

Held

May 17,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Special Session, Monday, May 17, 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 Davis, John Zengel, Russell Sweetman, Victor Green, J.V. Stone, John McIntire, City Engineer Frank Williams, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of May 3, 1971 had been distributed prior to this Meeting. Mr. Zengel advised that the fourth sentence in paragraph nine should read as follows: "Mr. Green pointed out that this proposed Ordinance would permit an office in these residential zones without necessarily requiring a change in zoning." Mr. Stone moved that the Minutes of the Meeting of May 3, 1971 as amended, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mayor Hoy and Mr. McIntire abstained.

Councilman John Davis reported for the Planning Commission. He advised that the Rezoning Request submitted by Anthony Wenzler for a change in zoning for the property on the east side of Marshall Road north of the Southbrook Plat, from Washington Township R-4 to Centerville R-3 and R-4, had been withdrawn by the applicant.

Mr. Davis explained the Curb Cut Application submitted by Jack Davis for two 35 foot curb cuts to be located on the north side of Loop Road at the proposed automobile dealership building. The cuts would be both entrances and exists to the parking area. The Planning Commission unanimously recommended approval of the plan, as submitted.

Mr. Marion McCoy, 6431 Colechester Court, wondered if these curb cuts would divert more water drainage onto the Village South residents. Mr. Williams advised that the curb cuts appear to be in order, the curb meets Centerville Street Standards, thus the water from the street will be diverted by a gutter, into a catch basin. This matter was deferred for consideration until the next Council Meeting.

Mr. Robert Archdeacon, representative of the Ralph L. Woolpert Company, explained the Preliminary Plan for Black Oak V, which includes a portion of the Black Oak IV Preliminary Plan along with a portion of the Johnstone Farm, the Plan includes a 13 acre park site and 51 lots on 43.3 acres of land. The Planning Commission unanimously recommended approval of the Plan. Discussion followed concerning the continuation of Wilmington Pike through the Johnstone Farm but through that portion not currently being considered in this Preliminary Plan. Mr. Davis moved that a Public Hearing be set on June 21, 1971 concerning the Conditional Use Request for a Residential Development Plan for Black Oak Estates V. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Also discussed by Council was accessibility to the park site from the proposed Plat. Mr. Davis moved that the Preliminary Plan for Black Oak V, be approved subject to an acceptable temporary access to the proposed Park from the Plat agreeable to the City Engineer and the Park Board. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis explained a proposed amendment to the Zoning Ordinance to create certain Conditional Uses in the B-1, B-2, B-3, E-C, and I-1 zoned areas. The Planning Commission recommended approval of the proposed Ordinance with the following provision being struck from the Ordinance: "Distance of Applicant's proposed use from any other use licensed by Section 4303.13 to 4303.18 O.R.C. shall be 500 feet." Mr. McIntire felt that certain sections of this proposed Ordinance should be further studied prior to it's passage by Council. Municipal Attorney Robert Farquhar advised that the Ordinance is not necessary with the absence of the 500 foot provision which was struck by the Planning Commission. He recommended that this provision be included in the Ordinance leaving waiver of such possible at time of consideration of the Conditional Use by the Planning Commission. Mr. Stone moved that this proposed Ordinance be referred back to the Planning Commission for further consideration relative to the Municipal Attorney's recommendation concerning the 500 foot requirement. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. McIntire advised that the Centerville Government has reserved a position in the parade for the 175th Anniversary Celebration. The Community Relations and Promotion Council Committee is considering the possibility of Council riding in antique cars, riding in a surrey, or riding on horseback. However, the Committee will pursue riding in antique cars and will have a recommendation for the next Council Meeting.

The Public Hearing concerning Ordinance Number 31-71, was held. Director of Finance Ronald Budzik reviewed the proposed Ordinance; changes are primarily in the Police, Animal Warden, Income Tax, and Street Funds. Mr. Davis sponsored Ordinance Number 31-71, An Ordinance To Amend Ordinance 21-71 To Make Appropriations For Current Expenses And Other Expenditures Of The City of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1971, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 33-71, was held. Mr. McIntire Sponsored Ordinance Number 33-71, An Ordinance Accepting The Bid Of King Equipment Company To Supply The City Of Centerville, Ohio With A Used Tractor With Loader-Backhoe, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 35-71, was held. Mr. McIntire sponsored Ordinance Number 35-71, An Ordinance Accepting The Bid To Do Certain Street Resurfacing For The City Of Centerville, Ohio, and moved that it be passed. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 37-71, was held.

