

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held August 17,

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, August 17, 1970 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Victor Green, John McIntire, J.V. Stone, City Manager John Griffin, 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 August 3, 1970 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of August 3, 1970 as distributed, be approved. Mr. Green seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mr. Stone abstained.

Clerk of Council Marilyn McLaughlin read a letter received from Attorney Fred M. Izensen in reference to the Rezoning Application of Jack D. Puterbaugh and others for properties on South Main Street. He stated that of the 79 signatures on the petition against the rezoning presented to Council on August 3, 1970; 28 resided within 500 feet, 33 resided outside 500 feet, 3 were non-owners of property and 15 resided in rental units. He felt that information supplied to the signers was incorrect, inaccurate and misleading.

Mrs. McLaughlin read an Appeal concerning a Planning Commission decision rendered on July 27, 1970. Said Appeal was filed by Attorney William H. Wolff for Thomas G. Forsythe and others on August 11, 1970. This is in reference to their Rezoning Request for six lots on the east side of Far Hills Avenue just south of Alexandersville-Bellbrook Road. This case has been set for Public Hearing on September 21, 1970 at 7:30 P.M.

Councilman John Zengel entered the Meeting at this time.

Ordinance Number 33-70, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 7.065 Acres, More Or Less, From Centerville R-2 And R-3 Classification To Centerville B-1 Classification, was discussed by Council. This Ordinance reflects the Rezoning Request submitted by Jack D. Puterbaugh and others for property along South Main Street. The vote in the Planning Commission was 7-0 to deny the request. Mayor Hoy advised that more business offices are needed along Route 48 but there should be proper controls to protect the adjoining residential property. A survey was conducted by Mrs. Stanley Howell, 157 South Main Street on which 13 people out of 127 living within 500 feet of the property indicated no objection to the subject request. Mr. McIntire related that business can live with residence, Centerville needs the tax base, and the request is reasonable. Mr. Zengel would like Council to meet with these Applicants to discuss this matter, with all facts being considered. Mr. Green does not feel that business should be considered automatic for Route 48, there is not enough control in Business Zoning to protect the residents, and was concerned with the number of curb cuts already existing and projected for Route 48. Mr. Puterbaugh indicated that the applicants would be willing to discuss this matter further with Council in the near future. Mr. Zengel moved that Council meet with the property owners involved in this Rezoning Request to discuss this topic with them. Mr. Stone seconded the motion. Mr. Stone felt that consideration must be given to the residences adjoining this subject property. A roll call vote resulted in five ayes in favor of the motion. Mr. Herbert Ware, Westerly Lane, informed Council that his property has been hurt by the recent rezoning of it to R-3, he requested that Council deny this Rezoning Request at this Meeting. Mr. Zengel suggested that Mr. Ware be invited to the Meeting at which the rezoning will be discussed.

Municipal Attorney Robert Farquhar reviewed proposed Ordinance Number 34-70. He explained the following conditions for acceptance and approval of Cranston Court as a public alley: 1. Developer's Agreement properly executed, 2. Posting of a \$200.00 Performance Bond and a \$60.00 Maintenance Bond, and 3. Furnishing of a Title Certificate approval by the Municipal Attorney. Mr. McIntire sponsored Ordinance Number 34-70, An Ordinance Accepting And Confirming Dedication Of A Public Alley, Subject To Certain Conditions, and moved that it be set for Public Hearing on September 21, 1970. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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Mr. Farquhar reviewed his opinion concerning the Rezoning Request of James P. McConnaughey, for his property on the south side of Whipp Road just east of Village South. Mr. Farquhar recommended that the case be considered with the next Planning Commission report and action thereon be accordingly. Mayor Hoy advised that this will be on the agenda for the next Council Meeting.

James Smith reviewed his report concerning possible Waste Collection by the City of Centerville. He explained his estimated income based on 3100 users and all bills being paid, and his projected yearly cost using 1970 Incinerator Costs. He also reviewed a projected cost for the year 1971. Based on his figures, yard service can be currently provided for approximately \$2.75 per month. Mr. Dino Gianuglou, Attorney for the present hauler, reviewed their problems concerning Waste Collection in Centerville: complaints, receipts, and equipment. He advised that the \$3.00 per month is now a loss operation. Mr. Green brought out the fact that discussing Municipal Waste Collection is certainly not a sign of dissatisfaction with the present hauler. Director of Finance Ronald Budzik would like to see a monthly schedule for several months reflecting the tonage involved, cash flow and how it fits into the cost of collection. Mr. Green requested that Mr. Budzik contact the County Auditor to determine whether this can be put on the tax duplicate. Mayor Hoy favors house pick up rather than curb service. Mr. McIntire felt that a reasonable rate should be considered. Mr. Green advised that people want good service, they are not so concerned with the cost. Mr. Stone recommended that Council get a commitment from the present hauler, that he continue collection until the City phases into the program. City Manager John Griffin did not recommend the City go into Municipal Collection at this time. The advice from other Municipalities in this County is "don't do it." He is concerned with the cash flow problem and does not feel that this is the answer to the waste collection complaints. He feels that there are more disadvantages than advantages in Municipal Collection. He recommended waiting to see what the Income Tax will yield and then proceed. Mr. McIntire moved that Centerville attempt to establish Municipal Waste Collection and proceed with it's investigation and meet with Frank Hoffer to possibly work out an interim period to phase into our own program. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion. A Meeting was arranged for Council to meet with Frank Hoffer on Thursday, August 20, 1970 at 8:00 P.M.

