

Held

November 5, 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, November 5, 1973 at 8:00 P.M. at the Centerville Municipal Building in the Council Chambers. 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, Russell Sweetman, John Davis, Leonard Stubbs, John McIntire, City Manager James Smith, City Engineer Karl Schab, Municipal Attorney Robert Farouhar, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of October 15, 1973 had been distributed prior to this Meeting. Mr. McQueeney advised that in Paragraph 15, the second to the last sentence should read as follows: "Mayor Hoy and Mr. McQueeney expressed their dissatisfaction with this presentation as under-selling a very good program" (this is in reference to the T.C.C. presentation concerning a Light Rail Transit System for the area.) Mr. McIntire moved that the Minutes of the Meeting of October 15, 1973 as amended, be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Stubbs abstained.

The Minutes of the Meeting of October 29, 1973 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of October 29, 1973 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Mike Kester, representing the Dayton Public Service Union, appeared to ask Council when the City will negotiate the proposed agreement presented to the City some weeks ago concerning a Union for City employees. Mayor Hoy requested that the City Administration co-operate with the D.P.S. U. concerning negotiations as soon as possible. Mr. Smith advised that an Attorney has been retained to act in behalf of the City, negotiations will begin in approximately 2 1/2 weeks. As requested by Mayor Hoy, Mr. Smith explained a request for hearing filed by an employee who has been fired in the Street Department, it has been determined by the City Administration and the Personnel Appeals Board that the Personnel Appeals Board would have no jurisdiction in hearing this appeal. Mayor Hoy advised that this item will be on the November 19, 1973 Council Meeting Agenda.

Mr. Joseph Barton, 7185 Bigger Road, wondered about the installation of a traffic signal at State Route 725 and Bigger Road. Mr. Smith clarified the fact that the City Administration decided that this light would not be installed in 1973. Mayor Hoy suggested that this intersection be reviewed by the City Administration to determine whether a traffic light should be installed now at this intersection.

Mr. Smith reviewed his City Manager's Report. He reviewed a one week test being made hauling Centerville's waste to the City of Franklin Incinerator. A two year Contract has been offered the City of Centerville by the City of Franklin at a dumping cost of \$7.50 per ton. A recommendation will be made to Council concerning this matter.

The resignation of Street Superintendent George Powell has been received by the City Manager, to be effective November 9, 1973.

Traffic counts are being made on Bigger Road, Virginia Avenue and West Franklin Street near the proposed location of an Arby's Restaurant.

The Centerville Police Department is giving a 40 hour course on the changes in the criminal law recently enacted by the State Legislature.



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Applicants are being interviewed for the position of full time janitor for the Municipal Building.

Mr. Stubbs moved that the City Administration give a recommendation to Council concerning an Incineration Contract by December 1, 1973. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stubbs suggested that communications be extended to Citizens in Centerville concerning the new criminal procedures by the Chief of Police.

Mr. McIntire, Mayor Hoy and Mr. Davis expressed their thanks and appreciation to Street Superintendent George Powell for his contribution to the City of Centerville during his employment.

Mr. Farquhar administered the Oath of Office to City Beautiful Commission Member Elyse Kindler.

Mr. Smith located on a map the property proposed for purchase by the Centerville Arts Commission to erect a museum and art center. The property is located on the north side of Centerville Station Road south and west of the property deeded to the Centerville-Washington Park District in Black Oak Estates. Montgomery County sewer facility could be available realistically in 1976 or 1977, however, other facilities may be available in the neighborhood. Water is available to the rear of this property. Pros and Cons concerning the acquisition of this land were reviewed: land values will improve, land is bounded on the east and north by park land, the land will eventually be off center from proposed growth of the City. The City Administration feels that it is feasible to erect such a building on this site, outdoor activities could have an impact on neighboring single family development. Mr. Sweetman suggested that this matter be discussed with the Arts Commission as soon as possible. Mayor Hoy suggested that this report be reviewed at the next Meeting of the Arts Commission by the City Manager, City Engineer or City Planner. Mrs. Nancy Dinneen, Chairman for the Centerville Arts Commission, advised that this land has been chosen because the use would fit into the environment, the City needs this type of a facility. Mayor Hoy suggested that the Arts Commission give to Council a resume outlining exactly what is needed for their proposal.

