

Held May 7, 1973

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REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, May 7, 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: Charles McQueeney, Leonard Stubbs, J. V. Stone, John McIntire, Russell Sweetman, 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 April 16, 1973 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of April 16, 1973 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. McIntire and Mr. Sweetman abstained.

Mr. William Humen, 80 Terrace Villa Drive, and Mr. Edward Ellis, 81 Park Villa Court, appeared to explain a water drainage problem in the Terrace Villa Plat; they solicited Council's assistance in rectifying the problem. Mr. Smith, 70 Terrace Villa Drive explained how the water comes up out of the ground in their yards. Mr. Schab has been reviewing the problem and will continue to do so with the Developer. Mayor Hoy suggested that the City Engineer review this condition, the drainage of the area prior to any construction and recommend to Council what can and cannot be done to alleviate this drainage problem.

Mr. John Slack, 701 Clareridge Lane, appeared before Council making reference to Court Settlements in the Senate Builders, Inc. vs Village of Centerville case. Screening has not been provided between the apartment parking lot and adjacent single family residences. Discussion revealed that perhaps Court Requirements have not been met. Mr. Farquhar and Mr. Smith were requested to review the Court Settlements and require conformance immediately.

Councilman John Davis entered the Meeting at this time.

Mr. Gary Antrobus, 9712 Stage Coach South, appeared to explain to Council an existing drainage problem in Rose Estates. Mr. Schab has reviewed this problem, if this lot was completely improved drainage would be sufficient, the rear yard has not been sodded. Mayor Hoy requested that the original drainage plan be reviewed and complied with for this lot as well as the neighboring three lots; he stressed the importance of compliance with the requirements of the drainage Ordinance.

Mrs. Marion Simmons, 1460 Taitwood Drive, representing the League of Women Voters, appeared to offer to Council a speaker concerning the Miami Valley Regional Planning Commission 1973 Housing Plan.

Mr. McIntire, in view of the drainage problems explained at this Meeting, reminded Developers that construction delay may be necessary if conscientious work is not received relative to the development of sub-divisions.

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Mr. Smith reported on the Planning Commission held April 24, 1973. The Planning Commission unanimously recommended approval of an Ordinance amending the Zoning Ordinance by adding regulations and definitions concerning signs in all Zoned Districts except the AP District. Following discussion, the proposed Ordinance was deferred for further review by Council.

An Ordinance changing the time limit for action by the Planning Commission relative to Zoning Ordinance amendments was reviewed by Mr. Smith. The Planning Commission unanimously recommended approval of the Ordinance. The Ordinance was deferred by Council for a clarification of a time period for a Public Hearing before the Planning Commission on said amendments.

Mr. Smith reviewed Ordinance Number 25-73, an Ordinance which amends certain Figures in the Zoning Ordinance. The Planning Commission unanimously recommended approval of this proposed Ordinance. Mr. Davis moved that Ordinance Number 25-73, An Ordinance Modifying Figure 1, Residential Uses And Requirements; Figure 2, Business Uses And Requirements; Figure 5, Industrial Uses And Requirements; Figure 9, Conditional Uses, Requirements And Procedures; Of The Centerville Zoning Ordinance, be set for Public Hearing on June 18, 1973. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Final Plan for Donwood Heights, Section One was reviewed by Mr. Smith. The Planning Commission unanimously recommended approval of the Plan contingent upon there being installed a 4 foot to 6 foot tall solid fence or masonry wall along the property line. Action was concerning only 25 feet of land lying within the corporation limits of Centerville. Mr. Charles Abramovitz, from the Ralph L. Woolpert Company and representing the Developer, explained the proposed fence, constructed will be a 4 foot solid wood fence to be in scale with the building and topo of the land to continue along the entire rear property line. Discussion revealed a concern for future maintenance of the fence. Mr. Davis moved that Council approve Donwood Heights, Section One, Final Plat Plan per drawing dated March 21, 1973 subject to the erection of a 4 to 6 foot tall ruff sawed stained cedar fence along the south property line. Mr. Stone seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mr. McQueeney, Mr. Stubbs, Mr. McIntire and Mr. Sweetman voted no. Mr. McIntire pointed out the need for the Planning Commission to decide what type of fence will be required, he moved that this matter be referred back to the Planning Commission for clarification as to the height and type of the fence. Mr. Stubbs seconded the motion. Mr. Farquhar suggested that a motion for approval be made contingent upon the erection of a fence of the same type, appearance and material of the adjoining existing fence with a minimum height of 5 feet. Mr. McIntire withdrew his motion, Mr. Stubbs withdrew his second to the motion. Mr. McQueeney moved that Council approve Donwood Heights, Section One, contingent upon the erection of a fence of the same type, appearance and material of the continuing existing fence with a minimum height of 5 feet. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed the Preliminary Plan for Carriage Square, a 11 unit per acre Condominium Development (258 units) located west of Bigger Road and south of Hewitt Drive. The Planning Commission recommended approval of this Plan by a 4-1

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vote. This Plan is a minor revision of the Hewitt Farms Preliminary Plan as presented and approved in 1971. Entrance Corridor zoned land east of the Development to Bigger Road has been reserved for business uses. Discussion followed concerning the green space between the project's parking lot and Red Coach South property lines. Mayor Hoy and Mr. Davis felt that this green space should be of a greater depth (40-50 feet). Mr. Abramovitz, representing the Developer, agreed to revise this Plan to provide a 25 foot green space between the west property line and the Red Coach South properties. He further advised that a deceleration lane of 350-400 feet will be put in place on Bigger Road for construction trucks turning into the Development. Following further discussion, Mr. Sweetman moved that this Plan for Carriage Square be returned to the Planning Commission for further review and consideration relative to the screening and buffer on the west and east property lines (screening from single family residences and future business uses). Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Record Plan for Colonial Village, Section One was reviewed for Council. This is a multi-family development, 4.6 units per acre in this Section, located east of Bigger Road and south of proposed I-675. Bigger Road will be widened south of Thomas Payne Parkway for the full length of the property. The Planning Commission unanimously recommended approval of this Plan. Mr. McQueeney moved that Council approve the Record Plan for Colonial Village, Section One, subject to the execution of a Sub-Dividers Agreement, the receipt of a Performance Bond in an amount acceptable to the City Engineer and the receipt of an Inspection Fee as approved by the City Engineer. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed the following three sign applications, all approved unanimously by the Planning Commission:

Revco Drug Store - sign on front of building facing South Main Street.

