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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, September 10, 1973 at 8:00 P.M. at the Centerville Municipal Building, Community Room. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: Charles McQueeney, Russell Sweetman, Leonard Stubbs, John McIntire, J. V. Stone, City Manager James Smith, City Engineer Karl Schab, Municipal Attorney Robert Farquhar, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

Mr. Sweetman moved that Councilman John Davis be excused from this Meeting. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of August 6, 1973 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of August 6, 1973 as distributed, be approved. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of August 14, 1973 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of August 14, 1973 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Stone abstained.

The Minutes of the Meeting of August 20, 1973 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of August 20, 1973 as distributed, be approved. Mr. McIntire seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Sweetman and Mr. Stone abstained.

Carl Smith, a Member of the City Beautiful Commission, gave a brief summary of projects now in progress and the Commission's long range plans. Mayor Hoy complimented the City Beautiful Commission and encouraged them to spend all their appropriated monies. Mr. Sweetman suggested that the Commission prepare a press release concerning the beautification of Rahn Road and North Main Street and said release be submitted officially to the news media.

Mr. George Rose, 250 Annette Drive and representing the Centerville Band Boosters Association, appeared to point out to Council the difficulty they are experiencing in selling the band calendar as a result of the Centerville City calendar being circulated at this same time. Mayor Hoy emphasized the fact that the Centerville calendar was printed for the purpose of an annual report to the citizens of Centerville, it was in no way meant to be in competition with the Band Calendar. He assured Mr. Rose that Council will give serious consideration to this conflict and will be in further contact with Mrs. Rose before the Association's October Meeting.

Mr. Robert Schindler, 5855 Overbrooke Road, submitted to Council a Petition signed by 25 residents of Centerville requesting that the City negotiate to purchase an undeveloped lot on Overbrooke Road or apply the City's rights under eminent domain to purchase said lot from the Brainard Land Development Company in order to construct a cul-de-sac to accommodate a turn around of public and private vehicles on Overbrooke Road in Centerville at the Kettering Barricade and that the Rezoning Request submitted for this lot be denied. Mayor Hoy pointed out the fact that the

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future of Overbrooke Road will be discussed by the Kettering City Council on September 11, 1973.

Mr. Smith introduced Mr. Ted Baker, Assistant Director of TCC, who explained their proposal to prepare a traffic thoroughfare plan for the City of Centerville. The area involved in the plan would be within the boundary of proposed I-675, Clyo Road, Spring Valley Road and Normandy Lane. All problems would be considered and recommendations would be made on various aspects. The study would take approximately six months and would cost in the vicinity of \$6,500.00. The Contract would be executed between the City of Centerville and the Montgomery County Commission. The Contract could be considered at the October 4, 1973 Transportation Co-ordinating Committee Meeting. As questioned by Mr. James Singer, Mr. McIntire explained why the study has been proposed for this particular area. Mr. Stone wondered what the cost would be for such a study for the entire City of Centerville. Mayor Hoy suggested that Council render a decision to TCC before their October 4, 1973 Meeting concerning this matter.

Mr. David Tooker, a Member of the Personnel Appeals Board, reported to Council the result of the Union Representation Election held on September 5, 1973 for the Street and Waste Collection Department employees. The result was 15 to 1 for a union to represent them and said union to be the Dayton Public Service Union 101. Mayor Hoy thanked the Personnel Appeals Board for their assistance in this matter.

City Planner Robert Winterhalter reported on the Planning Commission Meeting held August 28, 1973. He explained the Conditional Use Request submitted by the Bonded Oil Company for a carry out of beer and wine to be located at the northwest corner of Spring Valley Road and State Route 48. The City Planner and Planning Commission unanimously recommended approval of the Request. The building will be remodeled for this operation, the gasoline pumps will continue to be used. Mr. McQueeney expressed his concern over this type of combined operation and the establishment of future such operations. Mr. Stone moved that this Conditional Use Request be set for Public Hearing on October 15, 1973. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Winterhalter explained his recommendation concerning the Rezoning Request filed by Black Oak Development Company for the property on the east side of Clyo Road and south of Alexandersville-Bellbrook Road. Requested was a change from Washington Township R-3 to Centerville R-3. He recommended three density areas for the subject land for a total of 247 units on approximately 90 acres of land, he recommended that the zoning be changed to R-4. As questioned by Mr. Farquhar, Robert Archdeacon from the Ralph L. Woolpert Company and representing the Applicant, advised that the Developer is studying this proposal of Mr. Winterhalter. The Planning Commission unanimously recommended approval of the Rezoning in accordance with the City Planner's recommendation. Mr. Stubbs moved that this Rezoning Request as submitted by Black Oak Development Company be set for Public Hearing on November 5, 1973. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy pointed out the fact that the Planning Commission recommendation as well as the Applicant's proposal will be considered at the Public Hearing.

