

Held

July 16

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SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, July 16, 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: 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.

Mr. McIntire moved that Councilmen Charles McQueeney and John Davis be excused from this Meeting. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Minutes of the Meeting of July 2, 1973 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of July 2, 1973 as distributed, be approved. Mr. McIntire seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mayor Hoy abstained.

The Minutes of the Meeting of July 6, 1973 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of July 6, 1973 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mayor Hoy abstained.

Mrs. Claudette Cash, 223 Freyn Drive, appeared before Council to express her concern with a possible traffic problem with the erection of a proposed Arby's Restaurant at the south east corner of West Franklin Street and Virginia Avenue in the Architectural Preservation District. She requested a recommendation from the City Engineer concerning the widening of Virginia Avenue.

Mr. Farquhar reviewed the authority of the Board of Architectural Review.

Mr. Schab explained his recommendation to widen Virginia Avenue. The proposed width of Virginia Avenue for it's full length should be 60 feet. The right-of-way of 50 feet at the subject location should be widened at the time of construction by 5 feet on the east side with an additional dedication of 5 feet on the west side at some future time. The pavement along the east side of Virginia Avenue at the proposed Arby's location should be increased by 10 feet to provide for turning traffic onto West Franklin Street.

Mr. Howard Depew, 47 Virginia Avenue, feels Virginia Avenue should remain a residential street, not a thoroughfare.

Mr. David Karl, 205 Freyn Drive, wondered whether the potential safety hazard compounded by a Restaurant at this corner has been discussed with school officials.

Mr. Carl Brooks, 25 Virginia Avenue, feels consideration must be given to keeping semi-trucks off Virginia Avenue.

Mr. Warren Goodwin, 26 Virginia Avenue, wondered who will pay for the widening of Virginia Avenue. Mr. Farquhar explained how land can be acquired: donation, condemnation, etc. Mr. Goodwin reviewed his current problem getting out of his driveway onto Virginia Avenue.

Mrs. Cash questioned why the house was being demolished to make way for a parking lot. She wondered whether the age of the house has been researched.

Mr. Stubbs advised that the Arby's Restaurant has been set for Public Hearing before the Board of Architectural Review for July 24, 1973. The City Engineer's recommendation will be presented to the Planning Commission.

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Mr. John Slack, 701 Clareridge Lane, appeared to ask Council for a status report on the violations in the Clareridge Manor Apartment Complex. Mr. Schab explained his current and further review of the building plans on file with Montgomery County. Mayor Hoy requested that this matter be vigorously pursued.

The Oath of Office was administered to Centerville City Beautiful Commission Members Joyce Cology and Rosemary Teigler by Mr. Farquhar.

Mr. Farquhar administered the Oath of Office to Centerville Arts Commission Member Carol Leighty.

Mr. Smith reported the following during his City Manager's Report:

1. During contact with Phillips Oil Company, they have indicated no intention of disposing of the north east corner of Main and Franklin Streets. Mr. Smith will continue to pursue acquisition of that land.

2. Mr. Smith explained the steps being followed in the acquisition of the Penn Central land, a 66 foot strip from approximately 1000 feet south of East Franklin Street to Lythe In Warren County. Penn Central's asking price is \$500.00 an acre for 40 acres of land.

3. A Preliminary Incinerator Report was distributed to Council for their review. Mayor Hoy suggested that this be a future Council Meeting agenda item.

4. Release of the Performance Bond for Revere Village, Section Two was discussed; sidewalks, curbs and catch basins have been repaired, the streets meet Centerville Specifications. Mr. McIntire moved that Council accept Virginia Avenue and release the Performance Bond on Revere Village, Section Two subject to the receipt of a Maintenance Bond in the amount of \$1,335.00 as per the correspondence of the City Engineer dated July 16, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

5. Mr. Smith reviewed the work completed by the Street and Waste Collection Departments over the past two weeks.

6. A review of the first Art Exhibit sponsored by the Centerville Arts Commission was given, approximately 5,000 people participated in the event.

7. Mr. Smith will further discuss with Washington Township Trustee Walter Buchanan use of .7 Mill monies and Federal Revenue Sharing Funds in the City of Centerville.

The Public Hearing was held concerning the Conditional Use Request filed by Warehouse Beer Systems, Inc. for the property located on the west side of North Main Street just south of the Marathon Service Station. Requested is a permit to sell 3.2 and 6% beer and wine.

