

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COI., O.

Form No. 1097

Held June 2, 1969

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, June 2, 1969 at 7:30 P.M. at the Municipal Building, with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, Richard Miller, John McIntire, John Davis, J.V. Stone, John Zengel, City Manager John Griffin, Engineer Frank Williams, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of May 19, 1969 had been distributed prior to this Meeting. Mr. Davis moved that the Minutes of the Meeting of May 19, 1969 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells reported for the Planning Board. All members were present at the May 27, 1969 meeting excepting John Butler.

The Record Plan for Black Oak II, Section 2 was discussed. Mr. McIntire questioned the relationship of Bigger Road in Black Oak Estates to the private lane extending south from Route 725. Mr. Robert Archdeacon advised that Bigger Road will line up with this private lane as the project proceeds north. Mr. Wells advised that an agreement has been made between John Black and the Park Board as to the trade of a small triangle of land between lot 294 and the park land, and a plot plan has been prepared containing the park area, as requested by the Planning Board. Mr. Wells moved that the Record Plan of Black Oak Estates II, Section 2, including the Park Site be approved subject to receipt of Bond. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells advised that two Applications for a change in zoning have been received from the Hummel Brothers for the property of the Olympian Club on Bigger Road: one is a change from Washington Township R-4 (Special Use) to Centerville EC, and the other from Washington Township R-4 (Special Use) to Centerville B-2. The County Sanitary Department, by letter, has indicated that they would provide sewer service for the area but that the adequacy of the existing system hinges around the success of the Sugar Creek - Green County Project. The change from Washington Township R-4 to Centerville EC was deferred for further study, for covenants to the deed to limit the use to apartments only, and a plan showing access on a dedicated street to the property to the north. The Application for a change from Washington Township R-4 to Centerville B-2 to permit a Service Station was felt out of order at this time by the Planning Board, and denial was recommended. Mr. Wells moved that the Rezoning Request Z-4-69 a Request for Rezoning of 3.9 acres from Washington Township R-4 (Special Use) to Centerville B-2 be denied and a Public Hearing not held. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells advised that a Rezoning Request was presented for a change from R-1 to R-2 for that land on Sheehan Road across from Ida Weller School. The application was not accepted by the Planning Board since the Ordinance had not been prepared.

An Application for Curb Cuts at Main and Franklin for a Service Station was received by the Planning Board. No action was taken pending the receipt of a map to correspond with the plan as approved by the Board of Zoning Appeals. It has been referred back to the developer for such a plan.

Mayor Hoy read the following Mayor's Report for the month of May, 1969.

Court

Fines and Forfeitures	\$ 657.00
Costs	392.00
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Total	\$1,049.00

Zoning Permits

- 8 1 family residences
- 2 additions to residences
- 1 swimming pool
- 3 commercial buildings

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Mr. McIntire moved that the Mayor's Report as read, be accepted. Mr. Wells seconded the motion. Discussion followed concerning Centerville's involvement with Kettering Court relative to Court Costs. Mr. McIntire felt that this matter should be pursued for a reasonable solution so that Centerville receives all that is coming to it, and fulfills it's responsibility to it's Court District as any other Municipality should. He also felt that a culminating report should be submitted to Council concerning this matter. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin explained Emergency Ordinance Number 34-69. Mr. Wells sponsored Ordinance Number 34-69: An Emergency Ordinance Amending Ordinance Number 13-69, An Ordinance Defining Procedure For Competitive Bidding, and moved it's adoption. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells sponsored Ordinance Number 35-69: An Ordinance Amending Ordinance Number 13-69, An Ordinance Defining Procedure For Competitive Bidding and moved that it be put to Public Hearing for June 16, 1969. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin reviewed Resolution Number 6-69 and the bids as received for street repairs within the City. Mr. McIntire sponsored Resolution Number 6-69: A Resolution Authorizing The City Manager To Enter Into A Contract With Ziehler Road Materials For Street Repairs Within The City, and moved it's adoption.

