

## RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held October 19, 1970

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, October 19, 1970 at 7:30 P.M. at the Centerville Municipal Building, with Deputy Mayor John Davis presiding. Councilmen present were as follows: John Zengel, Victor Green, J.V. Stone, John McIntire, 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 October 2, 1970 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of October 2, 1970 as distributed, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in two ayes in favor of the motion. Mr. Davis, Mr. Stone and Mr. McIntire abstained.

The Minutes of the Meeting of October 5, 1970 had been distributed prior to this Meeting. Mr. Green advised that in paragraph 22 and 24, the roll call vote should read as follows:

22 - "A roll call vote resulted in five nays against the motion."

24 - "A roll call vote resulted in six nays against the motion."

Mr. Green moved that the Minutes of the Meeting of October 5, 1970 as amended, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. McIntire abstained.

The Minutes of the Meeting of October 7, 1970 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of October 7, 1970 as distributed, be approved. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Stone abstained.

Mr. Jack Puterbaugh, 101 South Main Street, presented to Council a Notice to Appeal in the Common Pleas Court of Montgomery County concerning the Rezoning Request previous filed by him and others for their property on South Main Street.

Municipal Attorney Robert Farquhar explained the Record Plan for Black Oak Estates II, Section Five. This Plan shows Bigger Road extending to and abutting Bigger Lane, a Lane not constructed for public use. He advised that there are two alternatives before Council: 1. That Bigger Road be constructed as it is on the Plan, butting into Bigger Lane; signs could be posted indicating a Private Drive but no barricade would be permitted. 2. That the Plat be recorded as shown but the actual road construction bend from Mapleton Drive into Bigger Road, with money being paid into the City by the developer for the future continuation of Bigger Road north from Mapleton Drive to Bigger Lane. The second alternative seemed to be agreeable to all parties involved. Mr. John Black, the developer, advised that the roadway width of Bigger Road from Mapleton Drive to the south edge of the Dillard Property will be 35 feet, with 20 feet of roadway being dedicated to the north of Mapleton Drive for construction at some future time for which construction costs will be paid into the City. Mr. Farquhar advised that the plan includes for roadway construction all the property owned by Mr. Black along the Dillard Property. Mr. Zengel moved that Council approve the Record Plan for Black Oak Estates II, Section Five subject to the receipt of the Sub-Dividers Agreement with the following provisions: Mapleton Drive to be curved to intersect with Bigger Road, providing for a five foot jog in the pavement at the south eastern corner of the Brown Dillard Property, providing for payment into the City of present day construction costs of a twenty foot wide roadway extending from the northern edge of Mapleton Drive northwardly to the southern edge of Bigger Lane, and providing for a storm sewer to be constructed northwardly from Mapleton Drive, and the amount of development cost for construction of the roadway to be paid into the City to be proved to the satisfaction of the City by the developer, and subject to the receipt of a Performance Bond as estimated, less actual construction costs. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Robert Stout, 6185 Millshire Drive, appeared before Council, soliciting help in getting his refuse picked up since he has paid for such service. Mr. Griffin explained past experience with Town and Country Sanitation Service and pointed out why the City has no phone contact with the Company. Mr. Davis requested that Mr. Griffin contact Frank Hoffer concerning this matter and thus notify Mr. Stout.



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An emergency Ordinance establishing a refuse collection system for the City of Centerville was considered by Council. Director of Finance Ronald Budzik explained his projected cost for Municipal Waste Collection over a three year program. Mr. Griffin recommended charging a flat rate of \$4.00 per month to users of the service, this will be the rate for the three year period.

William Burley, 28 East Alexandersville-Bellbrook Road, objected to the City charging \$4.00 per month for refuse collection in advance, and to placing the refuse at the building line. He is opposed to Municipal Waste Collection over a private contractor. Mr. Davis explained the reason for the increase in the monthly rate; Mr. Budzik explained the need for advance payment. Following additional discussion, Mr. Griffin reviewed the Refuse Collection Rules which will be sent to all single-family residences in the City.

Mr. Stone sponsored Ordinance Number 42-70, An Emergency Ordinance Establishing A Refuse Collection System For The City, Setting A Fee For The Collection And Disposal Of Garbage And Trash, Adopting Proper Sanitation And Collection Procedures And Providing Penalties, and moved that it be passed. Mr. McIntire seconded the motion. This Ordinance provides for a flat fee of \$4.00 per month. A roll call vote resulted in five ayes in favor of the motion.

Mr. Griffin reviewed an emergency Ordinance to amend the 1970 Appropriation Ordinance to provide for the inclusion of an Enterprise or Waste Collection Fund. Mr. McIntire sponsored Ordinance Number 43-70, An Emergency Ordinance Amending Ordinance Number 11-70 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, and moved that it be passed. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Griffin reviewed an emergency Ordinance to amend the current employee Ordinance establishing the salary for the employees in the Department of Service Division of Refuse Collection. Mr. Green sponsored Ordinance Number 44-70, An Emergency Ordinance To Amend Ordinance Number 2-70 Of January 19, 1970 And Ordinance Number 7-70 Of February 16, 1970 For A Table Of Organization, Personnel Classifications, Rates Of Pay And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Stone sponsored Resolution Number 23-70, A Resolution Opposing The Intention Of The City Of Kettering To Annex Portions Of Washington Township, Montgomery County, Ohio, and moved that it be adopted. Mr. Green seconded the motion.