Mr. Winterhalter explained the rezoning of approximately 405 acres of land to industrial zoning. The Planning Commission by a 4-2 vote recommended approval of this rezoning to Council. Mr. McIntire moved that this Rezoning be set for Public Hearing on November 5, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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As a matter of information, Mr. Winterhalter reviewed the Landscape Plan as approved by the Planning Commission for Carriage Square, a multi-family development on the west side of Bigger Road.

Mr. Winterhalter explained the proposed site plan for a recreation vehicle sales building submitted by Voss Chevrolet to be located on the south side of Loop Road. The City Planner and Planning Commission unanimously recommended approval of this site plan with the inclusion of sidewalks. Mr. McQueeney was concerned with the parking of cars along Loop Road; parking restrictions will be reviewed by the City Manager for this particular roadway. Mr. McIntire moved that Council approve the plans for the Voss Chevrolet recreation vehicle proposal dated February 8, 1973 together with the sidewalk provision contained in Ordinance Number 17-68. Mr. Sweetman seconded the motion. Mr. McIntire stressed the importance of the height of lights being controlled in this area. Mr. McIntire amended his motion to include "and provided a lighting plan is submitted to the Planning Commission and Council for approval." Mr. Sweetman agreed with the amendment. A roll call vote resulted in six ayes in favor of the motion.

The Curb Cut Application for the Medical Office Building being constructed on North Main Street north of Zengel Drive was reviewed by Mr. Winterhalter. The Planner and Planning Commission unanimously recommended approval of this Application. Mr. McIntire moved that Council approve the Curb Cut Application by Zengel Builders, Inc. for the Medical Building on North Main Street north of Zengel Drive. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Winterhalter explained the replat for three lots to one lot on the west side of Cedarleaf Drive in the Pleasant Hill Plat, Section Eighteen. Discussion followed concerning whether three buildings could be constructed on one lot. Mr. Sweetman moved that this item be tabled for further review by the Municipal Attorney. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Winterhalter reviewed for Council the final landscape plan submitted for the Cambridge Inn Cafeteria and approved by the Planning Commission. Mr. Sweetman emphasized the problem existing with people parking on the public and private streets in this area.

As recommended by the City Planner and the Planning Commission, Mr. McIntire moved that the City submit in writing to the Ohio Department of Transportation that the present alignment of I-675 not be changed, and that the outer-belt be built according to the present timetable, furthermore that Resolution 3-69 be reaffirmed, stating that Wilmington and Bigger Roads are being developed as thoroughfares and that the Bigger Road overpass should be four lanes instead of the two currently proposed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy stressed the importance of this letter being as strong as possible, it will be written by the City Manager on September 11, 1973.

Mr. Winterhalter briefly explained the Emergency Medical Clinic proposed to be located in the Entrance Corridor District on Far Hills Avenue south of the Ponderosa Restaurant. Mr. Sweetman moved that Council approve this Emergency Medical Clinic on Far Hills Avenue. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 28-73 was held. The Notice of Public Hearing was read by the Clerk of Council.

City Planner Robert Winterhalter briefly reviewed the proposed Ordinance.

Mr. McQueeney questioned various paragraphs in said Ordinance, the following changes were made: 32.01 Exempted Signs (c) Commemorative plaques placed or approved by the City of Centerville or Centerville

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Historical Society. (d) Signs within a stadium, enclosed shopping center, arena, or other use, which signs can be viewed only by persons within such uses. Mr. McQueeney strongly objected to Section 32.05 Non-Conforming (a), he feels this Ordinance is anti-business legislation. Discussion followed concerning this Section relative to the date for conformance and compensation to the sign owner. Mr. Farquhar recommended passage of the Ordinance with the understanding that it will be subject to constant review. Mr. Stubbs sponsored 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, and moved that it be passed as amended. Mr. Sweetman seconded the motion. A roll call vote resulted in four ayes in favor of the motion, Mr. McQueeney and Mr. Stone voted no.

The Public Hearing was held concerning Ordinance Number 59-73. The Notice of Public Hearing was read by the Clerk of Council.