WHEREAS, it appears that, pursuant to public notice in accordance with established bidding procedure, sealed bids were received and;

WHEREAS, Ziehler Road Materials, Inc. has submitted the lowest and best bid as evidenced by the "Analysis of Bids" marked exhibit "A", attached hereto and made a part hereof;

NOW, THEREFORE BE IT RESOLVED that the City Manager is hereby authorized to execute a contract with the said Ziehler Road Materials, Inc. in accordance with the terms of the said bid.

Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mayor Hoy suggested that a cost progress be maintained on this project to keep a check on any extras that might occur and anticipate the final overall cost.

City Manager John Griffin reviewed Resolution Number 7-69 and the bids as received for a 1969 Tandem Dump Truck. The following two bids were received:

Fleming-Raney Motor Sales, Net Price \$8,956.48

International Harvester Co. Net Price \$8,210.75

Mr. Griffin recommended that the bid of International Harvester Company be accepted. Mr. Davis sponsored Resolution Number 7-69 and move it's adoption.

WHEREAS, pursuant to the direction of Council the City Manager advertised for bids for the purchase of a 1969 Tandem Dump Truck, in accordance with the provisions of the Charter, and the Ohio Revised Code and the City's Competitive Bidding Procedure; and

WHEREAS, International Harvester Co. has submitted the lowest and best bid and has complied with the bidding procedure;

NOW, THEREFORE, the City Manager be and he hereby is authorized to enter into a contract for the purchase of said Tandem Dump Truck, a copy of the proposal for which is attached hereto, marked Exhibit "A" and incorporated herein by reference.

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

City Manager John Griffin reported on Resolution Number 8-69 and explained the Summer Recreation Program. Mr. Miller wondered if Centerville is creating a duplication in playground programs using taxpayer's money. Mr. McIntire felt that the intentions in this program are that of the City but wondered about the

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financial status, he felt that certification from the Montgomery County Auditor concerning the status of tax receipts should be received prior to the passage of this Resolution. Mr. McIntire requested that action be deferred on this Resolution until comprehensive information concerning financing is available. He does not like to see any new program initiated based on shaky financial base. Mr. Wells felt that some action should be taken to indicate to the people of Centerville that the City will proceed with a Recreation Program. Mr. Wells sponsored Resolution Number 8-69 and move it be adopted.

WHEREAS, the City of Centerville has appointed a director for its recreation program; and

WHEREAS, the said director has submitted a plan for a recreation program, including a summer recreation program; and

WHEREAS, the Council wishes to adopt a Summer Recreation Program the following resolution is hereby adopted:

RESOLVED, that the Council hereby adopts a Summer Recreation Program for the City as set forth in the recreation director's proposal as attached hereto and marked "Exhibit A" insofar as it relates to a summer program of eight (8) weeks as opposed to a year around program;

RESOLVED, FURTHER, that the matter of appropriation of funds for said Summer Program is hereby deferred pending receipt of a current certification from the Montgomery County Auditor concerning the status of tax receipts.

Mr. Davis seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Zengel, Mr. Miller, and Mr. McIntire voted no.

City Manager John Griffin reviewed Ordinance Number 36-69 and a Contract with Washington Township Park District. The Contract has been reviewed and approved by the Washington Township Park District. Mr. Davis made reference to the fact that Centerville shall provide wages for two playground leaders, for each of the three parks and a Director of Recreation for the overall program; he wondered if this puts the City in jeopardy should the City have to back up on the program for financial reasons. Municipal Attorney Robert Farquhar advised that Centerville would be in a bind as far as playground leaders for each park and a Director of Recreation is concerned. He advised that a bill out clause could be an addendum to the Contract which would allow Centerville to reduce the program if funds are not available. The following was added to the Contract: "The obligations of the City of Centerville hereunder are contingent upon the availability of additional funds for appropriation to the recreation program."