Mr. Dale Flaherty, 6410 Colechester Court, wondered what costs the City would experience as well as the Railroad Company in making this proposed improvement to Rahn Road. Mr. Williams advised that it is estimated to cost the City between \$3,000 to \$4,000 while the cost to the Railroad Company will be .00. Mr. Green pointed out the fact that this project has been submitted for County \$5.00 License Fee Money and the bulk expenditure will be through this funding. Mr. Green sponsored Ordinance Number 37-71, An Ordinance Authorizing And Directing The City Manager To Execute A Contract With The Connecting Railway Company And George P. Baker, Richard D. Bond, Jervis Langdon, Jr. And Willard Wirtz, Trustees Of The Property Of Penn Central Transportation Company, Debtor For The Construction Of A Railroad Crossing And Approaches Thereto At East Rahn Road, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Engineer Frank Williams explained a drainage plan for the J.S.Davis Property prepared by the M & S Construction Company for the property lying on the north side of Loop Road. The proposed drop from the building foundation to the crest of the fill is from 6 to 7 feet. He will make a recommendation to the Construction Company which will give a 2 to 1 slope to create a better water run off than has been proposed. Mr. McIntire suggested that, in anticipation of the paved parking area needed for a car agency, an underground storm sewer system be put in place to carry the water run off to the two catch basins located in the rear of properties on Shirecliff Court, if they are adequate to carry such. Mr. Green suggested that a catch basin be located on the northern edge of the proposed black topped area to provide such drainage system. Mr. Williams will make such a recommendation to the Engineer for the Construction Company.

Mr. Gayle Dorton, 360 South Village Drive, brought attention to a water run off problem extending from the wooded area at the end of South Village Drive down the roadway, it is undermining the pavement as well as flooding yards. Mayor Hoy suggested that Mr. Williams prepare a cost estimate to carry this water from the buffer strip to an existing catch basin located approximately 300 feet west on South Village Drive.

Mr. Marion McCoy, 6431 Colechester Court, requested protection of the Park Area from water run off and a review of the drainage plan by an Engineer retained by the Village South Civic Association. Mr. Green advised that a copy of the drainage plan will be retained in the Municipal Office for anyone's review. Mr. Green also requested that the City Engineer make a recommendation concerning the water run off through the Park Land in Village South.

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Mayor Hoy recognized Chief Number 1 and other Brothers of the Brush who were in attendance at the Meeting to lend assistance in outfitting Council for the 175th Anniversary Celebration. He called a recess in the Meeting in honor of the burial of Mr. Razor being planned by the group on June 4, 1971.

Mayor Hoy advised that the condition existing at 174 Martha Avenue has been checked by the Board of Health and the Fire Department; periodic checks will continue to be made by the Environmental Sanitation Division and Housing of the Montgomery County Board of Health.

Mr. Farquhar advised that the deed for the Park Land in the Terrace Villa Plat has been executed and is ready to be presented to the City. Mr. Williams advised that the area has been cleaned by the developer but has been used by others for dumping purposes. Mr. Zengel recommended that the grading of the land be checked and the protective covenants reviewed prior to deed acceptance. Mr. Farquhar will further research this matter and have a recommendation for the next Council Meeting.

Mayor Hoy advised that a vacancy currently exists on the Centerville Personnel Appeals Board. Council requested that anyone interested in filling this vacancy submit their Application by June 1, 1971.

Mr. Davis reviewed the interviews held of the ten applicants for the Centerville Youth Board. Councilmen present for the interviews recommended that the following six applicants be appointed: Frederick Allen, Pat Catchpool, Virginia Ronald, Leonard Stubbs, Thomas Turner, and Shirley Whyte. Mr. Green pointed out the fact that five of these six possible appointees were student oriented. Mr. Sweetman moved that Council accept the previous recommendation concerning appointments on the Centerville Youth Board. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mayor Hoy suggested and Council concurred that the applicants be assigned alphabetically as to their term of service.

