

Held December 18, 1972

SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, December 18, 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 Mayor Paul Hoy presiding. Councilmen present were as follows: John McIntire, J. V. Stone, Leonard Stubbs, Russell Sweetman, Charles McQueeney, John Davis, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance Ronald Budzik and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of December 4, 1972 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of December 4, 1972 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Davis abstained.

Mr. Marvin Yokum, 7465 Mad River Road, Internal Vice-President of the Centerville Jaycees and Mr. Ted Baines, President of the Jaycees appeared to brief Council on the organizations activities during the past year in the Centerville area and asked that a Proclamation be issued declaring the week of January 21, 1973 Jaycee Week. Mr. Yokum also welcomed nominations for the distinguished service award for this year. Mr. Farquhar will prepare a Resolution declaring the week of January 21, 1973 Jaycee Week.

Councilman Leonard Stubbs left the Meeting at this time.

The Public Hearing was held concerning Ordinance Number 70-72.

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

Mr. Farquhar reviewed the proposed Ordinance; it grants the Board of Architectural Review the power to grant Variances in the Architectural Preservation District.

Mr. McIntire sponsored Ordinance Number 70-72, An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance As Amended By Ordinance No. 15-69 And Ordinance No. 80-71 By Granting The Board Of Architectural Review The Power To Grant Variances, and moved that it be adopted. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 71-72.

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

Mr. Farquhar explained the proposed Ordinance; it changes the procedure in connection with the issuance of a Zoning Certificate in the B-1 and B-2 Districts. The procedure being established is the same as is presently followed in the EC and B-3 Districts, a Business Use requires Planning Commission and Council approval.

Mr. Davis sponsored Ordinance Number 71-72, An Ordinance Amending Ordinance No. 15-61, The Village Of Centerville, Ohio, Known As The "Zoning Ordinance Of Centerville, Ohio, 1961" To Establish Amended Procedures For Business 1 And Business 2 Districts, and moved that it be adopted. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Ordinance Number 76-72 was reviewed by Mr. Farquhar. The proposed Ordinance grants a franchise to the Megacity Transit Company to operate a bus route over Rahn Road between Marshall Road and Bigger Road that portion being in the City of Centerville. The Ordinance provides a cancellation

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right of 60 days by either party; a change in route procedure, the City Engineer designates the areas for stops, and the rates of fare are set by the City of Kettering with no additional cost for operation within the City of Centerville. Mr. Sweetman moved that Ordinance Number 76-72, An Ordinance Granting To The Megacity Transit Company A Franchise To Operate Motor Buses Over A Certain Public Way In The City Of Centerville And Declaring The Terms Upon Which Such Franchise Is Granted, be set for Public Hearing on January 8, 1973. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Councilman Leonard Stubbs returned to the Meeting at this time.

City Engineer Karl Schab explained his recommendation relative to specifications for the type of brick which should be used for brick walkways in the AP District, those being according to ASTM C742 standard specifications issued by the State of Ohio and the American Society of Testing Materials. He also explained his recommendation concerning curbing on South Main Street; the southbound lane from centerline to back of curb should measure 21 feet, 3 foot green strip, 5 foot walkway, and 1 foot between property line and walkway. Discussion followed concerning at what time should the brick walkway be established in the AP District, should it be put in place at time of development of the land or when a certain percentage of an area is developed. Mr. Farquhar pointed out that the Ordinance establishing the AP District requires that brick sidewalk be put in place when an applicant comes before the Board of Architectural Review and receives approval. Mr. Farquhar will prepare the necessary legislation to enact Mr. Schab's recommendations.

Mr. Emery C. Kuehnle from the W. H. Anderson Company, presented to Council his proposal for the Codification of City Ordinances. This would take from 9 to 12 months to complete, a copy to Council in 6 months for review. Mayor Hoy suggested that the Municipal Attorney review this proposal and the proposal of the Walter H. Drane Company and make a recommendation to Council.

The proposed 1973 Health Contract between the City of Centerville and the Montgomery County Combined General Health District was discussed by Council. Cost to the City would be \$15,383.00, an additional \$2,000.00 would include housing inspection in the Contract.

Clerk of Council Marilyn McLaughlin advised that a Notice to City Council has been received from the Ohio Department of Liquor Control concerning the Application of Centerville Lanes, Inc. for a D5 Permit, a Permit to sell all alcoholic beverages. As questioned by Mr. Sweetman, Mr. Farquhar will obtain the name of stockholders in the Centerville Lanes, Inc.

Mrs. McLaughlin read a letter of resignation from Centerville Youth Board Member Paul W. Buhr. Mayor Hoy invited all interested qualified Centerville residents to apply for this vacancy.

