

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

January 19, 1970

19

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, January 19, 1970 at 7:30 P.M. at the Municipal Building with Deputy-Mayor John Davis presiding. Councilmen present were as follows: J.V. Stone, John Zengel, Harold Wells, Victor Green, John McIntire, City Manager John Griffin, Engineer Frank Williams, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of December 29, 1969 had been distributed prior to this Meeting. Mr. Wells moved that the Minutes of the Meeting of December 29, 1969 as distributed, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of December 30, 1969 had been distributed prior to this Meeting. Mr. Stone moved that the Minutes of the Meeting of December 30, 1969 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of January 2, 1970 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of January 2, 1970 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of January 5, 1970 had been distributed prior to this Meeting. Mr. Wells moved that the Minutes of the Meeting of January 5, 1970 as distributed, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire abstained.

Mr. Reed Watkins, 9424 Sheehan Road, appeared before Council concerning the proposed Police Contract between Centerville and Washington Township. He asked Council to relate their position as to whether or not they would consider further negotiations with the Township. Mr. Davis advised that the City's offer is still open and the City would like to discuss with the Trustees the possibility of continuing the Contract. Mr. Wells would like to see negotiations start and hopes that the Trustees can see the benefits of signing the Contract to the Community. Mr. Zengel moved that the City extend an invitation to the Township Trustees to meet at a future date at their convenience and ours to be drawn up through the City Manager making a phone call, at the earliest convenience, to settle the differences and negotiate the future Police Contract. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Wells reported for the Planning Commission. He reviewed the Public Hearing held before the Commission concerning an Ordinance to amend and supplement the Zoning Ordinance by establishing an Historic Preservation District and an Historic Preservation Commission. Some changes were felt necessary by the Planning Commission, thus the Ordinance will be re-written.

Mr. Wells reviewed the Public Hearing held before the Planning Commission concerning the Rezoning Request of the First National Bank from R-3 to B-1 for 2.807 acres of land located at Zengel Drive and Route 48. Mr. Ron Shubert, 55 Zengel Drive presented to the Commission 48 individual petitions from property owners who were opposed to this rezoning. It was proposed by the applicant that a deed be prepared to exclude a drug store from this request if Council so desired. After consideration of adjacent land, the Planning Commission recommended to Council that this Request for Rezoning be approved and that a covenant be entered into to the effect that no drug store be permitted in this B-1 area. Mr. Wells recommended and moved that a Public Hearing be established for March 16, 1970 and proper publication be made concerning this Rezoning Request. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel abstained.

Mr. Wells reviewed the Plat of Dedication of a portion of Sheehan Road at the Steinbarger and Bartley Planned Multi-family Apartment Development on Route 48. The Planning Commission approved the dedication of the plat, but felt that the continuation of Sheehan Road - East Sheehan Road should be a 60 foot right-

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of-way instead of 50 feet as planned. It is the intent of the Montgomery County Planning Commission and the Washington Township Zoning Board to acquire additional right-of-way when the land to the south is developed. The Planning Commission requested that the County Planning Commission and the Township Zoning Board be made aware that Centerville would also endorse the right-of-way of East Sheehan Road to be 60 feet. Mr. Wells moved that the Plat of East Sheehan Road, that portion lying within the Centerville Corporation Lines be approved. Mr. Green seconded the motion. Mr. Zengel suggested sending a letter to the County Planning Commission with a copy of the Thoroughfare Plan as recommended by the Master Planner, noting the future plans of Sheehan Road. Mr. Wells advised that steps will be taken to pass information on to the County. A roll call vote resulted in six ayes in favor of the motion.

Mr. Wells advised that the Planning Commission recommended to Council that a Contract in the sum of \$3,500.00 with the Miami Valley Regional Planning Commission be entered into when the appropriate funds are available.

Mr. Wells reviewed the Variance Application of Myrna Ryan for a day nursery at 110 Lyons Drive. A Public Hearing has been set before the Planning Commission on January 27, 1970.

Mr. Wells recommended to Council that Mr. Bruce Baker be named as replacement for Mr. Hugh Lagedrost for the four year term and the vacant term be that of two years. He asked Council to name a replacement to the Planning Commission as soon as possible.

Mr. Stone moved that the motion made previous by Mr. Zengel and unanimously endorsed by all councilmen be copied and delivered personally by the City Manager to the Township Trustees before their Meeting on January 20. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Clerk of Council Marilyn McLaughlin read three letters received from Centerville residents encouraging re-establishment of the Recreation Department as soon as funds become available.

Mr. Griffin gave his City Manager's Report. He reported on the Transportation Coordinating Committee Meeting held on January 14, 1970. Mr. Green advised that Centerville should have two representatives on the Transportation Coordinating Committee, he recommended and moved that Mr. McIntire be appointed the second delegate and Mr. Wells appointed the second alternate from the City for the coming year. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Zengel suggested that Centerville investigate the possibility of using the County \$5.00 license fee tax as payment of our membership fee in the T.C.C.

Mr. Griffin advised that the check has been received from the Department of Urban Affairs for the Closed Circuit Television purchased for the Police Department.

Mr. Griffin reported that the first meeting of the Senior Citizens in this area was held on January 15, 1970, with approximately 120 persons in attendance.

Mr. Griffin advised that he would like to advertise to sell three vehicles now being used by the City, two by the police department: the 1966 Chevrolet Carry-All, the 1966 Ford Sedan, and the 1962 Pontiac Animal Wagon. Mr. Davis felt that this should be delayed until no further negotiations are apparent with the Township for police protection. Mr. McIntire suggested using some of this equipment in other departments.

