

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held July 6,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, Monday, July 6, 1970 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: John Zengel, John Davis, John McIntire, J.V. Stone, Harold Wells, Victor Green, City Manager John Griffin, City Engineer Frank Williams, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

Mayor Hoy recognized Miss Ethel Winterhalter and Mr. Robert Kiehne, Washington Township Trustees who had been invited to the Meeting to discuss with Council mutual problems in Centerville and Washington Township. Items discussed were as follows:

1. The .7 mill real estate tax currently being paid by Centerville residents to Washington Township and how this could be expended in the corporation of Centerville. Miss Winterhalter advised that it has been the effort of the Trustees to expend the equivalent amount of that money which Centerville pays into the County General Fund on services which are jointly shared. She reviewed the expenditures incurred by the Township this year because of improved fire protection to serve Centerville as well as Washington Township. She reviewed the research being made on the legality of Townships contributing money to Cities for use on public highways. Mr. Kiehne suggested that the City Municipal Attorney research this matter jointly with the County Prosecutor to make sure any action taken is legal. He further stated that the Township is willing to give to Centerville some of the .7 mill if and how it is legal.

2. The speed limit on State Route 48 from Whipp Road south was jointly discussed. Miss Winterhalter advised that the Township has contacted the State Highway Department regarding speed reduction on State Route 48, and not much hope was given due to the non-density of buildings and cut-ins onto the highway in that area. City Manager John Griffin also read a letter he received from the State Highway Department in which they did not recommend reduction of the said speed limit at the present time. Discussion followed concerning the Corporation Line on State Route 48 and at Whipp Road. Mr. Joseph Unger, former Division 8 Deputy Director for the State Highway Department, advised that when State Route 48 was increased from 2 to 4 lanes, the centerline was moved 22 feet east of where the center of the road was. Mr. Griffin will review the construction and right of way plans concerning this matter with Mr. Unger.

The Minutes of the Meeting of June 15, 1970 had been distributed prior to this Meeting. Mr. Zengel moved that the Minutes of the Meeting of June 15, 1970 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire and Mr. Wells abstained.

Mr. E. Barton Bell, 214 West Ridgeway Road, appeared before Council to question the cost of the recent election held on the Income Tax in Centerville. Director of Finance Ronald Budzik estimated the cost to be approximately \$1,000.00. Mr. Bell advised that Council ought to resign due to their fiscal irresponsibility and loss of the voter's confidence.

Director of Finance Ronald Budzik reviewed a Notice of Appeal and Petition he received in the absence of the Clerk of Council on July 2, 1970, in the matter of the Application of Jack D. Puterbaugh, et al for Rezoning 7.065 acres on the east and west side of South Main Street from R-2 and R-3 to B-1. This is an Appeal of the Planning Commission's Decision made on June 29, 1970.

Mr. Wells reported for the Planning Commission. He reviewed the Public Hearing held on the Historic Preservation Ordinance at which time there was little public reaction. The Planning Commission feels that it can go no further with this Ordinance.

Mr. Wells reviewed the Public Hearing held before the Planning Commission concerning the Rezoning Request of Thomas Forsythe and others; the property is located on the east side of North Main Street between Zengel Drive and Alexandersville-Bellbrook Road. Requested change is from R-2 to B-1. There was considerable opposition to the Request from residents in Washington Park.

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Mr. Wells reviewed the Rezoning Request of James McConnaughey and others for the property located on the south side of Whipp Road immediately east of Village South. Requested change is from Washington Township R-4 and Centerville R-1 to Centerville R-3. The Planning Commission did not feel that the change in density was warranted, and thus denied the Request. Mr. Wells made reference to a letter received from Mr. McConnaughey in which he requests the case remain in the Planning Commission as he would like to submit a revised Application.

Mr. Larry Case, 592 E. Whipp Road, wondered why this case should stay in the Planning Commission when they previously denied it unanimously. Mr. Farquhar advised that this is permissible.

Mr. Robert Zimmer, 560 Chipplegate Drive, reaffirmed the opposition to this Rezoning Request from residents in Village South and Red Coach by submitting 113 letters containing 158 signatures opposing apartments on the subject land.