A letter received from Miss Ethel Winterhalter, President Washington Township Trustees, was read by the Clerk of Council. Miss Winterhalter advised that land acquisition is complete, specifications for advertising and construction are updated and complete for the Improvement of Marshall Road north of Rahn Road. The Montgomery County Engineer's Office has advised advertising for bids in late April or early May 1973. She further

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advised that she is more than willing to finalize this project at the earliest possible date consistent with a good quality job.

Mr. Karl Schab briefly reviewed his recommendation concerning the release of Bonds in various Sections of Black Oak Estates. All improvements have been made in accordance with the Agreement dated November 18, 1972 between the Developer and the City of Centerville. He recommended release of the Performance Bonds for Black Oak Estates II, Sections 1, 2, 3, 4 and 5; Black Oak Estates III, Sections 2, 3 and 4; a Maintenance Bond in the amount of \$1,000.00 for Black Oak Estates III, Section 4 be posted; and the \$1,000.00 Performance Bond for installation of sidewalk in Black Oak Estates V, Section 1 be released. Mr. McQueeney moved that Council comply with the recommendation of the City Engineer. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Schab read his recommendation concerning Bond Release on Black Oak Estates IV, Section 1. He recommended that the original Performance Bond of \$78,000.00 be released, that a new Performance Bond in the amount of \$2,000.00 be posted for specific work, and a \$3,900.00 Maintenance Bond be required for the duration of one year. Mr. Stone moved that Council reduce the original Performance Bond of \$78,000.00 to \$2,000.00 for Black Oak Estates IV, Section 1, the \$2,000.00 being for the performance of the five items listed in the City Engineer's recommendation as follows: (a) correction of manhole on Windy Hill Court, (b) removal of some wood forms in catch basins, (c) painting of some exposed metal parts of catch basins, (d) concrete sidewalks in front of part Lot 2022, and in front of Lots 2024 and 2026, (e) permanent street signs to be installed, and subject to the posting of a Maintenance Bond in the amount of \$3,900.00. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith recommended that the bid of Borchers Ford for one police cruiser, bid price \$3,670.64, be accepted. Mr. Davis sponsored Resolution Number 29-72, A Resolution Accepting The Bid Of Borchers Ford To Supply One Police Cruiser 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. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Farquhar advised that Municipalities are required by Federal Law to establish a Trust Fund for Federal Revenue Sharing Monies. Mr. Budzik advised that Municipalities will be required to submit to the Federal Government a plan for the expenditure of these monies. Mr. Davis sponsored Resolution Number 30-72, A Resolution Authorizing And Directing The Director Of Finance To Establish A Trust Fund For Federal Revenue Sharing Monies, 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. Stone suggested spending some of this money to install the elevator in the new Centerville Municipal Building. Mr. Davis questioned the formula being used for the dispersal of these Revenue Sharing Funds.

Mr. McQueeney moved that Ordinance Number 77-72, An Ordinance Fixing The Amounts Of Official Bonds To Be Posted By Certain Named Officers And Employees Of The Municipality And Providing For The Payment Of Premiums Thereon In Accordance With Section 12.02 Of The Centerville Charter, be set for Public Hearing on January 8, 1973. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mayor Hoy announced that the term of John Riley on the Personnel Appeals Board will expire on January 1, 1973. Mayor Hoy suggested that the Clerk of Council contact Mr. Riley to ascertain whether he would be interested in serving another term. Discussion followed concerning the procedure for an employee to follow to file an Appeal. Mr. Farquhar will review the procedure as outlined in the Personnel Rules and Regulations and develop a form to be used if necessary.

Mr. McIntire sponsored Resolution Number 31-72, A Resolution Authorizing And Directing The City Manager To Enter Into A Contractual Agreement With The Montgomery County Combined General Health District For The Period Of One Year Commencing January 1, 1973, and moved that it be passed, Mr. Davis seconded the motion, A roll call vote resulted in seven ayes in favor of the motion.

Mr. Farquhar reviewed Ordinance Number 78-72; It requires owners of real property in the City who rents same to another person to furnish the City of Centerville the name and mailing address of said tenant or tenants within certain periods of time. Mr. Davis moved that Ordinance Number 78-72, An Ordinance Requiring The Owners Of Rental Property In The City To Supply The Name And Mailing Address Of Any Tenant To The City And Providing A Penalty, be set for Public Hearing on January 8, 1972. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith advised that a recent poll taken on Haynes Drive ended in a 9 to 8 vote in favor of Haynes Drive with 2 people not contacted. This matter was delayed until the other two residents have been contacted.

Mayor Hoy distributed material concerning Cable TV for Council's review. This item will be discussed at a future Council Meeting.

There being no further business, the Meeting was adjourned.

Approved:

Paul H. Gray

Mayor

ATTEST:

Marion J. Daugherty

Clerk of Council