

Held September 11, 1972

19

REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 11, 1972 at 8:00 P.M. at the Centerville High School, South Building. The Meeting was opened with the Pledge of Allegiance to the Flag with Deputy Mayor John McIntire presiding. Councilmen present were as follows: Russell Sweetman, Charles McQueeney, John Davis, Leonard Stubbs, J. V. Stone, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab and Clerk of Council Marilyn McLaughlin.

Mr. Stone moved that Mayor Paul Hoy be excused from this Meeting. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of August 7, 1972 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of August 7, 1972 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Stone abstained.

The Minutes of the Meeting of August 21, 1972 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of August 21, 1972 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McQueeney abstained.

Mrs. Robert Search, 7775 Park Creek Drive, appeared before Council to ascertain whether the City Engineer has received a letter from Black Oak Development Company outlining their plans to correct the drainage problem at her residence. Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Developer, advised that the letter will be forthcoming. Mr. Farquhar reviewed a letter sent to the Developer from the City Manager, Municipal Attorney and City Engineer requesting engineering drawings within 14 days, corrective measures be taken within 30 days and it also set a Meeting between the Developer and City Administration to review the problems in Black Oak Estates II. Mr. McIntire requested that this item be on the agenda for the Council Work Session set for September 14, 1972, and ultimately on the agenda for the September 18, 1972 Council Meeting.

Mr. Mike Koester, representing the Dayton Public Service Union, appeared before Council to ascertain what action has been taken by Council concerning the membership notification in Local #101 signed by Waste Collection Employees. Mr. Smith explained that the notification has been signed by only 50% of the Department's Employees. Mr. Stubbs felt that if a majority of the Employees request membership, Council should take the matter under consideration. Mr. Stone moved that this item be placed on the agenda for action at the next Regular Meeting. Mr. McIntire seconded the motion. Mr. Stone moved to amend the previous motion to read at the next Meeting of Council which will be next Monday. The amendment failed for want of a second. Mr. McQueeney moved to amend the main motion to include "that Council be provided with a copy of the signatures of the Employees requesting membership and this be a part of the packet distributed to Council prior to the Meeting." Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. A roll call vote on the main motion resulted in six ayes in favor of the motion.

The Public Hearing was held concerning an Ordinance amending Ordinance No. 15 dated December 11, 1961, The Zoning Ordinance, by re-zoning 45.7

422
RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

September 11, 1972 continued

19

acres, more or less, from Centerville EC and Washington Township R-4 classifications to Centerville B-2, EC and R-3 classifications.

Mr. Smith reviewed the Rezoning Request and located the subject property on a map. The Application was filed by the Springmont Company for the property on the east side of Bigger Road directly across from the Woods Apartment Complex. The Planning Commission recommended denial of the Request by a 5-2 vote.

Mr. Robert Archdeacon, representing the Applicant, located proposed Clys Road through the south eastern corner of this property and explained the zoning of adjacent property.

Mr. Durham, Planner for the Applicant, explained the proposed use for the land. The B-2 area would be used for a small commercial shopping center. The R-3 would consist of 116 Townhouses, 26 One Story Apartments and 10 Doubles for a density of 3.1 units per acre. There is presently no commitment for the EC land. The Applicant would be agreeable to covenants restricting the R-3 area to Condominium for sale units and the density to 5 units per acre.

Mr. Stone questioned the apartment zoning north and adjacent to proposed Clys Road in consideration of anticipated industrial zoning in that area. Mr. Eugene Kemp, owner of the property, outlined problems which he has had with maintenance and upkeep on the property, he has never been approached by a buyer for industry.

As requested by Roland McSherry, 1443 Ambridge Road, Mr. Farquhar reviewed the uses permitted in EC zoning. He suggested that the B-2 area could be restricted to certain uses.

Mr. Davis recommended that this area be discussed in a Council Work Session to be held on September 14, 1972 and ultimately put on the Council Meeting Agenda for September 18, 1972 for a vote. Mr. Stubbs moved that action on this Rezoning Request be tabled. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Farquhar recommended that covenants be prepared and agreed upon prior to passage of the Ordinance.