Mr. Wells reviewed the Planning Commission's action on the Rezoning Request of Jack D. Puterbaugh and others for their property on South Main Street. The Planning Commission unanimously denied this request. Since an Appeal on this decision has been filed, Mr. Wells moved that a Public Hearing before Council be set on the Appeal for August 3, 1970. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells explained T.R. Price's Request for Alley Dedication of Cranston Court. Engineer Frank Williams has reviewed the alley construction and advised that the construction and base is equivalent to that required by Centerville Street Standards for a street, however the width is 30 feet as opposed to 50 feet as required for a street. The Planning Commission recommended approval to Council of this dedication recognizing Mr. Price's problems. Mr. Price stated that he would agree to maintain this Alley after dedication. Mr. Wells requested that the City date the correct plan with July 6, 1970. Mr. Wells moved that the Alley Dedication for Cranston Court as shown on the plan dated July 6, 1970, be approved. Mr. Zengel seconded the motion. Mr. McIntire requested that Cranston Court be designated as an Alley and recorded as such so that in future years it is maintained as an alley, not a street. Mr. Wells amended his previous motion by adding "subject to the receipt of a Performance Bond in the amount of \$200.00 to assure the application of an additional wearing course of asphalt, and a Maintenance Bond in the amount of \$60.00." Mr. Zengel agreed to the amendment. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells advised that a Rezoning Request has been received from Edward Rose of Ohio for the property located at Bigger Road immediately south of the proposed interstate. Requested change is from Washington Township R-4 and Centerville R-1 to Centerville E-C Classification. A Public Hearing before the Planning Commission has been set for July 27, 1970. The land in question includes the right of way for Interstate 675.

Mr. Wells reviewed the Curb Cut Application received from the First National Bank of Miamisburg, Centerville Branch. The Planning Commission recommended to Council that the Curb Cuts as shown be approved subject to an increase in the radii on the exit and entrances to 15 feet and subject to the entrances and exit being clearly marked by painting on the asphalt. The Council Meeting Minutes containing the approval of the Rezoning Request for this property and the approved plan were reviewed by Council. Mr. Wells moved that the Curb Cut Application for the First National Bank of Miamisburg be approved, subject to the revision of radii of the Curb Cuts to 15 feet and subject to markings of entrance only off State Route 48, entrance only off Zengel Drive west end of the property, and exit only off Zengel Drive east of the property. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Zengel abstained.

Mr. Wells reviewed the Record Plan for Dorver Estates, Section Three as proposed by Loring Duff. He advised that a Special Use was previously granted for this property by Council and the plan meets all previous requirements. Engineer Frank Williams and the Planning Commission recommended to Council that the Plat as shown be approved and the cost for bonding purposes be \$39,000.00, the cost for Inspection Fee \$368.00. Following discussion, Council agreed that

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the construction of the entire street leading into this subdivision should be the responsibility of Mr. Duff and the total amount should be included for bonding purposes. Mr. Wells moved that Dorver Estates, Section Three, be approved, subject to receipt of a Performance Bond in the amount of \$52,000.00 and an Inspection Fee of \$368.00, the construction of the entire street to be the responsibility of Loring Duff and sidewalk to be included on the south side of Mapleton Drive. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. McIntire felt it behooves the City to make a strong impression, if items are in order when they come from the Planning Commission, that the developer have the necessary Bond ready when the item comes before Council. Mr. Zengel brought out the fact that in some cases the Bond then would be in the wrong amount.

Mr. Wells pointed out that the Curb Cut Application for Hugh Busse, which was a matter of the Planning Commission Meeting now being reviewed, was approved by Council on June 30, 1970.

Mayor Hoy called a ten minute recess in the Council Meeting at this time.

Clerk of Council Marilyn McLaughlin read a letter received from the Centerville United Methodist Church in which the Administrative Board voiced their objection toward the issuance of a liquor permit to a proposed Convenient Food Market on East Ridgeway Road. A Notice of Application has not yet been received by the City of Centerville from the Ohio Department of Liquor Control.

Mrs. McLaughlin read a letter received from Bob Oppenheim, 105 Lakeview Drive, requesting the City's attention to a dangerous traffic situation existing at the corners of Lakeview Drive and Linden Drive, and Lakeview and Cherry Drive. City Manager John Griffin will review this matter.

Mrs. McLaughlin also read a letter received from Max Sellers, 61 Gershwin Drive, relative to the recent developments concerning Centerville's City Manager, the citizenry that neglected to vote concerning the income tax, and the leakage to the press by a member of the Centerville Council. He requested that Mr. Griffin be reinstated in his position at the head of Centerville City Government.

Mr. Stone commented on the recent income tax election and on the lack of communications between the citizens of Centerville and Council. He wonders why 4000 people did not get out and vote on election day.

Mr. Green conveyed his impressions and feelings concerning the events which took place during the past ten days in the Centerville community. As a first step to get Centerville back in the right direction, he proposed that Council promptly appoint a Citizens Advisory Committee composed of at least 12 persons who have demonstrated their sincere interest in the City of Centerville. Mr. Wells advised that, although it is necessary for the citizens to advise and assist Council in their deliberations, it should not be the responsibility of a citizens committee to delve into administrative details. Mayor Hoy advised that the formation of a Citizens Advisory Committee will be discussed at a future Council Meeting.

Mayor Hoy requested that the City Manager review for Council the budgets of Oakwood, Vandalia, Miamisburg and West Carrollton as they compare with Centerville.

Mr. Stanley Weissman, 337 Pleasant Hill Drive, asked for comments from the Councilmen concerning news leakage to the newspaper during the previous week. Discussion followed concerning the necessity for better communications between Council and Citizens, various aspects of the Special Election held on the Income Tax, and revision to the Council Meeting Agendas.

