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CENTERVILLE CITY COUNCIL
REGULAR MEETING
OCTOBER 20, 1975

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, October 20, 1975 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Jim Davis from the Southminster Presbyterian Church and the Pledge of Allegiance to the Flag with Deputy-Mayor J. V. Stone presiding. Council Members and City Staff present were as follows:

Councilwoman Nora Lake
Councilmen Charles McQueeney
Leonard Stubbs
Ralph Spencer
Russell Sweetman
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Planner Garth Reynolds
Service Director Richard Bishop
City Engineer Karl Schab
Chief of Police William Randolph
Municipal Attorney Robert Farquhar
Administrative Assistant John Levermann

Mr. Stone announced that Mayor Paul Hoy was attending a Chamber of Commerce Meeting, thus his absence at this Meeting. Mr. Spencer moved that Council excuse Mayor Hoy from this Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of October 6, 1975 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of October 6, 1975 as distributed, be approved. Mr. Spencer seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Stubbs abstained.

The Oath of Office was administered to Bicentennial Commission Member Patricia A. Stoll by Municipal Attorney Robert Farquhar.

Mrs. McLaughlin advised Council that a Notice of Intent to Appeal had been received from Winchester Management concerning a decision of the Planning Commission rendered on September 30, 1975. The Notice concerns the Commission's denial of a variation from the Site Plan not to require enclosures around the trash containers in the Chevy Chase Park Apartment Complex. The Notice was received in an improper office and after the due date, an Appeal had not been filed. Mr. Farquhar advised that the setting of this matter for Public Hearing was at the discretion of Council. Mr. Sweetman moved that this matter be set for Public Hearing on November 17, 1975. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Kenning reported the following during his City Manager's Report:
203 Permits have been issued for homes in the City of Centerville this year; the only Municipality in excess of this amount in the region is Middletown.

Leaf collection is in full operation; 360 cubic yards have been collected to date. Leaves are being collected as efficiently and regularly as possible.

Mr. Kenning announced Centerville's first Jack-o-Lantern/Pumpkin Pie Contest to be held in October 29, 1975 in the Community Room. Entries will be received between 5:30 and 6:30 P.M.

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Mr. Levermann showed Council and the audience the Bicentennial Community signs which will be displayed in the City.

Bids will be solicited for the initial phase in developing the 35 acres Municipal land during the current week. This initial phase is being fully funded through the Housing and Community Development Act of 1974 and will include entrance into the property.

Mr. Kenning reviewed activities of the Police Department during the past year. Upon question of Mr. Sweetman, Chief Randolph explained that the Centerville Police assist local departments and others. Mr. Sweetman requested figures as to how much and which local departments are being assisted.

Mr. Stubbs requested a status report on the sidewalk improvement project along East Franklin Street; Mr. Kenning advised that the work has been completed.

As questioned by Mr. Stubbs, Mr. Kenning related that the street resurfacing program is complete except for some corrections and sealing, manholes need raising.

CLYO ROAD IMPROVEMENT

Mrs. McLaughlin reported that a Petition requesting the improvement of Clyo Road on an assessment basis has been received, signed by four property owners along the proposed extension of Clyo Road. The Petitioners constitute 71% of the total front footage involved in the extension.

ORDINANCE NUMBER 84-75 ZONING ORDINANCE AMENDMENT REZONING

The Public Hearing was held concerning the Rezoning Request by property owners along the north side of West Franklin Street. Requested is a change of approximately 4.861 acres from R-1 to Architectural Preservation zone classification.

The Notice of Public Hearing was read by the Clerk of Council.

Mr. Reynolds located the subject property on a map and explained the zoning of adjacent land. The property in question extends from the existing AP district to Normandy Lane, bisected by an area east of Hampton Road. The area is surrounded with R-1, AP, R-2 and R-3 zone classifications.

Mr. Kenning reported that this Request was recommended for denial unanimously by the Planning Commission. The Planning Office recommends Deed Restrictions to require common curb cuts.

Attorney John Koverman, representing the Applicants, explained to Council facts which have occurred concerning this property through previous months. He believes that Architectural Preservation zoning is proper for the property in question, neighbors would be satisfied. Mr. Koverman believes that this Request should not be denied based upon the fact that the Planning Commission is not happy with the AP Ordinance.

Mr. Lawrence Elliott, 145 West Franklin Street, stated his opposition to the proposed Rezoning.

Mr. George Mitchell, 203 West Franklin Street, advised that Mr. James Presbaugh, 157 West Franklin Street, is in favor of the Rezoning. Mr. Presbaugh owns part of the bisected area.