Mr. Farquhar reviewed his meeting with the City Manager and Assistant City Manager of West Carrollton concerning a contract for them to collect Centerville's Income Tax. Based upon estimated receipts of \$125,000.00 they offered the following proposals:

1. 5% per year plus start up costs and the cost of an addressograph list, guaranteed minimum of \$6,250.00 for the first year, September 1, 1970 through August 31, 1971. This would be subject to renegotiation after the first year.
2. 6% per year with a guaranteed minimum of \$7,500.00 for the first year. They would pay start up costs, Centerville would pay the cost of an addressograph list. This would also be renegotiated after the first year. Mr. Griffin brought out the fact that figures will drop as costs go down. Mr. Stone moved that Centerville contract with West Carrollton to collect the City's Income Tax through August 31, 1971 at 5% with a guaranteed minimum of \$6,250.00 plus start up expenses, total not to exceed \$7,500.00. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Director of Finance Ronald Budzik reviewed the financial status of the City at the present time. Mr. Stone sponsored Resolution Number 14-70, Resolution Requesting The Auditor And Treasurer of Montgomery County, Ohio, For An Advance Of Taxes Collected, and moved that it be adopted. Mr. Green seconded the motion.

WHEREAS, Section 321.34 Ohio Revised Code directs the County auditor to draw a draft and the county treasurer to pay said draft to the treasurer of a municipal corporation when the authorities of the municipal corporation, by resolution, have requested an advance payment from funds derived from taxes payable to the county treasurer for the account of said municipal corporation, and

WHEREAS, it appears that there are presently funds in the account of the City of Centerville being held by the Treasurer of Montgomery County, Ohio;

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NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY OF CENTERVILLE:

Section 1. The City of Centerville hereby requests the Auditor of Montgomery County, Ohio, to draw a draft in favor of the City of Centerville, Director of Finance of the City of Centerville (who is the Treasurer of Centerville) for Ten Thousand Dollars (\$10,000.00), being a portion of the current collection of taxes assessed and collected for and in behalf of the City of Centerville which shall be held and treated as an advance payment on the current collection of taxes due said City at the ensuing September, 1970 Settlement as provided by law.

Section 2. The Clerk of Council is hereby authorized and directed to certify this Resolution to the Montgomery County Auditor and to do any and all things necessary to secure said advance.

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

Mr. Green sponsored Resolution Number 15-70, Resolution Opposing The Proposed Discontinuance Of Public Transportation Service To Centerville By The Ohio Bus Lines, and moved that it be adopted. Mr. McIntire seconded the motion. Mr. Stone advised that public transportation services should pay for themselves, they must be self supporting. Mr. McIntire and Mayor Hoy agreed with Mr. Stone. A roll call vote resulted in two ayes in favor of the motion. Mayor Hoy, Mr. McIntire, and Mr. Stone voted no.

Mr. Griffin reviewed Ordinance Number 35-70. This proposed Ordinance Amends Section 19, Figure 7 "Contingent Uses And Requirements" of Ordinance Number 15-61, The Zoning Ordinance. The Planning Commission has proposed some changes in the Parking Requirements for various Contingent Uses and adds definitions relative to schools. Mr. Zengel sponsored Ordinance Number 35-70, An Ordinance Amending Ordinance Number 15-61, The Village of Centerville, Ohio, Known As "The Zoning Ordinance Of Centerville, Ohio, 1961," and moved that it be set for Public Hearing on October 19, 1970. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. McIntire was not present for this item of business.

Mayor Hoy requested that Council be prepared with comments and conclusions concerning an Income Tax Campaign at the first Council Meeting in September. Council agreed that the same committee utilized for the June election be contacted. City Manager John Griffin will contact Mr. William Tarkenton.

An Ordinance regulating the parking and storage of recreational equipment was discussed by Council. Mayor Hoy recommended that the Clerk of Council conduct a survey of various Cities within Montgomery County to determine if they have such an Ordinance, and reproduce copies of said Ordinances for all Members of Council. This item will be on the agenda of a future Council Meeting.

Mayor Hoy advised that the next Council Meeting will be held on Tuesday, September 1, 1970.

Mr. Griffin advised that an Ordinance will be needed to negotiate a contract for a \$.50 per household survey to be conducted by West Carrollton for Income Tax collection, provided that he is unable to find an Organization who will conduct such a survey for Centerville.

Mayor Hoy requested that Mr. Griffin investigate and give a report on what difference the result of the Federal Census will make to the City of Centerville.

Mr. Griffin and Mr. Williams reviewed the Zoning Permit Application for the sign for the Shell Oil Company at Main and Franklin Streets. Council will review this for a recommendation at the next Council Meeting. Mayor Hoy requested that the Permit not be issued at this time.

The Meeting was then adjourned.

Approved:

Mayor

Attest:

Marion J. McLaughlin
Clerk of Council