does not like it in this area in consideration of other nearby shopping centers. The Planning Commission recommended approval of this Site Plan by a 6-0 vote. Mr. McQueeney expressed his concern relative to the criteria for a Market Analysis, he feels that the City should not determine how many shops are needed in a particular area, a man has the right to compete. As questioned by Mayor Hoy, Mr. Winterhalter explained how an access to the Church property has been included on the Site Plan, the Church is in agreement with this approach, the street will become a dedicated street as recommended by the Planning Commission and in accordance with the Thoroughfare Plan for Centerville.

Mr. Schab explained his recommendation concerning this Shopping Plaza. He recommended that Fireside Drive for it's full length be dedicated as soon as possible, that Bonds not be released on the Development until Fireside Drive is dedicated, and that consideration be given to the enclosure of the existing open roadside drainage swale running along the east side of Far Hills Avenue in this area. He feels that the drainage system as designed in this Development is adequate to properly carry run off water from the property as well as from adjacent property.

Mr. McIntire suggested that the City Engineer bring loose ends together and a recommendation from the City Engineer be forthcoming relative to the enclosure of the ditch, improvement of Fireside Drive to bring it to City Standards and the dedication of Fireside Drive, prior to a vote by Council being taken on this matter.

Mr. Dale Smith advised that Ralph Woodley has agreed to improve Fireside Drive to meet City standards for dedication. Mr. Schab suggested that the improvement of Fireside Drive be included with the Site Plan approval.

Mr. Paul Shawhan, Real Estate Broker for the property, explained Mr. Woodley's intention for Fireside Drive to become a dedicated street.

City Manager James Smith explained deficiencies in the street construction and drainage system of Fireside Drive as detected by the City

Held December 3, 1973 continued

19

Engineer in 1971.

Mr. McIntire moved that this Conditional Use Request be tabled until his previous requests are met. Mr. Davis seconded the motion. Mr. Davis suggested that the Developer indicate in writing his intent for the dedication of Fireside Drive. Mr. McIntire amended his previous motion to include "this information to be brought to Council at the next Special Council Meeting so that the matter can be expedited." Mr. Davis seconded the amendment. Mr. Davis and Mr. Farquhar pointed out the fact that this is a Preliminary Plan, items discussed will be required on the Final Plan. The Planning Commission's recommendation concerned only the Site Plan. Mr. McIntire withdrew his motion, Mr. Davis withdrew his second to the motion. Mr. Stone moved that this Application be approved subject to certain conditions: improvement and dedication of Fireside Drive to the City and that the Performance Bond ultimately to be posted and Sub-Dividers Agreement ultimately to be executed contain both the eastern border roadway and Fireside Drive. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter reviewed the Planning Commission Meeting held November 27, 1973. He explained the revisions to the Street Standards, the Thoroughfare Plan and Street Cross Sections as unanimously approved by the Planning Commission. An Ordinance will be drafted by Mr. Farquhar for Council's consideration.

Mr. Winterhalter explained the two motions unanimously passed by the Planning Commission recommending to Council that the City exercise their three mile jurisdiction. Mr. Davis moved that Council instruct the Law Department to prepare a Resolution for Centerville to exercise the three mile jurisdiction of Subdivision Regulations. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

During the Planning Commission Report, Mr. Davis moved that Walnut Walk (Black Oak Development Company Rezoning Request) be removed from the table and placed in discussion. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Robert Archdeacon, representing Black Oak Development Company, explained a compromise plan which has been unanimously approved by the Planning Commission, the plan now contains 248 units with the park land being deeded to whatever entity Council desires. As questioned by Mr. McQueeney, Mr. Archdeacon advised that 2 units per acre are proposed for the property on it's southern boundary. Mr. Winterhalter advised that the park land would be a great asset for the City of Centerville. Mr. Farquhar advised that, after his review of the Covenants, they should include to words "for sale" units, the Developer agreed to this revision. Mr. Davis sponsored Ordinance Number 90-73, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 89.248 Acres, More Or Less, From Washington Township R-3 Classification To Centerville R-3 Classification, and moved that it be passed subject to the park land being deeded to the City of Centerville and subject to the Covenants being worded acceptable to the Law Department. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter explained the Residential Development Plan for Southbrook Manor, Section Four. This is a resubmittal to include Section Four with Sections One and Two. The Planning Commission recommended approval of this Plan by a 6-0 vote. Mr. Stone moved that the Residential Development Plan for Southbrook Manor, Section Four be approved as recommended by the Planning Commission. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 85-73. The

Held

December 3, 1973 continued

19

proposed Ordinance was reviewed by Mr. Farquhar, it is in conjunction with and adds to the provisions of the Ohio Revised Code. As questioned by Mr. McIntire, Mr. Smith advised that this Ordinance will not prohibit home built Dunn Buggies, they are safety inspected prior to licensing. Mr. Sweetman wondered how the Police Department has found the enforcement of the Revised Code to be concerning this matter. Mr. Stubbs sponsored Ordinance Number 85-73, An Ordinance Regulating The Safety Of Motor Vehicles On The Public Streets Of Centerville, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 86-73. Mr. Farquhar reviewed the proposed Ordinance, it appoints a seven member Board and sets forth duties. Mr. Sweetman sponsored Ordinance Number 86-73, An Ordinance Establishing A Parks And Recreation Board For The City And Assigning The Duties Of Said Board, and moved that it be passed. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Stubbs expressed his hope that this Board will work closely with the Centerville-Washington Park Distirct so that this community can have the best program possible. He suggested that Council meet with the Park District to review their contacts with the State Legislature relative to City equipment participation on Park District land, and to consider what is best for the entire community. Mayor Hoy advised that this matter will be further reviewed.

