

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held October 20, 19 69

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, October 20, 1969 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, Richard Miller, J.V. Stone, John McIntire, City Manager John Griffin, Engineer Frank Williams, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of October 6, 1969 had been distributed prior to this Meeting. Mr. Stone moved that the Minutes of the Meeting of October 6, 1969 as distributed be approved. Mr. Wells seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mayor Hoy abstained.

George Young, reporter for the Kettering-Oakwood Times, thanked Council for providing a press table in the Council Chambers for the reporters' convenience.

Mr. Pat Jackson, 2420 East Centerville Station Road, presented a Petition to Council containing 32 signatures of residents on Centerville Station Road and East Franklin Street requesting that the name of Centerville Station Road be continued, and, if necessary to carry one designation, continue same through to Route 48; their reason being the historical significance attached to the name of this street.

Councilman John Zengel entered the Meeting at this time.

Mr. McIntire read a letter received from Victor Smith, 2230 East Centerville Station Road, requesting that Council not change the name of Centerville Station Road. He advised that a vast majority of the residents do not want the change. He indicated that the name change would be against the wishes and at the inconvenience of the citizens who live here.

Councilman John Davis entered the Meeting at this time.

Gary Maxton, 175 Bethel Road, appeared before Council and asked the following three questions of Mr. Wells, as Council Representative on the City Planning Commission.

1. Explain the correct procedure to be taken by the Planning Commission in those Requests for Zoning Changes that are not recommended for approval by the Planning Commission.

Mr. Wells explained the procedure as set forth in the Ordinance which established the City Planning Commission.

2. Why was an Ordinance prepared by yourself at the last Council Meeting for one of the Zoning Changes that was not recommended for passage by the City Planning Commission.

Mr. Wells explained that the Ordinance was not prepared by himself and that it must be prepared before the Planning Commission can take any action. This is required by State Law.

3. Would Council be bound by the provision within the Zoning Ordinance where it takes a five to two negative vote to override a decision of the Planning Commission.

Mr. Wells advised that it requires a vote of five to override the Planning Commission.

Mrs. Max Dickey, 23 South Main Street, appeared before Council, and questioned what results have been received on the survey being made to determine the line of the Alley next to her house, is there proof of it's dedication to the City, and from where was proof received. Engineer Frank Williams advised that a survey has been made and the City is awaiting a map from the Survey Company. Mayor Hoy suggested that the City investigate the dedication of this alley, and the Municipal Attorney give his legal opinion in writing concerning it's dedication.

Jim Nutter, 338 Silvertree Court, appeared before Council in behalf of another citizen, concerning a carport being constructed by a builder which is located too close to the front property line. He wondered why the City did not issue an injunction to stop the construction of this footer. City Manager John Griffin explained past experience and present situation concerning this matter.

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Charles McQueeney, 1420 Bimni Drive, working with a group of Centerville Citizens who have banded together in an attempt to overturn a Rezoning Ordinance passed by Council, appeared before Council. He advised that he has heard rumors that the property in question is owned by the Hillsmith Developers, that the Volcan Tool Company has constructed a tool cutting plant in another location, and that Hillsmith is looking for a new location for the Kohnen-Lammers Barrel Plant. He wondered what Council's position might be on the location of this type of operation at Clio and East Franklin. Discussion followed concerning premissive operations in the Industrial Zone. Municipal Attorney Robert Farquhar advised that in order to determine if such a plant would be permitted in Centerville's Industrial Zone it would be necessary to review the individual application when received. Mr. Stone questioned the basis of this rumor, and, after more discussion, moved that Council move to another subject. Mr. Zengel seconded the motion. Mr. McIntire felt that Mr. McQueeney was entitled to a response from any one of Council who desires to do so. A roll call vote resulted in the following: Mr. Wells, Mr. Zengel, Mr. Stone, and Mayor Hoy voted yes; Mr. Davis, Mr. Miller, and Mr. McIntire voted no.

John Griffin reviewed his City Manager's Report. He will be in further contact with the State Highway Department concerning the widening of State Route 725 (East Alexandersville-Bellbrook Road).

The Public Hearing on Ordinance Number 43-69: An Ordinance Changing The Name Of Centerville Station Road To East Franklin Street was held. The petition presented earlier by Mr. Jackson and Mr. Smith's letter were reviewed by Council at this time.