The Public Hearing concerning Ordinance Number 52-72 was held. The Ordinance was reviewed by City Manager James Smith, it authorizes a Contract between the City of Centerville and Robert Winterhalter as a City Planner for a three month period beginning August 22, 1972. Mr. McQueeney sponsored Ordinance Number 52-72, An Ordinance Authorizing And Directing The City Manager To Enter Into A Contract For The Services Of A City Planner With Robert Winterhalter, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 53-72 was held. Mr. Farquhar reviewed the proposed Ordinance, it changes the name of Chevy Chase Drive to Bristol Drive for it's entire length. Mr. Davis sponsored Ordinance Number 53-72, An Ordinance Changing The Name Of Chevy Chase Drive To Bristol Drive, and moved that it be adopted. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Stubbs abstained.

Mr. Davis reported on the Planning Commission Meeting held August 29, 1972. He reviewed the Curb Cut Application of Thomas Hofacker for an additional 12 foot cut to provide for a circular drive at the Mother Hubbard Nursery School at 541 Willowhurst Street. The Planning Commission by a 6-1 vote, recommended approval of the cut subject to the approval being given only for the present use. Mr. Farquhar pointed out the fact that the use as a non-conformance cannot be changed except for residential. Mr. Stubbs moved that Council approve the Curb Cut Application of Thomas Hofacker. Mr. Davis seconded the motion. A roll call vote resulted in

RECORD OF PROCEEDINGS

Held Septmeber 11, 1972 continued

19

six ayes in favor of the motion.

Mr. Davis reviewed the action of the Planning Commission relative to An Ordinance Amending Ordinance Number 15-1961, The Zoning Ordinance As Amended By Ordinance 25-69 And Ordinance No. 80-71 By Adding Additional Requirements In The Architectural Preservation District And By Granting The Board Of Architectural Review The Power To Grant Variances. The Planning Commission recommended approval of the Ordinance by a 5-2 vote, their concern being whether or not an appeal procedure is provided. Mr. Farquhar reviewed the text of the Ordinance and advised that the appeal procedure is included in Ordinance Number 80-71, the Ordinance creating the AP District. Mr. McIntire expressed his concern with paragraph two under Section 2, he felt that this requirement was discriminating, it does not exist in other zoned districts. He also felt that item 3 under Section 3 was too stringent, required in the AP District as a buffer zone would be more than is required in other business districts. Mr. McIntire moved that this proposed Ordinance be tabled and returned to the Planning Commission along with his questions. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Davis reviewed the Record Plan for Ronco Subdivision Number One. The majority of the subject land lies within the City of Kettering with only a strip of 25 feet being in the City of Centerville. The Planning Commission unanimously recommended approval of the Plan. Mr. McIntire questioned the receipt of a Drainage Plan for the area to be approved by Council, he moved that approval of the Record Plan for Ronco Subdivision Number One be tabled until the Drainage Plan is available from the Developer and Engineer. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

An Ordinance to provide for the improvement of SR 725 east from State Route 48 to Loop Road was briefly discussed by Council. The revised Legislation provides for no parking restrictions with an increase of City's financial share from \$5,000 to \$11,350. Council concurred to compare the original and revised Legislation along with a cost breakdown and the item be placed on a future Council Meeting Agenda. Mr. Smith advised that this improvement will not be made until construction of I-675 takes place, the City's share would be placed in escrow with the State Highway Department.

Mr. Smith reviewed the following three bids received for the Rahn Road widening and rail crossing:

Finke Construction Company	\$ 37,377.60
Urbana Tar & Asphalt Company, Inc.	37,578.90
Carey Paving Company, Inc.	44,248.11

He recommended that the bid of Finke Construction Company be accepted, work can begin within two weeks. Mr. Sweetman sponsored Ordinance Number 54-72, An Emergency Ordinance Accepting The Bid Of Finke Construction Company To Improve Rahn Road, The Westbound Lane From Marshall Road East 872 Feet And Across The Penn Central System Right-Of-Way 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. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Davis moved that Ordinance Number 55-72, An Ordinance Accepting The Bid Of Finke Construction Company To Improve Rahn Road, The Westbound Lane From Marshall Road East 872 Feet And Across The Penn Central System Right-Of-Way For The City Of Centerville And To Authorize The City Manager To Enter Into A Contract Therewith, be set for Public Hearing on September 18, 1972. Mr Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

