

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held April 19, 19 71

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, April 19, 1971 at 8:00 P.M. at 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 Zengel, John McIntire, Victor Green, J.V. Stone, Russell Sweetman, City Manager John Griffin, Municipal Attorney Robert Farquhar, City Engineer Frank Williams, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of April 5, 1971 had been distributed prior to this Meeting. Mr. Green advised that the following sentence should be deleted from paragraph twenty-three, "A roll call vote resulted in six ayes in favor of the motion." He further advised that paragraph nine should contain the fact that conventional square type curbing was discussed for the corner lots in Rose Estates, Section One; this perhaps would discourage "yard jobs" or "curbing"; the developers agreed to give this consideration. Mr. McIntire moved that the Minutes of the Meeting of April 5, 1971 as amended, be approved. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mayor Hoy abstained.

Mrs. F.S. Clifford, 173 Martha Avenue, appeared before Council requesting attention to the number of small animals and the condition of the premises at 174 Martha Avenue.

Councilman John Davis entered the Meeting at this time.

Mrs. David Striley, owner of the property at 184 Martha Avenue, added emphasis on the intolerable conditions existing at 174 Martha Avenue.

Mr. Griffin explained what the Montgomery County Board of Health plans to do in the next few days concerning this matter.

Mr. McIntire assured Mrs. Clifford and Mrs. Striley that after a complete clarification of this problem is received, if legislation is necessary for control, it will be considered by Council.

Mayor Hoy pointed out the fact that the purpose of City Government is to serve it's residents, it is regretable that this condition has been permitted to proceed this far.

Mr. Thomas Thompson, 104 Martha Avenue, wondered if more citizen action is necessary.

Mayor Hoy suggested that the City Manager and Municipal Attorney develop for Council a determination as to whether the City's present laws are adequate to rectify this type of problem, and if not, what is necessary.

The recycling of newspapers was discussed briefly by Council. Mr. McIntire suggested that more information be gathered relative to other uses for our refuse matter. Mr. Green felt that; along with this, should be considered the grass clipping problem the City will soon be facing. Mayor Hoy referred this matter to the Public Health and Safety Committee for review and recommendation.

Mr. Griffin reported for the Planning Commission. He reviewed the Variance Request of Zengel Builders, Inc. to locate carports 35 feet behind the front property line instead of the required 75 feet, on the property located at the corner of Cedarleaf Drive and Alexandersville-Bellbrook Road. The request was granted by the Planning Commission.

Mr. Griffin reviewed the Rezoning Request submitted by Anthony B. Wenzler, requesting a change from Washington Township R-4 to Centerville R-3 and R-4, for that property lying on the east side of Marshall Road directly across from Hyde Park Drive. The developer proposes to construct doubles in the R-3 area and multi-family dwellings in the R-4 area. Opposition was received from residents in Kettering and Centerville. Mr. McIntire suggested that the zoning of the adjacent land in Kettering be investigated prior to any consideration of this Request.

Mr. Griffin reviewed the Preliminary Plan of Pleasant Hill Plat, Section 17. This Plan contains 14 lots and does not include the 5 acre Park Site. Approval of the Plan has been recommended by the Planning Commission. Mr. Davis moved that the Preliminary Plan for Pleasant Hill Plat, Section 17 be approved, as presented. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Zengel abstained.

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A Variance Request submitted by Haverstick Builders, Inc. has been received and set for Public Hearing by the Planning Commission. Requested is a variation in the set back requirement for accessory buildings in an R-3 zone district, specifically their property in the Terrace Villa Plat. They are requesting a 30 foot set back instead of the required 75 foot set back.

Mr. Griffin advised that the Master Plan will be put to Public Hearing before the Planning Commission during the month of May, 1971.

The Public Hearing concerning Ordinance Number 25-71, was held. Mr. Davis advised that the proposed street name change has been requested by the Post Office. Mr. McIntire sponsored Ordinance Number 25-71, An Ordinance Changing The Name Of Wynshire Drive To Fernshire Drive, 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 Public Hearing concerning Ordinance Number 28-71, was held. Mr. Farquhar explained the changes which the proposed Ordinance makes to Ordinance Number 28-69. Mr. Davis sponsored Ordinance Number 28-71, An Ordinance Amending Ordinance 23-69, An Ordinance Providing For A City Animal Warden; Prohibiting Animals From Running At Large Within The Corporate Limits of Centerville; Authorizing The Impounding Of Animals And Providing A Penalty, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Engineer Frank Williams advised that \$49,948.25 would be an accurate Construction Cost Estimate for Rose Estates, Section One for Bonding purposes instead of the previously approved \$88,000.00. Mr. McIntire moved that the Record Plan for Rose Estates, Section One be approved subject to the receipt of a Performance Bond in the amount of \$49,948.25 and an Inspection Fee of \$429.90 and subject to the City Engineer and the Montgomery County Sanitary Engineer's approval of the Plan and amend the original motion made relative to this matter on April 5, 1971. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin advised that five Resumes have been received from Applicants for the Youth Board, Petitions from various schools will be completed and received by May 1, 1971.

Municipal Attorney Robert Farquhar advised that he had written for the deed for the four acres of land in the Terrace Villa Plat to be deeded to the City of Centerville. He has requested that the grading, removal of rubbish and placement of the drainage tile be completed by the dead-line date of May 3, 1971.

