

## RECORD OF PROCEEDINGS

Minutes of

REGULAR MEETING

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held April 2, 1973

19

## REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, April 2, 1973 at 8:00 P.M. at the Centerville High School, South Building. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: J. V. Stone, Charles McQueeney, John Davis, Russell Sweetman, Leonard Stubbs, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of March 19, 1973 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of March 19, 1973 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Davis abstained.

Mrs. William Abney, 161 Terrace Villa Drive, appeared to indicate her objection to Council to a parking lot being installed in the City Park in the Terrace Villa Plat. A petition of objection was submitted containing 56 signatures to Mr. Smith. She feels that this parking lot will only provide relief for the overflow from the Activity Center. Mr. Schab explained the proposed development for the Park area; it has been designed to provide recreation facilities for small children. Eleven parking lots have been proposed, to be well shielded from Hampton Road; the spaces will not all be paved with blacktop. Mrs. Abney advised that the residents would prefer on street parking in lieu of the parking area.

Councilman John McIntire entered the Meeting at this time.

Mrs. Joseph Seguin, 171 Terrace Villa Drive, also indicated her objection to the parking area; she feels the Park will be used only by neighbors. Mayor Hoy and Mr. Schab suggested that fencing the Park area would discourage the parking area being used by Activity Center guests. Mr. Sweetman pointed out that this Park will be used by people from all areas of the City, off street parking is necessary.

The Public Hearing was held concerning the Black Oak Development Company Rezoning Request, a change of 60.045 acres from Washington Township R-3 classification to Centerville R-3 classification.

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

Mr. Smith located the subject property on a map. It is located on the east side of Clio Road, west of Black Oak Estates and north of Centerville Station Road.

Mr. Charles Abramovitz, from the Ralph L. Woolpert Company and representing the Applicant, explained their Request. He explained a modified proposal containing only 30 acres to provide for 150 units (or 5 units per acre), the area being along Clio Road and south of the creek. The Plan is a result of objections and comments made at the Public Hearing before the Planning Commission. The modified Plan would provide a higher density along Clio Road with perhaps single family to the east.

Mr. Farquhar advised that such a revision could be made at this time by placing certain covenants on the land. However, 60.045 acres would be rezoned to R-3, a covenant placed on 30 acres restricting it to a density of 5 units per acre, and a temporary covenant placed on 30.045 acres limiting it to single family development equal to R-1 or R-2 zoning; a Rezoning would then take place rezoning the 30.045 to a single family zone classification.



## RECORD OF PROCEEDINGS

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book--D-2585

Held April 2, 1973 continued

19

Mr. Paul Fleming, 7793 Windy Hill Court, feels that this is just a divide and conquer approach.

Mrs. Richard Bethke, 7789 Windy Hill Court, fears that the remaining Weller Farm will eventually be built with condominiums.

Mr. James Singer, 1408 Ambridge Road, feels there are presently too many multi-family units in the City of Centerville. He sees no need for a buffer along Clio Road at the present time, he is opposed to this modification.

Mr. Roland McSherry, 1443 Ambridge Road, sees no reason why this land cannot be developed in single family residences. He suggested that the Developer meet with the Planning Commission to resolve a plan.

Mr. Abramovitz pointed out that the Developer is attempting to prepare for industry on the west side of Clio Road.

Mr. Richard Bethke, 7789 Windy Hill Court, wonders how the Developer is benefiting the citizens of Centerville.

Mr. James Kleff, 7791 Windy Hill Court, bought his property in Black Oak Estates on the basis of the zoning of adjacent property.

Mr. Stubbs questioned why the Developer's attitude has changed in reference to developing some of this land in single family. Mr. Abramovitz stated that this is an attempt to satisfy Council, the Planning Commission, and citizens.

Mr. McQueeney feels the modification must be considered by the Planning Commission.