WHEREAS, the City of Kettering indicated it is undertaking a study which it expects will result in an attempt to annex areas of Washington Township, Montgomery County, Ohio; and

WHEREAS, said annexation, if it should occur, would be detrimental to the citizens of Centerville in that land presently supporting the tax basis of the Centerville City School District would be lost causing additional tax burdens to the Citizens of Centerville and Washington Township; and

WHEREAS, the residents of Washington Township and Centerville have long considered themselves as one community, having a unified school system and fire protection organization which unification would be damaged by annexation of any of Washington Township to the City of Kettering;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

That the citizens of Centerville, acting by and through their elected City Council, hereby express their opposition to any attempt by the City of Kettering, Ohio to annex any portions of Washington Township. The Clerk of the Council is hereby authorized and directed to forward a certified copy of this Resolution to the Council of the City of Kettering and its administrative officers.

Mr. Zengel pointed out that Kettering is merely planning for their future and trying to sell themselves to the Citizens of Washington Township. Mr. Stone stressed the need for Centerville to indicate their intentions in this matter as Citizens of Washington Township. Mr. Green pointed out the fact that Centerville and Washington Township are basically one Community, and thus territory loss of the Township would be a loss to the entire Community in various respects.

A roll call vote resulted in four ayes in favor of the motion. Mr. Zengel abstained.

Councilman J.V. Stone left the Meeting at this time.

Mr. Maynard Perry, 1335 Carrilon Woods Drive, appeared before Council concerning the storage and dumping of rubbish and trash by the Black Oak Development



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Company in a ditch near his property. Mr. Griffin will further review this matter.

Mr. Jack Jenson, and Mr. Ted Baker, Director and Traffic Engineer respectively from T.C.C. explained for Council the TOPICS Program, a Federally sponsored program for work done in existing street right of way. He explained what would be included in such a plan for Centerville, which would cost the City \$4,000.00; \$3,000.00 later would be reimbursed to the City on the first project or refunded if no project was carried out. This \$4,000.00 figure does not include consideration of Loop Road, Alexandersville-Bellbrook Road or Interstate 675. The problem areas considered would be signalized intersections on State Route 48, and the Railroad Crossings on Whipp Road and Rahn Road. Mr. McIntire would like to see some specifics on items previously studied and not studied by the City. He recommended that Mr. Griffin co-ordinate with them an outline of the needs of the City of Centerville. Mr. Jensen advised that the \$4,000.00 would pay for the estimated 45 man days of work and would be paid by the City as the project progressed. Mr. Davis recommended that City Manager John Griffin request of the State of Ohio, the necessary forms for the TOPICS Program, for Council's future consideration.

Mr. Jim Welty, 175 Waterford Drive, appearing before Council wondered if there is income tax reciprocity between the City of Dayton and other neighboring Municipalities. Council explained the lack of such reciprocity at the present time.

The Public Hearing concerning 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", was held. This Ordinance amends that Section of the Zoning Ordinance relating to contingent Uses and Requirements. Mr. McIntire did not feel that Council should necessarily establish the acreage required for school sites which was included in this Ordinance. City Engineer Frank Williams advised that this had been specifically requested by the Board of Education in order to qualify them for Federal funding; Mr. McIntire requested qualification of this fact. Further discussion revealed that this revision should be stricken from the proposed Ordinance. Municipal Attorney Robert Farquhar advised that this exclusion is a matter of substance, thus a revised Ordinance and Public Hearing was necessary. Mr. McIntire moved that this Ordinance be set for Public Hearing on December 21, 1970 as amended which is the exclusion of the minimum site in number of acreage per Elementary, Middle, and Senior High Schools. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 39-70, was held. Mr. Zengel sponsored Ordinance Number 39-70, An Ordinance To Amend Ordinance Number 7-70 Of February 16, 1970, For A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 45-70, An Ordinance Establishing A Refuse Collection System For The City, Setting A Fee For Collection And Disposal Of Garbage And Trash, Adopting Proper Sanitation And Collection Procedures And Providing Penalties, and moved that it be set for Public Hearing on November 2, 1970. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 46-70, An Ordinance Amending Ordinance Number 11-70 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, and moved that it be set for Public Hearing on November 2, 1970. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mr. Zengel sponsored Ordinance Number 47-70, An Ordinance To Amend Ordinance Number 2-70 Of January 19, 1970 And Ordinance Number 7-70 Of February 16, 1970 For A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be set for Public Hearing on November 2, 1970. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

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City Manager John Griffin reported on the Planning Commission Meeting held October 14, 1970. The First National Bank, Centerville Branch, withdrew their Variance Application to erect a 64.2 square foot sign at their new location on North Main Street at Zengel Drive.

Mr. Griffin reported on the Public Hearing held before the Commission concerning the Conditional Use Request of Mrs. Myrna Ryan to operate a Day Nursery in an R-3 District on South Main Street. Additional information concerning parking, landscaping, and fencing was requested for the October 26, 1970 Meeting. The State did support the need for the Day Nursery in this area.

Mr. Griffin explained a map which he prepared for the Montgomery County Sanitary Department indicating current and prospective zoning for the Sugar Creek Treatment Area. This will be used as a basis for enlargement of the proposed Montgomery - Green County Treatment Plant.

The Meeting was then adjourned.

Approved:

  
Mayor

Attest:

  
Clerk of Council