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

Attorney James Swaim, representing the Applicant and the owner of an option to purchase the property, explained the Request. He pointed out the fact that two years ago a Zoning Permit was issued by the City for said use on a proposed extension of Wythe Parish. He stressed the necessity for the City to determine whether Wythe Parish should continue through to State Route 48.

Attorney David Bart, representing the Wythe Parish Homeowners Association, stated their objection to the extension of Wythe Parish and thus supported the Conditional Use.

Mr. Robert Archdeacon, 150 Davis Road, pointed out that when Plans were approved for Terrace Villa Plat, Wythe Parish was designed to be a through street, it is a violently needed additional access from the Plat, if Wythe Parish is not continued to State Route 48 there will be a violation to the Sub-Division Regulations of the City of Centerville.

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Mr. Floyd Pirie, 52 Wythe Parish, feels that traffic will use Wythe Parish as a cut through street to Ridgeway Road if it becomes a through street, there is no present problem going from the Terrace Villa Plat.

Mr. Sweetman requested that the Clerk of Council research Minutes and combine information relative to the extension of Wythe Parish, he requested this information prior to his making a decision on the Conditional Use Request.

Mr. Farquhar pointed out the fact that before Council is two questions: the extension of Wythe Parish and the Conditional Use Request, they should be treated separately. The Zoning Permit issued previously was at a different location.

Mayor Hoy read the Planning Commission's recommendation concerning this Request; it was denied by a 4-2 vote.

Mr. McIntire requested a clarification from Mr. Farquhar relative to comments made by Mr. Archdeacon and Mr. Pirie. Mr. McIntire and Mr. Sweetman suggested deferring action on this question until further review has been made. Mr. Sweetman moved to table the Conditional Use Request submitted by Warehouse Beer Systems Company, Inc., for further study. Mr. McIntire seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

The Public Hearing was held concerning the Rezoning Request submitted by Jane H. Magsig.

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

City Planner Robert Winterhalter located the subject property on a map, being that property located on the south side of East Franklin Street, east of the Dr. Thomas Farm. The Planning Commission recommended approval of the Request by a 5-1 vote.

Attorney James Gilvary, representing the Applicant Mrs. Jane Magsig, and the Developers Robert Ferguson, Ralph Woodley and John Griffith, explained their Request. Requested is a change for 5.508 acres of land from Centerville R-2 to Centerville B-1 zoning. He advised that through their research, the potential for this land according to the Master Plan is for industrial use, most of the surrounding land is already zoned Industrial. Under the present zoning status, if they applied for Industrial Zoning the land could be used for commercial purposes, this is not their present approach. Trees on the site will be preserved as much as possible, the present house could be used for a Restaurant, the site is unique for commercial purposes. He further advised that they wish to put in individual customized uses. Mr. Gilvary then pointed out on a map current uses of adjacent land, land fronting along Franklin Street has been developed commercially, his clients feel that the site is too small for a true industrial use.

Mr. Robert Ferguson, speaking as a professional in commercial land uses, stated that the only reason for the strip center being constructed on the north side of East Franklin Street is because Black Oak has developed, there are clients, there is a large reservoir of residential people to the east, there is another large residential development being constructed south of the Seminary on the Cassano Farm. He further stated that the residential development to the east is also the reason for this Rezoning being requested. Mr. Ferguson advised that the basic criteria for Industrial Zoning is access to a major highway, commercial is only commercial because it is convenient to take care of people's requirements in relation to where they live and travel. He feels proposed is the highest and best use of the land, there is a scarcity of commercial land in the area, this Rezoning would provide for new qualified limited commercial uses.

Mr. Gilvary advised that development of the subject land will be controlled by the present property owners.

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As requested by Mr. McIntire, Mr. Winterhalter explained how this has been included in Industrial Planning, approximately 8 to 9 per cent of land in Centerville is now zoned for business, he did not recommend approval of this Request

Mayor Hoy felt that perhaps this land will be developed quicker as commercial and will satisfy the needs of residents to the east in Centerville and Washington Township.

Mr. McIntire feels that this B-1 would dictate the use of the frontage of the Dr. Thomas Farm, it could provide a congested situation for the new Centerville High School in the future.