Mr. William Rogers, Attorney for the Applicant, suggested that Council, the Planning Commission and Developer meet in a Public Work Session to arrive at a suitable plan for everyone, he suggested that this matter be tabled. Mr. McIntire and Mayor Hoy stressed the importance of a Public Hearing and recommendation by the Planning Commission concerning the modified plan.

Mr. Stubbs sponsored Ordinance Number 18-73, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 60.045 Acres, More Or Less, From Washington Township R-3 Classification To Centerville R-3 Classification. Mr. McQueeney seconded the motion. A roll call vote resulted in seven nays against the motion.

Mr. Davis reported on the Planning Commission Meeting held March 27, 1973. He reviewed the Rezoning Request submitted by Anthony B. Wenzler for a change of 21.3 acres from Washington Township R-4 to Centerville R-3 for the property located east of Marshall Road and north of Red Coach Farms. The property is bounded on the north by multi-family and industrial zoning in the City of Kettering. Proposed are 26 lots for doubles and 13 lots for four-family apartment buildings. The Planning Commission recommended approval of the Rezoning by a 5-1 vote. Mr. Davis moved that Council accept the Planning Commission's recommendation and set Ordinance Number 19-73, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 21.301 Acres, More Or Less, From Washington Township R-4 Classification To Centerville R-3 Classification, for Public Hearing at the earliest possible date. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the Rezoning Request of Zengel Builders, Inc. for a change of 1.15 acres of land from R-2 to R-3 zone classification. The property is located on the west side of Cedarleaf Drive at Alexandersville-Bellbrook Road. The vote in Planning Commission was 4-3 in favor of the Request. Mrs. McLaughlin advised that a Notice of Intent to Appeal this decision has been filed by the Applicant.

Mr. Davis, after reviewing the recommendation for denial by the Planning Commission concerning the Rezoning of the Frank Hill-Smith



## RECORD OF PROCEEDINGS

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held

April 2, 1973 continued

19

Property, the property at the north east corner of Clio Road and Centerville Station Road, moved that Council accept the Planning Commission's recommendation and deny the Rezoning. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the unanimous vote for approval by the Planning Commission concerning an Ordinance establishing specifications for brick walkways in the AP District. Mr. Davis moved that Ordinance Number 20-73, An Ordinance Amending Ordinance No. 15-61 And Ordinance No. 80-71 By Adding Additional Specifications For Sidewalks In The Architectural Preservation District, be set for Public Hearing at the earliest possible date. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the Application for two 35 foot Curb Cuts submitted by the J. S. Davis Company for the Voss Chevrolet Company on the south side of Loop Road. The City Engineer and Chief of Police recommended these cuts be immediately across from those already established on the north side of Loop Road. The Planning Commission, by a 7-0 vote, recommended approval of this Application. Mr. Davis moved that Council approve two Curb Cuts for the J. S. Davis Company on Loop Road as requested. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. McQueeney voted no.

The Record Plan for Pelbrook Farms, Section One, was reviewed by Mr. Davis; being part of the Paul Lapp property just east of Black Oak Estates. Sidewalk will be provided on the west side of Rambler Drive, south side of Cloverbrook Park Drive, north side of Pelway Drive and an access easement provided to the Park land. As requested by the Park District, the Developer has consented to install a turn around at the end of Cloverbrook Park Drive until the next Section is developed. The Planning Commission recommended approval of the Plan. Mr. Davis moved that Council approve the Record Plan for Pelbrook Estates, Section One, subject to the receipt of a Performance Bond in the amount of \$60,000.00, a Sub-Dividers Agreement, an Inspection Fee of \$430.00 and the Deed for the Park land being placed in escrow as requested and agreed to with the Park District. Mr. Stone seconded the motion. Mr. McQueeney expressed his dislike for construction trucks to use residential streets for access to the development, he feels access should be from a thoroughfare street. Mr. Sweetman and Mr. McQueeney stressed the importance of providing adequate parking for construction workers on the site. Mayor Hoy requested that the City Manager pursue the enforcement of the mud on the street provision in the City Code. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the Preliminary Plan for Fox Run, a multi-family development along the south side of Overbrook Road south of the City of Kettering and north of proposed I-675. The zoning of the land is Centerville R-4. Mr. Charles Abramovitz, representing the Developer, advised that what is proposed are for sale condominiums at a price range of 29,000.00 to 32,000.00. The ditch through the development will be concrete lined. The Planning Commission unanimously recommended approval of this Plan. Mr. Davis moved that Council accept the Planning Commission's recommendation concerning the Preliminary Plan for Fox Run in accordance with the drawing submitted and accepted by the City of Centerville on March 17, 1973. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion, Mr. McIntire and Mr. Stubbs voted no. Mr. McIntire advised that his no vote reflected his original opposition to the rezoning of this land a few years ago and his displeasure with the fact that Kettering has not cooperated in barricading Overbrook Road.