Appointments to the City Planning Commission was discussed by Council. Ten names were submitted by the City Manager for consideration. Mayor Hoy moved that Harold Wells be appointed the Council Representative on the City Planning Commission. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Zengel felt that more time should be spent on considering these appointments and more publicity given to people that the positions are available. Mr. Zengel moved that action be deferred and notice be publicized that prospective members may apply by completing an application by June 11, 1969 to fill the Planning Commission seats. Mayor Hoy seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire moved that the Clerk forward a letter of appreciation from the Centerville Council, Centerville's Government, for those people who did serve notably in their capacities with the Board of Zoning Appeals and the Centerville Planning Commission, it is a citizen involvement in the Government in nature. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone sponsored Ordinance Number 37-69: An Emergency Ordinance Authorizing The City Manager To Enter Into A Written Contract With The Washington Township Park District For Operation Of Recreation Programs On Neighborhood Parks, and moved it's adoption. Mr. Davis seconded the motion. Mr. McIntire

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felt it would be wise to allow for the correct and proper procedural implementation of the program with the Washington Township Park District, so he would support the Ordinance. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 36-69: An Ordinance Authorizing The City Manager To Enter Into A Written Contract With The Washington Township Park District For Operation Of Recreation Programs On Neighborhood Parks, and moved that it be put to Public Hearing on June 16, 1969. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The request for improvements on Weidner Lane was discussed by Council. Engineer Frank Williams advised that letters are being sent to the residents concerning a meeting with Centerville to discuss the price for the improvements. Mr. McIntire felt that, if the finances are available for the City's part, progress should proceed.

Mr. Wells reviewed the request for rezoning of Floyd Malott for one acre on Clio Road approximately 2500 feet north of East Franklin Street on the west side of the road. The requested change is from Washington Township R-4 to Centerville I-1. The Planning Commission recommended approval of the rezoning with certain stipulations; the building is to be located 100 feet back from the centerline of the road; the right-of-way for Clio will be identical to the right-of-way as specified in the Volcan Tool Rezoning; and the parking will be in the rear of the set back line. Mr. Farquhar presented covenants to be attached to the deed which contained the above stipulations excepting the right-of-way to be provided for Clio Road; this will require a right-of-way grant. Mr. Wells sponsored Ordinance Number 33-69: An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning One Acre, More Or Less, From Washington Township R-4 Classification To Centerville I-1 Classification, and moved that it be passed. Mr. Zengel seconded the motion. Mr. McIntire based his decision on the fact that: during the Public Hearing citizen comment to the zoning plus his own personal observation indicates that it is premature for this type of zoning; land use maps were incorporated in the Planning Commission decision; and, factors today, being premature, it represents spot zoning. A roll call vote resulted in three ayes in favor of the motion. Mr. Miller, Mr. Davis, Mr. McIntire, and Mr. Stone voted no.

The mud on the street problem was discussed by Council. Council concurred that there should be better enforcement of the Ordinance.

Four owners of property bordering a proposed alley way between property on Franklin Street and Weller Avenue petitioned and requested the City of Centerville to terminate said proposed extension of the alley to any farther east course and that acquired right-of-way be vacated and reverted to the possession of the property owners. Council felt that this should be a dedicated alley. Municipal Attorney Robert Farquhar will further research this matter.

A petition was received from four property owners on Susan Drive and Clareridge Lane requesting the improvement of curbs at their premises. Engineer Frank Williams will figure a cost estimate for this improvement. City Manager John Griffin will bring more information before Council at the June 16, 1969 meeting concerning this matter.

A traffic engineer's report was reviewed by Council concerning the signal at Main and Franklin Streets. Further study will be made by the City Manager.

Council gave endorsement to City Manager John Griffin to start the Building Inspector at the rate of \$9,000.00 annually. This was based on 18 years of experience in building inspection and the fact that he will be organizing a completely new department.

The Meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk of Council