September 11, 1972 continued

19

The Bid of Service Supply Ltd, for the purchase of a paint striping machine was reviewed by the City Manager. He recommended accepting this Bid in the amount of \$8,781.00. Mr. Stone sponsored Resolution Number 18-72, A Resolution Accepting The Bid Of Service Supply Ltd, To Furnish One Model WV50 Paint Striping Machine 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. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Smith reviewed the Bids received from King Equipment Company for a Brush Chipper in the amount of \$4,995.00 and a Leaf Collector for \$9,995.00. He recommended accepting these two Bids as received. Mr. Sweetman sponsored Resolution Number 19-72, A Resolution Accepting The Bids Of King Equipment Company To Furnish One Leaf Collector And Catch Basin Cleaning Machine And One Brush Chipper For The City Of Centerville And To Authorize The City Manager To Enter Into Contracts In Connection Therewith, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion. A schedule will be published for the operation of the brush chipper.

Municipal Attorney Robert Farquhar reviewed an Ordinance to vacate the second alley north of Franklin Street off the east side of North Main Street. Mr. McQueeney moved that Ordinance Number 56-72, An Ordinance To Vacate An Alley Which Runs Between North Main Street And Maple Street, Centerville, Ohio, be set for Public Hearing on September 18, 1972. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs advised that he has been reviewing the cooperation of the City, Schools and other Community facilities relative to the drug problem in the Community. He welcomes information from everyone.

Mr. Smith advised that the Task Force Committee needs a statement from Council that they have no desire to relocate State Route 725 in the foreseeable future. Council concurred to leave State Route 725 where it is currently in the foreseeable future.

Mr. Farquhar reviewed Resolution Number 20-72 a Resolution authorizing a contract with the City of West Carrollton for the collection of the Centerville Income Tax. The Contract is the same as the 1972 Contract. Mr. Stubbs sponsored Resolution Number 20-72, A Resolution Authorizing The City Manager To Enter Into A Contract With The City Of West Carrollton, Ohio, To Provide For The Collection Of The Centerville Income Tax By The West Carrollton Income Tax Department, and moved that it be adopted. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Farquhar reviewed a Resolution authorizing Bowser-Morner Testing Labs., Inc. to conduct some spot testing and daily testing in connection with the street resurfacing program for Centerville. Following discussion concerning a maximum fee, Mr. Stone moved that this Resolution be tabled for clarification of the Contract. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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

Mr. McQueeney suggested that the Park District, when placing name identification signs at the Park locations. they also advertise the fact that

RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held September 11, 1972 continued

19

Mr. Sweetman wondered if anything has been done in reference to the improvement of East Franklin Street at the new high school site. Mr. Smith advised that the Deed for the dedicated right-of-way has been prepared. Mr. McIntire referred this matter to the Public Health And Safety Council Committee to meet with the School Board to effect the improvement of East Franklin Street at the school location and ultimately report back to Council.

Mr. Sweetman also wondered if Chevy Chase has a definite commitment for natural gas in their plans in view of Dayton Power and Light's proposed shut-off. He also requested information as to whether any commitment has been made to Chevy Chase from the Dayton Power and Light Company for natural gas. He wondered about the safety aspect in the use of propane gas units in such a development. Mr. Farquhar and Mr. Smith will research this matter.

Mr. McIntire advised Council of the FHA Housing Market Analysis, Dayton, Ohio as of August 1, 1971 which he received August 29, 1972 from Mr. Sydney C. Jamieson, Special Assistant to the Director, Department of Housing And Urban Development, Columbus, Ohio. He requested that copies be made available to all members of Council.

There being no further business, the Meeting was adjourned.

Approved

Paul C. Gray
Mayor

Attest:

Marilyn J. McLaughlin
Clerk of Council