Mr. Davis explained the Record Plan for Rose Estates, Section Five. The ditch with concrete bottom in Rose Estates was discussed; residents along the ditch do not want the bottom to be of concrete, this would destroy



Held April 2, 1973 continued

19

many trees. Mr. Farquhar advised that if all property owners agree, a Deed Restriction could be placed upon the properties to provide ditch maintenance. Mr. Davis suggested that Council and the City Engineer meet with the residents along the ditch to arrive at some conclusion. The Planning Commission recommended approval of the Record Plan for Rose Estates, Section Five, subject to sidewalk being provided along Sheehan Road, the west side of Shawnee Trail and the north side of Village Square Road. Mr. Davis reviewed the City Engineer's recommendation concerning the width of Sheehan Road, he recommended widening Sheehan Road to 26 feet, from the centerline of Sheehan Road to back of curb. Mr. Davis moved that Council approve the Record Plan for Rose Estates, Section Five, subject to the receipt of a Performance Bond in the amount of \$100,000.00, a Sub-Dividers Agreement, an Inspection Fee of \$501.33 and in accordance with the City Engineer's recommendation that Sheehan Road be widened to 26 feet, from centerline to back of curb. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire presented to Mr. Ronald Budzik, former Clerk-Treasurer and Director of Finance for the City of Centerville, a framed Resolution in recognition of his fine services.

The Record Plan for Sheehan Road Estates, Section One, was reviewed by Mr. Davis. Sidewalk is provided along Sheehan Road, the width of Sheehan Road to be 26 feet from centerline to back of curb. The Planning Commission unanimously recommended approval of this Plan. Mr. Davis moved that Council approve the Record Plan for Sheehan Road Estates, Section One, subject to the receipt of a Performance Bond in the amount of \$13,000.00, a Sub-Dividers Agreement, and an Inspection Fee of \$35.50. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mayor Hoy voted no.

Mr. Davis reviewed the Preliminary Plan for Plymouth Notch, a development proposed on the north side of Centerville Station Road and bordering Black Oak Estates. The present zoning classification is R-1. As concurred by the Planning Commission, the Developer wishes to leave the creek running through the property in its natural state. The property will be developed by the Geal Corporation. The Planning Commission recommended approval of this Preliminary Plan. Mr. Davis moved that Council approve the Preliminary Plan for Plymouth Notch. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed his City Manager's Report. The Ohio Bell Telephone Company has tentatively agreed to set aside one duct in their underground conduit enlargement program along North Main Street between Franklin Street to Alexandersville-Bellbrook Road for City use.