Mr. Sweetman feels that this Rezoning could have an effect also upon the use of the property on the north side of East Franklin Street.

Mr. Stone sponsored Ordinance Number 49-73, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 5.508 Acres, More Or Less, From Centerville R-2 Classification To Centerville B-1 Classification, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in three ayes in favor of the motion, Mr. McIntire and Mr. Sweetman voted no.

The Public Hearing was held concerning Ordinance Number 50-73.

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

Mr. Farquhar explained the proposed Ordinance, it provides for an expiration date on Zoning Permits. He recommended that the word "throughout" be changed to "for" in the third sentence under paragraph "N". Council concurred with this recommendation. Mr. Stubbs sponsored Ordinance Number 50-73, 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, and moved that it be passed as amended. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

City Planner Robert Winterhalter reported on the Planning Commission Meeting held July 10, 1973. He explained changes made to the proposed Sign Ordinance: advertising signs have been eliminated, City commemorative plaques are exempt, and illuminated signs in Residential Districts are subject to Planning Commission approval. The Planning Commission recommended approval of the Ordinance by a 6-0 vote. Mr. Sweetman moved that Ordinance Number 28-73, An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance By Additional Regulations Concerning Signs And Definitions For All Zoning Districts Within The City, Except Architectural Preservation, be set for Public Hearing on September 10, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Winterhalter reviewed a proposed amendment to the Zoning Ordinance, said amendment would permit additional uses in an EC District. The Planning Commission recommended approval of this proposed Ordinance by a 6-0 vote. Mr. Sweetman moved that Ordinance Number 59-73, An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance, By Providing For Additional Uses Within The Entrance Corridor "EC" Zoning District, be set for Public Hearing on September 10, 1973. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Winterhalter reviewed the Rezoning Request filed by Herbert Norfleet and Raymond DeGroot for three lots on the south side of Kentshire Drive east of Village South School, requested is a change from R-1 to R-4 zoning. Mr. Winterhalter as well as the Planning Commission recommended denial of the Request by a unanimous vote. A Notice of Intent to Appeal this Planning Commission decision has been filed with the Clerk of Council.

The Conditional Use Request for a Residential Development Plan submitted for Sycamore Canyon was reviewed by Mr. Winterhalter. The Plan proposes 31 lots and a 5 acre park on 20.5 acres of land along the east Corporation Line south of Centerville Station Road. The Planning

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Commission conditionally recommended approval of this Plan based on their approval of a grading plan and the dedication of the 5 acre park land to the City of Centerville. Mayor Hoy suggested that this matter be delayed until receipt and approval of the grading plan by the Planning Commission. A grading plan is necessary for the development of this land to assure that proper elevation will be maintained. Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Applicant, expressed their desire for approval of this Conditional Use as soon as possible. Mr. Stubbs moved that this Conditional Use be set for Public Hearing on August 6, 1973. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Winterhalter explained the Application submitted by Encrete, Inc. for a Cambridge Inn Cafeteria to be located in the EC District on the east side of Far Hills Avenue immediately south of the Far Hills Veterinary Clinic; parking will be in front and around the building. The Planning Commission recommended by a 5-1 vote that the site plan be approved as submitted subject to an approved landscape plan. Mr. Stubbs moved that the Application for the Cambridge Inn Cafeteria be set for Public Hearing on August 6, 1973. Mr. Stone seconded the motion. Mr. McIntire expressed the need for an Architect's rendering of the building to be provided at the Public Hearing. A roll call vote resulted in five ayes in favor of the motion.

Mr. Winterhalter explained his recommendation to the Planning Commission concerning an additional entrance and exit into the Terrace Villa Plat and surrounding area. The area needs another access and the only logical approach is the extension of Wythe Parish to State Route 48. Mayor Hoy pointed out the fact that it has always been Council's intention to extend Wythe Parish to North Main Street. Mr. Winterhalter expressed the need for this extension to be included on the Thoroughfare Plan. Mr. Farquhar will review the procedure to follow for amending the Thoroughfare Plan.

Mr. Winterhalter reviewed the Request of Inland Systems, Inc. to erect a sign in the Entrance Corridor District on the north side of Alexandersville-Bellbrook Road just east of Loop Road. The Planning Commission vote to deny the Request ended in a 2-2 vote, thus making no recommendation to Council.