Mr. S. Wilson Gillingham, 170 South Village Drive, believes that West Franklin Street property owners deserve the opportunity to develop their property. He believes that the Board of Architectural Review will control this development to keep in harmony with the present AP area.

Mr. Walter Buchsieb, 235 West Franklin Street, assured Council that he intends to develop his property to blend with the Community, he sees the Rezoning to the best interest of everyone.

Mr. McQueeney sees restrictions in the AP Ordinance possibly something which businessmen cannot conform to in competing with businesses on the opposite side of the street; he is concerned for the future of the AP

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Ordinance. Based upon this concern, Mr. McQueeney is opposed to extending the AP district.

Mrs. Lake sees problems for property owners to the north if the zoning of the subject property is changed. Homes in the area have sold for residential purposes recently. She is concerned with conditions in the existing AP Ordinance, she believes restrictions must be revised before the area is extended.

Upon question of Mr. Stubbs, Mr. Farquhar advised that when the AP Ordinance is revised, revisions will govern this area provided the area is developed after the effective date of the revisions, areas improved now would meet the current AP Ordinance.

Mr. Reynolds sees physical planning problems in the area regardless of what Rezoning is granted; he views the Plan proposed to be to the best interest of the City and the Applicants.

Mr. Farquhar recommended that Deed Covenants be prepared to tie the Applicant to the Plan as agreed to by the City Planner and the Petitioners. Mr. McQueeney moved that Council table this matter until Deed Restrictions are prepared to the satisfaction of the City Planner, the Municipal Attorney and the Applicants. Mr. Stubbs seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mrs. Lake and Mr. Sweetman voted no. Mr. Stone requested that this item be placed on the agenda for the next Council Meeting if the Restrictions are prepared and agreeable.

SPECIAL USE EXCEPTION FELZIEN

The Public Hearing was held concerning the Appeal filed by Floyd Felzien against Planning Commission's denial of his Request for a Special Use Exception.

The Notice of Public Hearing was read by the Clerk of Council.

Mr. Reynolds located the subject property on a map and explained the Request. The property is located at the Centerville-Washington Township Corporation Line and just west of the Montgomery-Greene County Line, it is located at the extension of Sugar Ridge Lane, a private drive off Spring Valley Road. Mr. Felzien has requested an exception from Ordinance Number 10-1959 which requires that all lots abut on a dedicated street; the exception requested is provided for under the Subdivision Regulations. The Applicant has acquired an easement from his property to Sugar Ridge Lane.

Mr. Kenning reported that the Planning Commission denied the exception by a 4-3 vote.

Mr. Floyd Felzien, the Petitioner, presented to Council a "Petition of Agreement" signed by residents of Sugar Ridge Lane. Mr. Felzien explained how his property is in a unique situation.

Mr. Stubbs wondered why Planning Commission objected to this exception. Mr. Felzien advised that one Commissioner believed he could not record the Plan and one feared setting a precedence. It was later found that the Plan could be recorded with the County Recorder's Office.

Mr. Stubbs was concerned with the City providing services to Mr. Felzien. Mr. Farquhar advised that he would receive services as can be supplied by the City. Mr. Kenning reminded Mr. Felzien that there could be a possible delay in providing City services to him as the City must travel into Washington Township and upon a private lane to reach his property.

Mr. Stubbs moved that Council grant approval to the Special Use Exception Request of Mr. Felzien. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mrs. Lake voted no.

ORDINANCE NUMBER 85-75 ZONING ORDINANCE AMENDMENT REZONING

The Public Hearing was held concerning the Rezoning Request filed by Harriett Oakes for approximately one acre located on the east side of Far Hills Avenue. Requested is a change from R-2 zone classification to R-3 classification.

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The Notice of Public Hearing was read by the Clerk of Council.

Mr. Reynolds located the property on a map and outlined adjacent zoning. The property is located north of Zengel Drive and south of Elmwood Drive; surrounding zoning is R-2 and R-3. The Applicant has agreed to relocate the driveway to the north property line and provide for a storage lane to be installed along North Main Street.

Mr. Kenning explained Planning Commission's 5-1 vote for approval of this Rezoning subject to Deed Restrictions requiring the relocation of the driveway and the addition of a ten foot tapered acceleration-deceleration lane along the east side of North Main Street.

Attorney John Koverman, representing the Applicant, agreed to preparing such Deed Restrictions. The width of the driveway would be 13 1/2 feet wide, the width of the taper lane to be 10 feet and 53 feet in length including the drive entrance.

Mr. Stubbs expressed concern with the storage lane; he sees a potential problem. Mrs. Lake suggested that this lane be striped to alert drivers that it is not a driving lane.