Mr. Smith reviewed his contact with Centerville City School Superintendent Donald Overly in reference to improvements on East Franklin Street in the vicinity of the new High School. The School District would prefer to pay for the improvements on an assessment basis. Mr. Farquhar recommended selling Bonds to pay for these improvements, Bonds being paid off by assessments over a five year period. Mr. Davis moved that Council accept the recommendation of Municipal Attorney Robert Farquhar and that he proceed with the necessary Legislation to effectuate said improvements. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith recommended installing traffic lights in three locations in the City of Centerville: 1. East Franklin Street at the new High School, 2. Loop Road at State Route 48, 3. Clio Road at Franklin Street. However, if a light is not funded by Washington Township for Whipp Road at Marshall Road, then this light will receive priority over the one proposed for Clio



# RECORD OF PROCEEDINGS

5

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held April 2, 1973 continued

19

Road at Franklin Street. Mr. Sweetman moved that Centerville go to bid for three traffic lights in accordance with the City Manager's recommendation. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith announced his appointment of William Randolph as Centerville's Chief of Police; said appointment to be effective April 5, 1973. The Oath of Office was administered to Chief of Police William Randolph by Mr. Farquhar.

Following a brief discussion concerning health services in Centerville, Mr. Sweetman moved that Council authorize the City Manager to proceed with the establishment of a satellite health office in the new Centerville Municipal Building. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith advised that he would like to hire a full time employee to provide Animal Warden Services, work on the Street Department or provide maintenance for the new Municipal Building. Mr. McIntire suggested offering Animal Warden Services to the Washington Township Trustees.

Mr. William Yeck, Centerville Washington Park Board Chairman has informed Mr. Smith that open space for Park purposes in the Mount Vernon Estates area is unavailable. Mr. McIntire suggested that alternatives be reviewed to obtain a Park in that area; Mr. Smith will meet with the Park District.

Mr. Farquhar advised that Chevy Chase Park has been made aware that their Building Permit has expired. He advised that if plans are substantially changed they must require Planning Commission and Council approval.

Mr. Smith requested Council's guidance concerning proposed abandonment of the Penn Central Railroad Tracks south of Centerville to Lytle. Mr. McIntire advised that it must be determined exactly what portion in Centerville is being considered and what is now being maintained. Previous correspondence relative to abandonment of these Tracks should be considered. Mayor Hoy suggested that a letter be written to the Public Utilities Commission requesting an exact copy of the request for abandonment. Mr. McIntire suggested that Washington Township's and Warden County's attitude be obtained relative to this matter.

Mr. Sweetman reported on the Meeting held concerning the proposed 1-725.

Mayor Hoy made reference to a letter received from Mr. C. L. Stingley, President of the Washington Township Public Library Board of Trustees requesting consideration in the distribution of Revenue Sharing Funds, he suggested that the Clerk of Council advise the Board that monies have been appropriated for this year, their request will be considered for 1974.

Mr. Farquhar reviewed the Public Hearing set before the Department of Liquor Control, State of Ohio for April 11, 1973. This Hearing is a result of the City's objection to a Liquor Permit for the Far Hills Kitchen.

Mr. Farquhar reviewed a Memorandum of Understanding authorizing the City of Kettering to enter into a Contract with Battelle Memorial Institute for Cable TV on behalf of the City of Centerville and other Cities. Discussion followed concerning the City of Kettering being the sponsor or effectuating a Cable TV franchise for the City of Centerville. Mr. Berry Lamour, representing Continental Cable appeared to define Cable TV operations in Findlay, Ohio. It has been in operation for approximately five years at a cost of \$5.00 per month to 7,000 to 8,000 users. It has provided additional channels and clearer reception. As suggested by Mayor Hoy, Council concurred to table the proposed Resolution authorizing the subject Memorandum.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held April 2, 1973 continued 19

An Ordinance Amending Ordinance 15-61, The Zoning Ordinance, Section 22, By Providing For The Expiration Of Zoning Certificates In The Event The Rights Granted Thereunder Are Not Exercised Within The Prescribed Period Of Time, was reviewed by Mr. Farquhar. This Ordinance would not affect current Zoning Permits issued. The Ordinance was referred to the Planning Commission for their review and recommendation to Council.

There being no further business, the Meeting was adjourned.

Approved: *Paul G. Day*  
Mayor

ATTEST:

*Marilyn J. McLaughlin*  
Clerk of Council

7-61332-14