The Public Hearing concerning the Application for a Variance from Beverly and Richard Kiser for their property located at 335 Cedarleaf Court was held. They are requesting partial use of the premises for Growing Up Nursery to give pre-primary education.

Attorney Dick Hammond appeared in behalf of the Kisers and explained the procedure followed by Mrs. Kiser in attempting to acquire information as to the

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legality of operating such a school in her residence. He advised that the Variance has been requested because the applicant acted in good faith prior to the school's establishment, a sum of money has been invested, and all preparation was made to operate a clean school. He further stated that there are no exterior alterations to the house, no signs displayed, and no noticeable increase of traffic generated.

Mr. Ernie Koziej, 345 Cedar Leaf Court, opposed the Variance, he felt a Cul-de-sac is not the place for a nursery school; should be on a through street. Mr. T. McSweeney, 306 Cedar Leaf Court, Mr. Joseph Staub, Blackstone Drive, and Mr. Jim Clark Cedar Leaf Drive, stated their opposition to the Variance due to the excess amount of traffic being generated.

Mrs. Helen Staub, Blackstone Drive opposed the Variance; besides an increased amount of traffic there is excessive traffic speed.

Mr. Griffin advised that he received two telephone oppositions: Mrs. Joyce Ricketts, 326 Cedar Leaf Court and Mr. Carmen Bellanca, 305 Cedar Leaf Court.

Mr. Wells reviewed the Planning Commission's action concerning this request. The Commission felt that the Zoning Ordinance was clear and that they did not have the authority from Council to grant such a Variance. Discussion followed concerning the operation of this school for the remainder of this school year. Surrounding residents indicated no objection to the operation of the school through the present school year. Mr. Wells moved that the Request for Variance be granted and that the Variance end the 23rd day of May, 1970. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 57-69: An Ordinance To Establish A Personnel Appeals Board, Adopt Personnel Rules And Regulations And Appoint Members To The Board, was held.

Mr. Ronald Janetzke, 10 Gracewood Drive, appeared before Council and made reference to the appointments made to the Personnel Appeals Board. He recommended that the following be considered for membership on the Board:

1. A representative elected by the employees.
2. A representative from one of the Public Service Unions.
3. A Personnel Director from a Dayton Firm.

Mr. Green felt that consideration should be given in the future to Mr. Janetzke recommendation.

Clerk of Council Marilyn McLaughlin read a letter received from Richard Rice, Associate General Counsel, District Council Seven, International Union of Electrical Radio and Machine Workers, AFL-CIO-CLC, in which he recommended that a person be appointed to the Board with knowledge of employee's feelings and experience in representing employees in their grievances. He felt this would give the Board a balance that it does not have and permit it to serve the function for which it was designed. He advised that the Board is now loaded with management-oriented persons.

The Personnel Rules and Regulations were discussed by Council. A Council Work Session will be set to further review these rules before passage of the Ordinance.

The Public Hearing concerning Ordinance Number 58-69 was held. Mr. Davis moved that Council pass Ordinance Number 58-69: An Ordinance To Amend Ordinance Number 17-69 Of March 24, 1969 And 48-69 Of November 3, 1969 To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1969. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Green abstained.

City Manager John Griffin reviewed Ordinance Number 4-70: An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1970. Various changes in the Ordinance were discussed. Mr. Budzik requested that he review this Ordinance with Council in a Work Session before it's passage.

The Public Hearing concerning Ordinance Number 2-70 was held. City Manager John Griffin explained his recommended amendments to this Ordinance. These changes will be incorporated in an amendment to Ordinance Number 2-70. Mr. Wells sponsored Ordinance Number 2-70: An Ordinance For A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The

stated that Carl Zengel had recommended the a nursery school not be established at 335 Cedar Leaf Court, and that traffic has been increased in this Cul-de-sac. Mr. Bucky Weaver 346 Cedar Leaf Court,

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City Of Centerville, Ohio, And Repealing Ordinance Numbers 3-68, 5-68, 8-68, 12-68, 24-68, And 11-69 And Any Other Prior Ordinances In Conflict Herewith, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin reviewed his survey in five cities concerning the three mile platting jurisdiction. Four out of five surveyed do not exercise this jurisdiction. Mr. McIntire felt that this matter should be pursued when the invitation is extended by the Township. Council agreed that this should be discussed with the Township Trustees at some future date.

Mr. Griffin reviewed his two recommendations for the appointment of a member to the Planning Commission. Mr. McIntire recommended that Mr. James Nutter be added to the list of prospective members. Council will review the list of prospective members in a future Council Work Session.

Mr. Griffin explained Ordinance Number 5-70. Mr. Davis sponsored Ordinance Number 5-70: An Emergency Ordinance To Provide For The Issuance Of \$39,000 Of Emergency Notes By The City Of Centerville, Ohio, In Anticipation Of The Collection Of Current Revenues In And For Part Of The Current Fiscal Year, and moved that it be adopted. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stone made reference to an article in the Dayton Daily News: information given by Mr. McIntire concerning Centerville's financial status. He opposed Mr. McIntire for using this news item for his own publicity purposes. Mr. McIntire respected Mr. Stone's opinion. Mr. Wells and Mr. Davis endorsed Mr. Stone's opinion.

Mr. Gary Maxton, 175 Bethel Road, advised Council of the importance of the public receiving correct information in lieu of the contradictory articles in the newspapers.

The Meeting was then adjourned.

Approved:



Mayor

Attest:



Clerk of Council