Mr. Leonard Stubbs, 440 Sunnyclyff Place, stressed the need for good leadership along with good Citizenry.

Mayor Hoy read the following Mayor's Report for the month of June, 1970:

Mayor's Court

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Fines and Forfeitures	\$ 769.00
Costs	272.00
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Total	\$1,041.00

Zoning Permits

- 16 Single Family Residences
- 4 Additions to Residence
- 1 Swimming Pool
- 2 Commercials

Mr. Wells moved that the Mayor's Report as read, be accepted. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy abstained.

John Griffin gave his City Manager's Report. He reviewed a letter received from the Kettering Law Department advising that they will prosecute Centerville cases in the Kettering Municipal Court. Mr. Farquhar advised that this will result in less expense to Centerville.

Mr. Griffin advised that State Highway Officials have reviewed right of way details for Interstate 675. They advised that the plans will be prepared by April, 1971 for that section from Wilmington Pike to State Route 48 and the right-of-way will be procured by December, 1971. The section from State Route 48 to Interstate 75 will be planned by July, 1972, and right-of-way acquired by July, 1973. They made no commitment on the timing for construction.

Mr. Griffin advised that contact has been made with the County Sanitary Department and the County Administrator concerning the sanitary sewer problem in Black Oak Estates. Representatives have been in the area and are taking steps to alleviate the odor. A two month bid time and two year construction time has been set on the Sugar Creek treatment plant to be constructed in Greene County. Mr. McIntire requested that there be a continuing follow up on this matter.

Mr. Griffin informed Council that State Highway Officials have not been contacted by the DeBartolo Corporation concerning the widening of State Route 725 (East Alexandersville-Bellbrook Road.) He quoted a State Highway Directive Number 33A: The Developer will carry the bulk capacity on State Highway construction. Mr. Farquhar was requested to write the DeBartolo Corporation and review Centerville's position on this matter.

Reduction of the speed limit on State Route 48 was again discussed by Council. Mr. McIntire felt it imperative to reduce the speed on both sides to an equal speed on both sides, both directions. Mr. Davis moved that Centerville reduce the speed limit on State Route 48, the two northbound lanes, from Alexandersville-Bellbrook Road to Whipp Road to 35 miles per hour. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel and Mr. Stone voted no.

The Public Hearing concerning Ordinance Number 29-70 was held. City Manager John Griffin reviewed the amendments which this Ordinance makes to Ordinance Number 11-66. Mr. Weissman wondered what is included in chapter 737 of the Ohio Revised Code as quoted in the Ordinance. Mr. Griffin reviewed the procedures. Mr. Wells sponsored Ordinance Number 29-70, An Ordinance Amending Ordinance 11-66 Which Enacted Sections 36.31 Of The Code Of Ordinances Of The Village Of Centerville, Ohio, By Adding Definitions And Changing The Notice Procedure By Providing For An Order To Remove, A Time For Compliance And For Impounding, and moved that it be approved. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Director of Finance Ronald Budzik commented on his Financial Quarterly Report. He advised that the financial problem that Centerville is faced with is not a budget problem but a cash flow problem. He advised that Centerville is on budget and will continue to be on budget this year.

Clerk of Council Marilyn McLaughlin read an Appeal of the Planning Commission decision made on June 10, 1970 concerning the Shell Oil Company Sign at Main and Franklin Streets. Said appeal was filed by City Engineer Frank Williams. A Public Hearing has been set before Council on August 3, 1970.

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Municipal Attorney Robert Farquhar reviewed Resolution Number 11-70. Said Resolution levies a tax of one mill for a period of five years, and merely replaces the current levy which expires this year. Mr. Zengel sponsored Resolution Number 11-70. A Resolution Declaring It Necessary To Levy A Tax In Excess Of The Ten Mills Limitation, and moved that it be adopted. Mr. Wells seconded the motion.

WHEREAS, The amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said City of Centerville, Montgomery County, Ohio; there, be it

RESOLVED, By the Council of the City of Centerville, Montgomery County, Ohio, two-thirds of all members elected thereto concurring, that it is necessary to levy an additional tax in excess of the ten mill limitation for the benefit of City of Centerville for the purpose of Police Department Maintenance and Operation at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to 10 cents for each one hundred dollars of valuation for 5 years and, be it further

RESOLVED, That said levy be placed upon the tax lists of the current tax year in compliance with the provisions of Section 5705.34, current tax duplicate starting with first half collection, if the majority of the electors voting thereon vote in favor thereof; and, be it further

RESOLVED, That the Clerk of this Council of the City of Centerville be and she is hereby directed to certify a copy of this Resolution to the Board of Elections, Montgomery County, Ohio, prior to the Fifteenth day of September 1970, and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

A roll call vote resulted in seven ayes in favor of the motion.

Mr. Farquhar reviewed proposed Resolution Number 12-70, A Resolution placing a .25% Income Tax on the November Ballot. This Resolution will be held until after passage of Ordinance Number 31-70.

The Meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk of Council