Mrs. Bernard Roush, 1247 East Centerville Station Road, advised that she signed the petition requesting the change to alleviate confusion and because it is too lengthy to write.

Mr. Ralph Woolpert, 2017 East Centerville Station Road, stated his opposition to the change and requested that Council consider the petition submitted this evening as opposed to the one of Mrs. Roush.

Mr. Stephen Maloney, 1365 East Centerville Station Road, requested name not be changed to Franklin Street but to Station Road.

Mr. Michael Cherry, 1262 East Centerville Station Road, asked that the name not be changed for historical reasons.

Mrs. Alfred Aastrup, 1239 East Centerville Station Road, advised that she has experienced no difficulty in mail delivery because of two different names to same street.

Mrs. Max Dickey, 23 South Main Street, wondered what the reason was for the change.

After further discussion, residents of East Centerville Station Road agreed that Franklin Street and Centerville Station Road should be called Station Road.

Mr. Wells sponsored and moved that Ordinance Number 43-69 be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven nays in favor of the motion.

An Application for a D1 and D2 License for the Carriage House, submitted to the Department of Liquor Control, State of Ohio, was discussed by Council. Council indicated no objection to the application.

City Manager John Griffin submitted his recommendation on a policy for Public Improvements. He advised that a survey made by him indicated that the majority of other Cities favored special assessments on improvements. He summarized his recommendation. After further discussion, Council concurred that items C and D need clarification. Mr. Griffin will rework these two sections.

Mayor Hoy left the Meeting at this time. Deputy-Mayor John Davis presided.

City Manager John Griffin gave a report on the drainage ditch in the Zengel Plat. He advised that the Street Department has ordered the pipe and work should begin this week.

An Ordinance fixing the price which the Dayton Power and Light Company, may charge for electric lights furnished to the Public Grounds, Streets, Alleys,

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etc. in the City of Centerville, for a period of five years, commencing on the 29th day of December, 1969, And Determining The Manner In Which Said Lighting May Be Furnished, Provided And Paid For, was reviewed by Council. Mr. Griffin explained the location of existing street lights and D.P.& L's proposal. Phil Webb, representative from D.P.& L. explained what presently exists in the City, and advised that this is what is contained in the proposed Ordinance. Mr. McIntire felt that existing lighting on West Franklin Street at the Magsig Building is not adequate. He recommended that the City Manager bring to next Council Meeting a critical recommendation on new locations for lights in the City. Mr. Wells sponsored Ordinance Number 44-69: An Ordinance Fixing The Price Which The Dayton Power And Light Company, Its Successors And Assigns, May Charge For Electric Light Furnished To The Public Grounds, Streets, Lanes, Alleys And Avenues In The City Of Centerville, State Of Ohio, For A Period Of Five (5) Years, Commencing On The 29th Day of December, 1969, And Determining The Manner In Which Said Lighting May Be Furnished, Provided And Paid For, and moved that the Ordinance be set for Public Hearing on November 3, 1969. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy returned to the Meeting at this time.

Ordinance Number 45-69 was reviewed by Council. Mr. McIntire moved that Ordinance Number 45-69: An Ordinance Prohibiting The Burning Of Garbage, The Negligent Spreading Of Fires And Regulating The Burning Of Wastes, be set for Public Hearing on November 3, 1969. Mr. Davis seconded the motion. Mr. Zengel questioned the times as established in the Ordinance, he felt the time period was too late in the day. Discussion followed. A roll call vote resulted in seven ayes in favor of the motion.

Municipal Attorney Robert Farquhar explained Ordinance Number 46-69 and advised Council of it's immediate need. Mr. Davis sponsored Ordinance Number 46-69: An Emergency Ordinance Amending Section 20.100 Unnecessary Noises Of The Code Of Ordinances, Village Of Centerville, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis sponsored Ordinance Number 47-69: An Ordinance Amending Section 20.100 Unnecessary Noises Of The Code Of Ordinances, Village of Centerville, and moved that it be set for Public Hearing on November 3, 1969. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin reviewed Ordinance Number 48-69 and explained significant changes in appropriations. Mr. Davis sponsored Ordinance Number 48-69: An Ordinance To Amend Ordinance Number 17-69 Of March 24, 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, and moved that it be set for Public Hearing on November 3, 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 10-69. He advised that five out of the six residents on Susan Drive and Susan Court involved were in favor of the improvements. Mr. McIntire sponsored Resolution Number 10-69: A Resolution Declaring It A Necessity To Improve Susan Drive And Susan Court In The Municipality Of Centerville, Ohio, By The Construction Of Curbs And Gutters On Both Sides Of Susan Drive And Susan Court From Clareridge Lane To The Existing Curb And Gutter In Susan Court, and moved that it be passed.