Mr. Griffin reviewed the bids received from four suppliers on a used rubber tired tractor for use in the Street Department. After a complete review of the equipment bid, the City Manager and Street Superintendent recommended the purchase of a D580 1968 Case from King Equipment Company for a net price of \$6,000. with 1761 hours, delivery to be from 2 to 10 days from date of purchase. Another bid considered by Council was as A/C #615 from Al's Rental and Sales, Inc. 1970 Model with 400 hours, for a net price of \$7,000.00. Following discussion, Mr. McIntire moved that Council accept the recommendation of Mr. Griffin for the purchase of a D580 unit from King Equipment Company at the net price of \$6,000.00, that being the equipment having 1761 hours on it. Mr. Davis seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Green, Mr. Stone, and Mr. Sweetman voted no.

Mr. Griffin gave his City Manager's Report. He advised that grading and filling on the 12 acre tract of land on the north side of Loop Road owned by the J.S. Davis Company had begun. In so doing, a 100 foot buffer strip to the north of this property and south of Village South, to remain in it's natural condition, had been penetrated by earth moving equipment, several trees had been removed. Upon discovery of this error all work was stopped pending a review of the drainage plan by the City Manager and the City Engineer. Mr. Farquhar advised that the work should remain stayed under the Building Code relative to the drainage change and until some rectification is made for the damage done in the buffer strip. Council concurred with Mr. Farquhar's recommendation. Mr. Zengel further recommended and Council concurred that the

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drainage plan should be brought before Council prior to work being reinstated. Mr. Bernard Schramm, 310 South Village Drive, suggested that the property owner donate the buffer strip to the Park District for their control. Mr. Green suggested that a Performance Bond be requested to assure proper restoration of the 100 foot buffer strip; Mr. Farquhar will further review this proposed request for Bond.

The destruction to the traffic controller at Alexandersville-Bellbrook Road by a Borden Chemical truck was explained by Mr. Griffin. The Insurance Company will not settle for the total amount of the controller. Council concurred that the Municipal Attorney contact the Insurance adjuster to see what settlement can be arrived at and the matter be resolved to the best interest of the City.

Mr. Griffin reviewed his proposed amendments to the Annual Appropriation Ordinance. While discussing the appropriation in the Waste Collection Fund of \$30,000.00 for the purchase of plastic bags, and in consideration of additional expense and work of the home owner in the use of plastic bags, and the handling cost, Council concurred that the City not make such a purchase at this time, but that the Jaycees continue to purchase and sell these bags as they have in the past. This matter was referred by Mayor Hoy to the Public Health and Safety Committee for their review and recommendation. Mr. McIntire moved that legislation be prepared to contain the proposed amendments to the Appropriation Ordinance deleting that portion relating to the Waste Collection Fund. Mr. Sweetman seconded the motion. Mr. Stone was opposed to the inclusion in this Ordinance of revenue to provide for the purchase of a \$1500.00 truck in the Animal Warden Fund. Mr. McIntire amended his previous motion that the proposed amendments to the Appropriation Ordinance conclude with an Ordinance excluding the Waste Collection Fund portion and the Animal Warden portion relative to equipment, vehicular types and related costs. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy read a letter received from the Centerville-Washington Township 175th Anniversary Corporation, inviting the City to make an entry in the parade for the July celebration. Mayor Hoy referred this matter to the Community Relation and Promotion Committee for their review and recommendation.

Mr. McIntire sponsored Ordinance Number 29-71, An Ordinance To Amend Ordinance Number 18-71 Of April 5, 1971 For A Table Of Organization, Personnel Classifications And Granting Retroactive Pay Increases For Certain Employees Of The City Of Centerville, Ohio, and moved that it be set for Public Hearing on May 3, 1971. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 30-71, An Ordinance Granting Retroactive Pay Increases For Certain Employees Of The City of Centerville, and moved that it be set for Public Hearing on May 3, 1971. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The following comments were made as a poll of Council was taken:

Mr. Zengel suggested that a Work Session be arranged between Council, Mr. Williams, and Representatives of the Home Builder's Association to review the proposed Ordinance offering drainage control in Centerville.

Mr. McIntire requested that, relative to the Penn-Central Railroad and the Technical Committee of T.C.C., a great deal of clarification be brought forth to the City of Centerville from Mr. Mark Kast as to exactly what is going to be determined relative to the tracks through Oakwood, Kettering and Centerville. He feels that Centerville stands to lose an industrial potential if these tracks are eliminated. Mayor Hoy will invite Mr. Kast to the May 3, 1971 Council Meeting so that answers can be received concerning this matter.

Mr. Green expressed concern over the wear and tear on public streets which could be imposed by the proposed cement plant in the Industrial Area. Mr. Griffin will further research this matter and report his findings to Council.

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Mr. Sweetman questioned the activation of the traffic signal at East Franklin Street and North Johanna Drive. It is not operating correctly during the specified hours. Mr. Griffin will rectify the situation.

The Meeting was then adjourned.

Approved:

Paul C. Ray
Mayor

ATTEST:

Mae J. Saughlin
Clerk of Council