Mr. Sweetman requested that this item be placed on the agenda for the next Council Meeting. Mr. McQueeney moved that this item be tabled and be placed on the agenda as requested by Mr. Sweetman. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 78-75 MUNICIPAL LAND

The Public Hearing was held concerning Ordinance Number 78-75. Mr. Kenning Reviewed the proposed Ordinance; the closing on the real estate for Municipal Garage purposes will occur on November 21, 1975. Mr. Sweetman sponsored Ordinance Number 78-75, An Ordinance Providing For The Issuance Of \$200,000.00 Of Notes Of The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Acquiring Certain Real Estate In The City, Together With Improvements And Furnishings Located Thereon, And Paying Necessary Costs Incidental Thereto, For Municipal Garage And Related Purposes, and moved that it be passed. Mr. Spencer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 79-75 YOUTH BOARD

The Public Hearing was held concerning Ordinance Number 79-75. Mr. McQueeney sponsored Ordinance Number 79-75, An Ordinance Appointing James C. Rachal, Jr. To The Youth Board Of The City Of Centerville, Ohio And Establishing A Term Of Office, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 80-75 CITY BEAUTIFUL COMMISSION

The Public Hearing concerning Ordinance Number 80-75 was cancelled as Mr. Paul Thein had declined his appointment to the City Beautiful Commission.

ORDINANCE NUMBER 81-75 ARTS COMMISSION

The Public Hearing was held concerning Ordinance Number 81-75. Mr. Stubbs sponsored Ordinance Number 81-75, An Ordinance Appointing Steven M. Simon To The Arts Commission Of The City Of Centerville, Ohio And Establishing A Term Of Office, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 83-75 BICENTENNIAL COMMISSION

The Public Hearing was held concerning Ordinance Number 83-75. Mr.

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Sweetman sponsored Ordinance Number 83-75, An Ordinance Appointing Patricia A. Stoll As A Member On The Bicentennial Commission Of The City Of Centerville, Ohio, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

As questioned by Mr. McQueeney, Mrs. McLaughlin advised that between 60 and 70 Citizens now serve on various Boards and Commissions of the City of Centerville.

ORDINANCE NUMBER 86-75 SISTER CITY COMMITTEE

Mr. McQueeney sponsored Ordinance Number 86-75, An Emergency Ordinance To Appoint Members To The Sister City Committee For The City Of Centerville For Terms Of Three Years, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 87-75 SISTER CITY COMMITTEE

Mr. Sweetman moved that Ordinance Number 87-75, An Ordinance To Appoint Members To The Sister City Committee For The City Of Centerville For Terms Of Three Years, be set for Public Hearing on November 3, 1975. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 59-75 ARTS COMMISSION

Mr. Stubbs sponsored Resolution Number 59-75, A Resolution Authorizing And Directing The City Manager To Execute A Contract With Doc Severinsen Inc, FSO Doc Severinsen And His Now Generation Brass Featuring Today's Children In The Amount Of \$12,500.00, and moved that it be passed. Mr. Sweetman seconded the motion. Mr. Kenning reviewed this Program proposed by the Arts Commission to be held February 1, 1976, tickets are on sale. A roll call vote resulted in six ayes in favor of the motion.

ORDINANCE NUMBER 88-75 EAST FRANKLIN STREET

Mr. Kenning reported that final project costs were 48% less than what was projected for the East Franklin Street Sidewalk Improvement. Property owners have received adjustments accordingly. Mr. McQueeney moved that Ordinance Number 88-75, An Ordinance Levying Special Assessments For The Improvement Of A Certain Portion Of East Franklin Street In The City Of Centerville, Ohio, By The Installation Of Sidewalks, Curbs, A Drainage System And Other Improvements Incidental Thereto, be set for Public Hearing on November 3, 1975. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

FOX RUN, SECTION ONE

Mr. Kenning explained his recommendation along with the City Engineer's to release the \$1,400.00 Sidewalk Bond on Fox Run, Section One. Mr. Spencer moved that the \$1,400.00 Sidewalk Bond on Fox Run, Section One, be released. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The following questions were asked by Mr. Stubbs:

1. What is the status of the review of speed limit requirements on Normandy Lane? Mr. Kenning advised that this review will begin when the review on the Franklin Street speed limit is completed.
2. Why is an on duty Police Officer still directing traffic at the High School? Mr. Kenning advised that the School has funded a special timing light; when this installation is complete, lights will be synchronized and an officer will not be needed.
3. Is Washington Township being notified when a development is considered by Centerville which lies within the three mile jurisdiction in Washington Township? Mr. Reynolds advised that the Township is being notified at least 19 days before the subject is considered by the

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Planning Commission, and they are responding.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of the Council