Davis Buick Company - three signs approved as submitted and two reduced in size, location being Loop Road.

Chevy Chase Park, Ltd. - a 32 square foot sign to be set back 160 feet from the centerline of South Main Street.

Mayor Hoy stated his opposition to the wording required on the sign "An Equal Housing Community."

The Public Hearing concerning Ordinance Number 21-73 was held. Mr. Farquhar reviewed the proposed Ordinance, it appoints Charles White, Carol Smith, Faye Duncan, Linda Bohman, William Meinhardt and Susan Erion to the Centerville City Beautiful Commission. Mr. Stubbs sponsored Ordinance Number 21-73, An Ordinance Appointing Various Citizens To Serve As Members Of The Centerville City Beautiful Commission And Setting Terms Of Office, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 23-73 was held. The proposed Ordinance was explained by Mr. Farquhar. Mr. Sweetman sponsored Ordinance Number 23-73, An Ordinance Appointing James M. Gallagher To The Board Of Architectural

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Review Of The City Of Centerville For A Three Year Term Commencing April 17, 1973, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 24-73 was held. Mr. Farquhar explained the proposed Ordinance, it appoints Chet Bauch, Judith Boepple, Steve Suchy, Larry Pihera, Robert Amos, Carol Schoenwetter and Nancy Dinneen to the Centerville Arts Commission. Mr. McIntire sponsored Ordinance Number 24-73, An Ordinance Appointing Various Citizens To Serve As Members Of The Centerville Arts Commission And Setting Terms Of Office, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Municipal Attorney Robert Farquhar reviewed a Resolution to ratify the City Manager's action to retain The Research Term, Inc. to conduct a Community Attitude Survey for Centerville. The total cost of the survey will be \$1,900.00. Mr. McQueeney sponsored Resolution Number 15-73, A Resolution Ratifying The Action Of The City Manager Taken On April 25, 1973 Retaining The Research Term, Inc. To Conduct A Community Attitude Survey, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Farquhar pointed out the fact that the City can go to bid for the East Franklin Street Improvement in the vicinity of the new High School while the Legislation is being prepared by the Bond Attorney. Mr. Sweetman moved that Council authorize the City Manager to go to bid for the improvement of East Franklin Street: the widening and the construction of sidewalk. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis made reference to a letter he received from Miami Valley Regional Planning Commission in which the Housing Review and Human Resource Committee invited Council to a Meeting on May 16, 1973 to discuss the 1973 Housing Plan. He suggested that Council action on the Plan be delayed until this Committee has met with Municipalities to review their comments. Mr. McQueeney sees no need for the 1973 Housing Plan, he would rather consider it as a progress report from 1970. Mr. McIntire stressed the need for Council to know exactly when a vote on the Plan will be taken by MVRPC. Mayor Hoy suggested that this item be discussed in a Council Work Session on May 14, 1973 so that Centerville's comments can be heard on May 16.

Mr. Farquhar reviewed a Resolution opposing changes to the Constitution and By-Laws for the MVRPC. Mr. McIntire sponsored Resolution Number 16-73, A Resolution Of Opposition To The Draft Dated April 18, 1973, From The Miami Valley Regional Planning Commission Detailing Amendments To The Constitution And By-Laws Of The Miami Valley Regional Planning Commission, and moved that it be passed. Mr. McQueeney seconded the motion. Mr. McQueeney feels that the changes give the Commission a stronger arm, he would rather see the powers remain as they are today. Mr. Davis reviewed MVRPC over the passed two years,

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while serving on the HR & HR Committee he sees no problem with the proposed changes to the By-Laws. Mr. Stubbs concurred with Mr. Davis. Mr. McIntire reviewed his objections to the changes. A roll call vote on the motion resulted in four ayes in favor of the motion. Mr. Stubbs, Mr. Stone and Mr. Davis voted no. Mr. Davis requested from Council something constructive as to how the changes to the Constitution and By-Laws should read. Mayor Hoy pointed out that he has seen no report on reasons for the Constitution and By-Law changes.

City Manager James Smith advised that Nancy Dinneen has been appointed Chairman of the Centerville Arts Commission and Larry Pihera as Secretary. William Meinhardt has been appointed Chairman of the Centerville City Beautiful Commission with Carol Smith as it's Secretary.

Clerk of Council Marilyn McLaughlin advised that a Notice of Application for a C-1 and a C-2 Permit to sell 3.2 and 6% beer and wine has been received from the Ohio Department of Liquor Control. The Applicant is the Village Delicatessen, Inc. for the property located at 73 South Main Street. Council has until May 26, 1973 to object.


Mayor Hoy reported that three terms expire on the Planning Commission effective June 4, 1973. The Clerk of Council will be receiving Applications.

There being no further Business, the Meeting was adjourned.

Approved:


Mayor

ATTEST:


Clerk of Council