Mr. Sweetman moved that Ordinance Number 38-71, An Ordinance To Appoint Members To The Youth Board Of The City Of Centerville As Established By Ordinance 15-71 And To Establish Terms For Said Appointees, be set for Public Hearing on June 7, 1971. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

An Ordinance to provide additional regulations for lot and site improvements was discussed by Council. Mr. Williams advised that the latest draft has been reviewed by builders John Zengel and John Black. Mr. Green pointed out some additions which could be included in the proposed Ordinance which would prevent current water drainage problems. Mr. McIntire moved that Ordinance Number 39-71, An Ordinance Amending Ordinance Number 12-1966 By Providing Additional Regulations For Lot And Site Improvements, be set for Public Hearing on June 7, 1971, and the Ordinance be amended to include Mr. Green's recommendations. Mr. Davis seconded the motion. Mr. Zengel felt that a Work Session should be set with the Home Builders Association to review the proposed Ordinance prior to setting it for Public Hearing. Mayor Hoy suggested that a copy of the Ordinance be sent to the Home Builders Association along with a letter advising them of the scheduled Public Hearing. A roll call vote resulted in seven ayes in favor of the motion.

Municipal Attorney Robert Farquhar reviewed the proposed Ordinance establishing certain changes in the Personnel Rules and Regulations for City Employees. Mayor Hoy referred this Ordinance to the Finance and Personnel Council Committee for review and clarification of certain sections of the proposed Ordinance.

Mayor Hoy read a letter received from the Miami Valley Regional Transit Authority in which Council is extended an invitation to attend their monthly Board Meetings.

Engineer Frank Williams introduced Mr. Ron Eifert, a representative from Columbus Engineering, who had requested appearance before Council concerning the purpose of a Preliminary Study for the widening of Wilmington Pike between Brown Road and SR 725. He stressed the importance of Centerville participating

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In this project in order to acquire funding while construction funds under Bond Issue Number One are still available. Mr. McIntire pointed out the needs in the City which should have prior consideration to this proposal. Mr. Green recommended that future consultation be made with T.C.C. concerning this matter.

Director of Finance Ronald Budzik explained the investment of City monies in accordance with the provisions of various sections of the Ohio Revised Code. The Investment Committee would be composed of the Director of Finance, Municipal Attorney and the Mayor. He advised that between \$40,000 to \$60,000 will be available for investment within the next few months, this represents monies which will eventually be utilized in the three year Waste Collection Program. Mr. Davis moved that Ordinance Number 40-71, An Ordinance To Authorize The Investment Of Treasury Funds, be set for Public Hearing on June 7, 1971. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Farquhar reviewed a proposed Ordinance which would amend that section of Centerville's Code of Ordinances concerning trespassing. This would provide for such cases to be heard in Mayor's Court rather than in Kettering Municipal Court. Mr. McIntire moved that Ordinance Number 41-71, An Ordinance Amending Section 64.24 Of The Code Of Ordinances Of The Village Of Centerville Concerning Trespassing Upon Lands Or Premises Of Another And Providing For A Penalty, be set for Public Hearing on June 7, 1971. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Engineer Frank Williams advised that the estimated cost for improving the parking lot around the Municipal Building is \$500.00. In view of the fact that the current pavement was put in place with the absence of a good base, he recommended not proceeding with the project at the present time but making this improvement after the old pavement has been removed and a good base has been put in place. Council concurred with Mr. Williams recommendation. Mr. Williams will figure a cost estimate for improving the parking lot as it should be and removing the drive to the west of the building, for the next Council Meeting.

Mr. Williams explained a Plan and Profile of Improvements submitted by Kettering City Engineer Edward Roubal to continue a street widening project into Centerville from Kettering on Bigger Road; that portion just south of Hewitt Road. A preliminary cost estimate of Centerville's portion of the project is \$6,000.00. Mr. Williams recommended that if any improvement is made it should be made by City Employees, by which the cost could be cut to approximately \$3,200.00.

The following comments were made by Councilmen as the poll was taken:

Mr. Green would like to see the repair of the cracks in the concrete streets throughout the City pursued.

Mr. McIntire advised that the Cities of Dayton, Kettering, and Oakwood later in the week are supposedly having a Meeting which could mean the final action on the Regional Transit Authority which will be a separate entity and could impose additional taxation on various other Municipalities. He recommended that Council keep a sharp eye on this subject.

Mr. Davis explained the City of Kettering's proposal for cul-de-sacing Overbrooke Drive at the Corporation Line. Mayor Hoy pointed out the need for this street to be continued as previously planned. Council concurred that Overbrook Drive should continue through the Corporation Line; if Kettering wishes to barricade it, that is up to them.

Mayor Hoy advised that he has been contacted by Mr. Jack Puterbaugh relative to the future of his property on South Main Street. A Work Session will be set for the week of May 24, 1971 to discuss this matter with Mr. Puterbaugh.

The Meeting was then adjourned.

Approved:

Mayor

ATTEST:

Marie J. McLaughlin
Clerk of Council