Mr. Charles Taylor, Centerville-Washington Park Board Member, advised that their Attorney has been directed to correspond with the State Legislature, but feels that this should be a joint venture, he suggested a Meeting between Council and the Park District in the very near future. Mr. McQueeney pointed out the fact that it is not Council's intent to compete with the Park District but that the City can better financially meet the needs of the community.

The Public Hearing was held concerning Ordinance Number 87-73. Mr. Farquhar explained the proposed Ordinance, it expands and sets Bonding amounts on certain employees. Mr. McQueeney sponsored Ordinance Number 87-73, An Ordinance Amending Ordinance 77-72 By Adding Additional Employees Of The City And Setting Bonding Amounts, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Stubbs was not present for this item on the agenda.

The Public Hearing was held concerning Ordinance Number 88-73. Mr. Smith reviewed the proposed Ordinance, it sets compensation for certain employees. Mr. Davis sponsored Ordinance Number 88-73, An Ordinance Amending Ordinance 82-72 By The Addition Of A Supervisor Of Parks And Recreation, An Assistant Service Director And A Superintendent Of Taxation And Establishing Salaries, 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. Sweetman advised that an extension has been granted by the City of Kettering through January 30, 1974 for the receipt of bids concerning CATV.

Clerk of Council Marilyn McLaughlin advised that a Notice from the Ohio Department of Liquor Control has been received of an Application for a D3A Permit for James C. Georgakas and John W. McIntire, Jr., DBA Williamsburg Inn, 68 West Franklin Street, Centerville, Ohio. Mr. McIntire removed himself from Council and explained this request, it is an extension of closing time only, the Permit itself has been held for a period of two years. Mr. McIntire requested that, if there be no obejections to the

Held

December 3, 1973 continued

19

issuance of the Permit, that the Notice be processed to the State of Ohio as quickly as possible.

Mrs. McLaughlin advised that a Notice from the Ohio Department of Liquor Control has also been received of an Application for a D-5 Permit for Virgil Bowling, DBA Smileys, 865 East Franklin Street, Centerville, Ohio. Mr. McQueeney questioned the repeat Notice of this Application. Mrs. McLaughlin will receive more information concerning this matter. Mr. McQueeney requested that a copy of this Notice of Application be sent to the Centerville City School Board in consideration of the establishment's close proximity to the new high school.

Mrs. McLaughlin read a letter received from Marilyn Albrecht addressed to Russell Sweetman suggesting that Unna, West Germany be considered as Centerville's Sister City. She outlined parallels between the two Cities. Mayor Hoy requested that a copy of this letter be sent to Stomag, Inc., a Company in the Centerville Commercial Park. "Stomag GmbH is in Unna, Stomag, Inc. is in Centerville."

Mr. Sweetman moved that Ordinance Number 91-73, An Ordinance Appointing Sue Spencer To The Centerville City Beautiful Commission And Establishing A Term, be set for Public Hearing on December 17, 1973. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone moved that Ordinance Number 92-73, An Ordinance Appointing Sara M. Gilmore To The Centerville Youth Board And Establishing A Term, be set for Public Hearing on December 17, 1973. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 94-73, An Ordinance Appointing Stephen Mikula To The Centerville Board Of Tax Appeals And Establishing A Term, be set for Public Hearing on December 17, 1973. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McQueeney moved that Ordinance Number 93-73, An Ordinance Appointing Vivian R. Otten To The Centerville Youth Board And Establishing A Term, be set for Public Hearing on December 17, 1973. Mr. Davis 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 comments were received:

Mr. Stubbs asked the City Manager for his recommendation concerning Waste Collection, whether to continue with the Montgomery County Incinerator or contract with the City of Franklin.

As questioned by Mr. Stubbs, Mr. Smith advised that a Street Department employee has been appointed Animal Warden, he will operate as such on an on-call basis.

Mr. Stubbs wondered about leaf pick-up. Mr. Smith explained problems experienced with the equipment, however, all leaves should be collected this week.

Mr. Stubbs wondered whether the City should consider public transportation. Mayor Hoy suggested that a study be made concerning a Mini-bus. Mr. Stubbs suggested the use of an idle school bus on Sunday be considered.

Mr. Stone questioned the status of a written report relative to the public use of Church parking lots. Mr. Winterhalter advised that he has been working with T.C.C. concerning this matter, the Churches will be contacted.

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2686

Held \_\_\_\_\_ 19\_\_\_\_

Mr. Stone requested a progress report on contact with the Washington Township Trustees concerning a traffic signal on Marshall Road at Rahn Road. Mr. Smith advised that the Trustees have made no commitment, a letter will be sent on December 4, 1973 to request improvement at this intersection.

Mr. Stone reminded the City Manager that some Councilmen have suggested that a police officer be used also as a human relations officer. This item will be on the agenda for the December 10, 1973 Council Work Session.

There being no further business, the Meeting was adjourned.

Approved: Mayor:

*Paul C. Key*

ATTEST:

Clerk of Council:

*Wanda M. Saughlin*