Mr. Farquhar explained the proposed Ordinance, it provides more flexibility in uses permitted in the EC District. Mr. McQueeney sponsored Ordinance Number 59-73, An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance, By Providing For Additional Uses Within The "EC" Entrance Corridor District, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 67-73 was held. The proposed Ordinance was reviewed by the City Manager, it provides for Finke Construction Company to improve East Franklin Street: widening, curb and gutter, storm sewer and sidewalk on the north side. Mr. Sweetman sponsored Ordinance Number 67-73, An Ordinance Accepting The Bid Of Finke Construction Co. For General Contract Work In The Construction Of The East Franklin Street Improvement, Which Improvement Was Authorized By Ordinance 60-73 And Ordinance 61-73 And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman encouraged completion of this project as soon as possible. Mr. McIntire questioned traffic control at the intersection of Main and Franklin Street.

The Public Hearing concerning Ordinance Number 70-73 was held. Mr. Smith reviewed the proposed Ordinance, the work should begin in October. Mr. McIntire expressed his dissatisfaction with accepting this bid as only one bid was received. Mr. Sweetman sponsored Ordinance Number 70-73, An Ordinance Accepting The Bid Of Ziehler Road Materials, Inc. For General Contract Work On The Street Resurfacing Program And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Smith advised that he has been in contact with people in Atlanta concerning the Phillip's Petroleum property on the northeast corner of Main and Franklin Streets. He wondered if Council desired to employ a registered appraiser to appraise this property. Mr. Stone suggested that this matter be completely reviewed in a work session with the City Planner to determine what can be done with the highway, what the property would be used for and how it can be paid for.

Mr. Smith advised that he is meeting with Mr. Carl Schrader, a representative of the Black Oak Development Company, on September 12, 1973 to

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work out some agreement concerning the escrow money for the improvement of Bigger Lane.

Mr. Farquhar reviewed proposed Ordinance Number 71-73, the definition of a "Junk Car" has been expanded. Following discussion, Council concurred that the Ordinance will be revised to provide that records be made available to the City and the storage time be reduced to five days.

Mr. McQueeney advised that the Sister-City Committee has requested a session with Council to meet a representative from Holland on Saturday, September 22, 1973 at either 4:00 or 4:30 P.M., Mayor Hoy suggested that said meeting be arranged.

Clerk of Council Marilyn McLaughlin read a letter received from Larry Thurston, Heritage Realtors, addressed to City Council, concerning the rough condition of East Whipp Road at the railroad tracks. He asked that corrective action be taken to alleviate this road hazard. Mr. Smith pointed out the fact that this project has been submitted to Montgomery County for \$5.00 Permissive Tax Money, the engineering was completed approximately three years ago.

Mrs. McLaughlin also read a letter from Mrs. Charles Lundy, 222 Gerber Court, addressed to City Council, in support of the purchase of the Temple and Way Lo Gasoline Station property by the City of Centerville.

City Engineer Karl Schab recommended approval of the Curb Cut Recommendation from the Board of Architectural Review dated September 5, 1973 for the property at 92 East Franklin Street (Camfield Realty Company). Mr. Stone moved that this Curb Cut at 92 East Franklin Street be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Proposed Ordinance Number 72-73 was completed to appoint Elyse Kindler to a three year term on the City Beautiful Commission commencing on October 18, 1973. Mr. Sweetman moved that Ordinance Number 72-73, An Ordinance To Appoint A Member To The City Beautiful Commission Of The City Of Centerville As Established By Ordinance 10-73 And To Establish A Term For Said Appointee, be set for Public Hearing on September 17, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Proposed Ordinance Number 73-73 was completed to appoint Roberta F. Levine to a two year term on the Arts Commission commencing October 18, 1973. Mr. Stubbs moved that Ordinance Number 73-73, An Ordinance To Appoint A Member To The Arts Commission Of The City Of Centerville As Established By Ordinance 9-73 And To Establish A Term For Said Appointee, be set for Public Hearing on September 17, 1973. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Farquhar reviewed proposed Ordinance Number 74-73, it authorizes the issuance of notes in anticipation of the issuance of Bonds for the East Franklin Street Improvement. Mr. Stone moved that Ordinance Number 74-73, An Ordinance Providing For The Issuance Of Not To Exceed \$35,633.49 Of East Franklin Street Special Assessment Bond Anticipation Notes By The City Of Centerville, Ohio, In Anticipation Of The Issuance Of Bonds, be set for Public Hearing on September 17, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

As the Poll of Council Members was taken, the following comment was received:

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Mr. Stone suggested that Council move post haste with plans for Medical Facilities in the City of Centerville, in view of developments in other areas of the County.

The Industrial Brochures were distributed to members of Council. Mr. Winterhalter suggested that Council establish a policy for the distribution of these Brochures, how many to be distributed at this time and the proper approach to be followed.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:


Clerk of Council

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City of Columbus