

Held December 17, 19 73

SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session Monday, December 17, 1973 at 8:00 P.M. 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: Russell Sweetman, John McIntire, Leonard Stubbs, 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. Smith reviewed his City Manager's Report. He reviewed activities in the Police Department; all Police Officers have completed the mandatory forty-hour training course concerning legislative changes in the Criminal Code.

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

Mr. Smith advised Council of Standard Oil's price increase on gasoline for City vehicle use. The price has been increased .06 per gallon, the City's allotment has been reduced 10% but will meet City needs.

Mr. Smith reviewed activities of the Street and Waste Collection Departments; a new and longer guard rail has been installed at the north end of the bridge on Loop Road.

Mr. Smith made reference to a letter received from the Washington Township Trustees in which they advise that they will proceed with a survey with the Montgomery County Engineer's Office to determine that traffic signals are necessary at the intersection of Rahn Road and Marshall Road.

Mr. Smith is awaiting an answer from the Phillips Petroleum Company and Reverend Brewer in reference to the City purchase of the north east corner at Main and Franklin Streets.

Mr. Smith advised that Union negotiations are proceeding for Street and Waste Collection employees, several Meetings have been scheduled.

The billing procedure in the Waste Collection Department is being updated.

City Manager James Smith explained his Incinerator Report, a comparison between Montgomery County Incineration and a two year Contract with the City of Franklin. A review with County Administrator Paul Stockert and Ernie Philpot, Supervisor of the County Incinerator revealed that Centerville has no current Contract with Montgomery County. The cost of \$7.90 per ton to dump in the County Incinerator will remain for the first six months of 1974, a two year Contract with the City of Franklin would be for \$7.50 per ton. The cost of \$7.50 per ton for a two year period would permit Centerville to hold the present rate of \$4.00 per month per household. There are no disadvantages in travel time or truck operating costs. Aside from Centerville's moral obligation to Montgomery County, Mr. Smith believes it would be a financial benefit to Contract with the City of Franklin. Mr. Davis feels that Centerville has an obligation to the County of which it is a part, the problems should be weathered until the Incinerator can function no longer. Mr. Sweetman advised Council that he has asked of the City Manager a report concerning the separate collection of papers. Mr. Smith advised that this report is nearing completion, however, Council must determine how these papers will be disposed of: Recycling Center, sold by the City, Youth Groups, etc. Mayor Hoy requested that the City Manager recommend alternatives for the disposition of papers with his report. Mr. McIntire pointed out the fact that County Incineration is a two way street, he feels that monies should be used to develop an adequate system to meet air pollution standards. Mayor Hoy advised that this matter

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will be on the January 7, 1974 Council Meeting Agenda for Council to make a policy decision, whether to stay with Montgomery County or go with the City of Franklin.

The Public Hearing was held concerning Ordinance Number 91-73. Mr. Sweetman sponsored Ordinance Number 91-73, An Ordinance Appointing Sue Spencer To The Centerville City Beautiful Commission And Establishing A Term, and moved that it be passed, for a term of three years. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 92-73 was held. Mr. Davis sponsored Ordinance Number 92-73, An Ordinance Appointing Sara M. Gilmore To The Centerville Youth Board And Establishing A Term, and moved that it be passed, for a term of three years. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 93-73 was held. Mr. McQueeney sponsored Ordinance Number 93-73, An Ordinance Appointing Vivian R. Otten To The Centerville Youth Board And Establishing A Term, and moved that it be passed, the term being for three years. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 94-73. Mr. Sweetman sponsored Ordinance Number 94-73, An Ordinance Appointing Stephen Mikula To The Centerville Board Of Tax Appeals And Establishing A Term, and moved that it be passed, the term being for a one year period. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Davis stressed the importance of filling this Board as soon as possible.