The Preliminary Plan for Southbrook Manor, Section Three was explained by Mr. Winterhalter, the subject property lies east of Marshall Road, north of Rahn Road. Proposed are 36 doubles, 13 four family apartments on 22.3 acres of land. Mr. Winterhalter and the Planning Commission recommended approval of this Plan. City Engineer Karl Schab also recommended approval of the Plan and pointed out a long dead end street into the Plat. Mr. Stubbs moved that Council approve the Preliminary Plan for Southbrook Manor, Section Three as presented dated June 25, 1973. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. McIntire voted no.

The Public Hearing was held concerning the Preliminary 1974 Budget. The Notice of Public Hearing was read by the Clerk of Council.

Director of Finance William Bettcher explained his recommendation concerning changes to the Budget, revisions being as such in the following funds:

General Fund:	Receipts	\$557,011.37
	Expenses	571,570.00
Capital Improvement Fund:	Receipts	230,500.00
	Expenses	268,830.00
Waste Collection Fund:	Receipts	218,000.00
	Expenses	229,990.00

~~Mr. Bettcher pointed out the fact that this is a Preliminary Budget, the Final Budget will be before Council at a later date.~~

~~Mr. McIntire moved that the Budget for 1974 as amended to include these revisions as recommended by the City Manager's Office per the Director of Finance's letter of July 16, 1973 be approved. Mr. Stubbs seconded the motion. Mayor Hoy emphasized the fact that this is a Preliminary Budget, he would like to see some revisions in the Final Budget. A~~

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Mr. Bettcher pointed out the fact that this is a Preliminary Budget, the Final Budget will be before Council at a later date.

Mr. McIntire moved that the Budget for 1974 as amended to include those revisions as recommended by the City Manager's Office per the Director of Finance's letter of July 16, 1973 be approved. Mr. Stubbs seconded the motion. Mayor Hoy emphasized the fact that this is a Preliminary Budget, he would like to see some revisions in the Final Budget. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman announced a Public Hearing scheduled for Wednesday, July 25, 1973 at 7:30 P.M. at the Centerville High School concerning the pros and cons of Cable TV. Mr. Stubbs suggested that the Clerk of Council send a special invitation to the School Board inviting one of their Members to the Meeting.

Clerk of Council Marilyn McLaughlin advised that a Notice has been received from the Ohio Department of Liquor Control of an Application for a D3A Permit (extension of closing time) by Anthony J. Dipasquale, DBA Antonios Restaurant, 28 West Franklin Street. Mr. Sweetman wondered whether the Application is for the Restaurant or the Party Room above the Stop and Go.

A letter received from the First Church of Christ Scientist was read by the Clerk of Council, relative to the Public Hearing held on the Conditional Use Request by the Village Delicatessen. The Executive Board expressed their gratitude in noting that the government in Centerville is neither remote nor unresponsive.

As the Poll of Council was taken, the following comments were received:

Mr. Sweetman wondered of the City Manager whether there is a problem getting signs off poles in the City.

Mr. Sweetman wondered if any Councilman is experiencing difficulty in obtaining Ordinance enforcement when it concerns another political entity in the Community. Mr. Sweetman moved that the Franklin Street area in front of the new High School be cleaned once and for all, to the point of pick and shovel, to remove all debris from the gutter and street and this be done with haste. Mr. McIntire seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. McIntire commended the Centerville Arts Commission on their Art Exhibit held July 15, 1973, it was attended by approximately 5,000 people. Clean up by the Exhibitors was superior.

Mr. Stone made reference to an article contained in the "Ohio Cities and Villages" entitled "City Council Takes To The Woods". He suggested that Centerville consider the same type of a Meeting to review City problems. Mayor Hoy suggested that the Clerk of Council write to Houston Woods, Burr Oak and Salt Fork, Ohio State Parks, to ascertain what facilities would be available during the month of September or October.

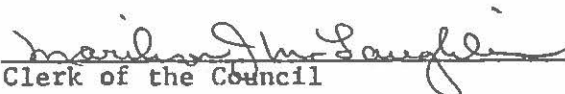
Mr. Stubbs wondered whether the Director of Finance has pursued additional information concerning Federal Revenue Sharing Monies. Mr. Bettcher advised that he is pursuing additional information.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:


Clerk of the Council