BE IT RESOLVED by the Council of the Municipality of Centerville, Montgomery County, Ohio;

Section 1. That it is necessary to improve Susan Drive and Susan Court between Clareridge Lane and the existing improvement in Susan Court in the Municipality of Centerville, Ohio, as shown on the plans herein-after referred to, by the construction of curbs and gutters in accordance with the plans and specifications hereinafter referred to.

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Section 2. The plans, profiles, specifications and the estimate of costs for said improvements heretofore prepared by the Engineer and placed on file in the office of the Clerk of this Council be and the same hereby are approved.

Section 3. That the grade of said Susan Drive and Susan Court after said improvement has been completed shall be as shown on said plans and profiles.

Section 4. It is hereby determined that a petition requesting said improvement has been regularly presented to this Council, and that said petition has been subscribed to by the owners of at least sixty percent (60%) of the front footage abutting upon said improvement. Said petition is hereby accepted by this Council.

Section 5. That the entire cost of said improvement shall be assessed upon the following described lots and lands, to wit: all lots and lands bounding and abutting upon said improvement, which said lots and lands are hereby determined to be specially benefited by said improvement. Said assessment shall be levied by the following method, to wit: by the front footage of the property bounding and abutting upon the improvement; and shall be paid, when levied, in five (5) annual installments, with interest on unpaid installments at the rate of 6%; provided, however, that the owner of any property assessed may, at its option, pay such assessment in cash within thirty (30) days after passage of the ordinance levying such assessment.

Section 6. The Municipality of Centerville shall not issue bonds in anticipation of the collection of said assessment.

Section 7. The City Engineer of the Municipality of Centerville be and he hereby is, authorized, and directed to prepare an estimated assessment of the cost of said improvement based on the estimated cost heretofore filed in the office of the Clerk of this Council in accordance with the method of assessment set forth in this Resolution, showing thereon the amount of the assessment against each lot or parcel of land to be assessed. Said estimated assessment shall be filed in the office of said Clerk and shall be available for public inspection.

Section 8. Upon the filing of said estimated assessment as hereinbefore provided, the Clerk of this Council is authorized and directed to cause notice of the passage of this Resolution and the filing of said estimated assessment to be served upon the owners of all lots and lands to be assessed who did not waive the service of such notice, in the manner provided by law.

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

Mr. Griffin read a letter received from the Red Coach Civic Association commending Centerville for the supervised program in Red Coach Park this past summer. They expressed a desire to allocate funds for further beautification of the park. The Red Coach Garden Club is interested in directing their energies toward this endeavor. Mr. McIntire requested that a copy of this letter be forwarded to the Park Board.

Mr. Griffin made reference to correspondence received from the Ohio Municipal League concerning Implementation of \$250 Million of Highway Bond Funds for Local Projects. He has also received from the Department of Highways a Procedure Manual to assist local subdivisions in the use of the highway funds allocated to each County. Mr. McIntire wondered if Centerville could be one of the first to pursue this with a listing of projects through our County Treasurer's Office. Discussion followed. Mayor Hoy set a Council Work Session for Monday, October 27, 1969 to review this matter.

Mr. Wells questioned the article as written in the Kettering-Oakwood Times concerning the rumble which took place in Centerville. He wondered if Centerville Police Authorities were informed by the School Authorities of the rumble going to take place. Mr. Zengel commended the Centerville Police Department on the manner in which they handled the situation and the co-operation between

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Kettering and Centerville Police Departments.

The Meeting was then adjourned.

Approved:

Paul C. Ray
Mayor

ATTEST:

Marilyn J. McLaughlin
Clerk of Council