City Planner Robert Winterhalter summarized his Overbrook Road Analysis, the barricade erected by the City of Kettering at the Corporation Line. This report has been made available to Kettering Staff, no response has been received. Mr. Winterhalter recommended that the Kettering barricade be removed, it has no function, no advantage to either Municipality and it adds confusion to the traffic pattern in this area. Mayor Hoy suggested that this report be forwarded to the Kettering Council from the Centerville Council. Mr. Stubbs moved that Centerville send copies of this report to the Mayor and Council of Kettering and ask them to consider these comments and study which Centerville has made and to report back to Centerville Council their desires either to meet with Centerville in a Work Session or communicate their thoughts to Council on the report. Mr. Davis seconded the motion. As suggested by Mr. Stone the fourth paragraph of the report will be changed to read on a factual basis. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter reviewed the manpower needs for Centerville to exercise the three-mile jurisdiction of Subdivision Regulations in Washington Township. Mr. Davis pointed out Planning Commission's concern that the County does not recognize the Centerville-Washington Township Thoroughfare Plan, thus, without the three-mile jurisdiction the areas circulation system is threatened. Mr. Davis sponsored Resolution Number 38-73, A Resolution Pursuant To Section 711.09 Ohio Revised Code Exercising The Jurisdiction Of The City Of Centerville To Review And Approve All Plats Of Subdivision Of Land Within Three Miles Of The Corporate Limits Of Centerville, Limited, However, To Those Portions Of Washington Township, Montgomery County, Ohio Lying With Said Three Miles, and moved that it be

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passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter reviewed Ordinance Number 95-73. This Ordinance modifies Centerville's circulation plan to tie into Kettering's Thoroughfare Plan and the County Code, and to meet present needs of the area. Mr. McIntire pointed out the fact that this could lead to financial co-operation requested of Centerville by Developers in the future. Mr. Stubbs moved that Ordinance Number 95-73, An Ordinance Amending Ordinance 10-58 As Amended By Ordinance 12-66 By The Addition Of New Street Design Standards; Changing Roadway Cross-Section Standards; And Changing The Thoroughfare Plan, Map 2A, be set for Public Hearing on January 7, 1974. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed Ordinance Number 96-73; it provides compensation for a Clerk Typist in the Department of Development and a Receptionist and Janitor in General Government. Mr. McQueeney moved that Ordinance Number 96-73, An Ordinance Amending Ordinance 82-72 By Adding Employees And Setting Rates of Pay, be set for Public Hearing on January 7, 1974. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith introduced Mr. Roger Weiss, Kraft, Shaw, Weiss and Associates, Consulting Engineers, who reviewed his Firms Traffic Study for the intersection of West Franklin Street and Virginia Avenue. He explained the following expected adverse affects if an Arby's Restaurant is constructed in this location:

1. An eight percent traffic increase on Virginia Avenue over a twenty-four hour period.
2. A thirteen percent traffic increase during peak hours.
3. During peak business hours, parking along Virginia Avenue will occur.
4. West bound traffic on Franklin Street will occasionally be trapped behind left turning traffic into Arby's, thus increasing the accident rate in this area.
5. The proposed building set back does not provide for future widening of the south side of Franklin Street.
6. The parking plan does not meet recommended dimensions.

Mr. McQueeney questioned an anticipated confused traffic pattern in this location if the Restaurant is built as proposed. Mr. Weiss sees an internal circulation problem for the Restaurant, the only possibility being an entrance from Franklin Street and an entrance and exit on Virginia Avenue. He sees a real problem for left turning traffic along West Franklin Street in the future, he sees an adverse traffic affect for the residents on Virginia Avenue. As questioned by Mr. McQueeney, Mr. Weiss advised that in order to bring the traffic condition to what it is presently if an Arby's is built, there must be installed a left turn lane on West Franklin Street.

Attorney Joe Walsh, representing the Concept West residents, expressed the residents concern with the expected increase in traffic and the anticipated traffic problems resulting from this "fast food" operation. They wonder whether this is a permitted use in the Architectural Preservation District, residents are concerned for their adjacent properties.

Mr. Bill Deis, representing Arby's Restaurant, outlined their willingness to conform to all conditions as set forth in the Board of Architectural Review's approval. He made reference to their Traffic Study prepared by Richard L. Oaks, Traffic Engineer for the City of Kettering.

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As questioned by Mr. Sweetman, Mr. Schab advised that inside laboratories will be required in the Arby's Restaurant if time is spent by customers inside the building, these will be considered on the final plan. As questioned by Mayor Hoy, Mr. Schab advised that it would be impossible to provide a left turn lane on West Franklin Street with the present configuration of the street and the location of buildings. Mr. McQueeney, based on the traffic study, moved that Council reverse the Board of Architectural Review's ruling concerning the construction of an Arby's Restaurant on the southeast corner of West Franklin Street and Virginia Avenue. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Stone encouraged Arby's to build the same building in some other area of the City.

Mr. Bettcher reviewed his Analysis of Fund Balances for the period ending November 30, 1973.

Clerk of Council Marilyn McLaughlin read a letter received from the Board of Architectural Review dated December 7, 1973 in which the following two items were requested: 1. new sign and building applications be printed for use in the A.P. District, 2. a Secretary for the Board be obtained. Mr. Smith advised that the forms can be changed by the Administration, he recommended that the appropriations be increased for the Board of Architectural Review to hire their own Secretary. It was suggested that a senior high school student, a Miami Jacobs student or a retiree be considered for this purpose and to serve the same purpose for the Planning Commission. The 1974 Budget will provide the necessary funds for such a Secretary.

Mrs. McLaughlin read a letter received from the City Beautiful Commission dated December 11, 1973 in which they indicated their enthusiasm about the future plans for the northeast corner of Main and Franklin Streets. They made the following requests to City Council: 1. that asphalt be removed and grass replaced between the sidewalk and curb along North Main Street, 2. that broken entrance lights into Goldman's parking lot be repaired or replaced, and 3. that motorists involved in accidents be held responsible for damages occurring to trees planted along the roadways in Centerville. Following discussion, Mr. Sweetman moved that the City do have specific forms set and that these matters go through the typical departments: police, City Manager, finance, and that all monies due Centerville collected. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Farquhar will review to determine what legally can be done concerning the broken lights at the entrance to the Goldman's parking lot. Mr. Smith advised that businesses are being contacted to remove the asphalt and replace the grass in certain areas along North Main Street. Mayor Hoy requested that the Clerk of Council advise the City Beautiful Commission the results of their requests.

Mr. Davis sponsored Resolution Number 39-73, Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone moved that Ordinance Number 97-73, An Ordinance Appointing James Rohal To The Centerville Arts Commission And Establishing A Term, a term of three years, be set for Public Hearing on January 7, 1974. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Sweetman sponsored Resolution Number 40-73, A Resolution Wishing The Citizens Of Centerville A Very Merry Christmas And Happy New Year And Wishing Said Citizens A Prosperous Future, and moved that it be passed. Mr. McIntire 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. Sweetman thanked Councilmen John McIntire and John Davis for their time and devotion given to Centerville during the past eight years as Councilmen.

Mr. Sweetman read a Resolution from T.C.C. in which they adopt the light rail transit plan for the southeast corridor of Montgomery County, the Dayton central business district and Washington Township, and authorize the T.C.C. Staff to take the necessary steps for insuring implimentation of this system. Centerville will be contacted in the very near future to participate on a monetary basis. Mr. McQueeney expressed his favoritism to this system, he suggested that T.C.C. representation be invited to appear before Council as quickly as possible, so that Council action can be taken on this matter. Mayor Hoy advised that this will be pursued for the January 7, 1974 Council Meeting.

As requested by Mr. Sweetman, Mr. Schab explained an existing drainage problem at 104 East Franklin Street, he explained improvements which could be made costing approximately \$25,000. Mr. Sweetman moved that the City put curbs, sewer, catch basins and sidewalk on both sides, north and south, of East Franklin Street from a point west of the high school to SR 48 and this be put on an assessment basis to the property owners and that the City proceed with haste. Mr. Davis seconded the motion. Mr. Stubbs suggested that the City Manager provide a drawing showing this proposal and his recommendation be forwarded to Council before Council action is taken on this matter. Mr. McIntire moved that the previous motion be amended to provide for an outline of the needs for the area, present the needs and then go forward with the project, action to be placed before Council during the month of January for expediting this project on East Franklin Street. Mr. Sweetman and Mr. Davis agreed with the amendment. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire, addressing himself to past and current Council, thanked all for his very enjoyable eight years of service as a Councilman.

Mr. Davis expressed his enjoyment during his eight years of service as a Councilman. He thanked all Citizens for his opportunity to serve.

Mayor Hoy expressed his thanks to Councilmen John McIntire and John Davis, they have contributed much to the success to the future of Centerville, they have been dedicated and loyal and have had a high purpose in serving Centerville.

Mr. Stone being concerned with the Transportation Corridor, moved that Council endorse the general concept calling for the utilization of the Penn Central right-of-way between Dayton and Centerville for public use, employing a light rail transportation system including the continuation of freight service. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stubbs expressed his appreciation to John Davis and John McIntire and to their families for their patience during eight years of service as Councilmen.

There being no further business, the Meeting was adjourned.

Attest:

Approved:


 Mayor


 Clerk of Council