Mr. Smith advised that the fair market value of the property at the northeast corner of Main and Franklin Streets has been received; the next step is for Council to authorize negotiations with the property owners involved to proceed in the purchase of this property. Mr. Stone expressed the need for this proposal to fit into an overall plan, a plan which has not yet been considered. As suggested by Mr. Stone, Mayor Hoy agreed to place this item on the agenda for the Council Retreat. Mayor Hoy stressed the need for positive action to be taken to prevent the deterioration of the center part of the City, there is not a better investment in the center of town.

The Public Hearing was held concerning Ordinance Number 79-73.

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

City Planner Robert Winterhalter explained the proposed Ordinance. It creates two new zoning districts: Office-Research and Research-Office-Light Industrial Parks and amends provisions in the Light Industrial District.

Attorney James Gilvary, representing Dr. Thomas, expressed his concern with the Ordinance as it relates to the Dr. Thomas Farm, it would not permit the residential uses and retail uses necessary for a hospital development. Mr. Winterhalter explained the fact that it is not the intent of the Ordinance to eliminate residential uses in the R-O-I District. Mr. Farquhar explained how these uses could be classified as accessory uses.



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Mr. Ralph Woodley feels that the passage of this Ordinance will not stimulate industrial growth in Centerville, such restrictions will restrict industrial growth.

Mr. Winterhalter explained how office use is included in industrial zoning. The Ordinance is open, it provides protection to adjacent property owners.

Mr. Davis sponsored Ordinance Number 79-73, An Ordinance Amending Ordinance 15-1961, The Zoning Ordinance By Providing For Office-Service, Research-Office-Light Industrial Parks And Light Industrial Districts And By Amending Figure 5 And Section 17 Of Said Ordinance, and moved that it be passed. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 83-73.

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

Mr. Winterhalter located the subject property on a map and explained the zoning being proposed.

As questioned by Mr. Roland McSherry, 1443 Ambridge Road, Mr. Winterhalter located on a map the property along East Alexandersville-Bellbrook Road proposed for rezoning.

Mr. Don Rogers, 975 Fernshire Drive, wondered how the impact study for proposed I-675 will effect this rezoning, land lying near it's right-of-way. Mr. Winterhalter explained how the Ordinance has been prepared to permit the boundary of the rezoning to move with any realignment of said Interstate. This Ordinance is being proposed at the present time to coincide with a strong industrial nationwide campaign by the City with the Dayton, Power and Light Company, the Dayton Development Corporation and the State of Ohio to promote industrial development in Centerville.

As questioned by Mr. James Singer, 1408 Ambridge Road, Mr. Winterhalter explained the proposed Research-Office-Light Industrial zoning proposed for that land lying on the west side of Clyo Road south of Alexandersville-Bellbrook Road.

Mrs. Marjorie Lagedrost, 595 East Alexandersville-Bellbrook Road, was concerned with a rezoning change for her property in consideration of a proposed purchaser for her land. Mr. Winterhalter explained how the possible purchaser is more in favor of the land being zoned as proposed.

Mr. Wilson Adams, representing the Springmont Company, requested the comments from the State Highway Department relative to this rezoning. Mr. Winterhalter read their letter indicating no interest in the matter. Mr. Wilson indicated Springmont's objection to this proposal, they object to the rezoning proposed for their EC zoned property based on the feeder road planned to continue through their R-3 residential property to industrial zoned land. Mr. Winterhalter explained how the Architect for this Company has been aware for some time of the proposal for adjacent industrial zoning.

Mr. Harry Borchers, representing his mother who owns property on East Alexandersville-Bellbrook Road, feels that the topo of his mothers land does not totally lend itself to industrial zoning as proposed. Mr. Winterhalter explained how the topography can be worked into a very desirable industrial development plan.

Mr. Karl Zengel, President of the Zengel Construction Company, read their letter to Council dated October 15, 1973 stating their position relative to this proposed rezoning. He requested that Council, in years to come, give understanding to them when they request rezoning for their adjacent lands, that the City co-operate to further good stable development of the City of Centerville. Mr. Winterhalter explained how this rezoning will act as a guide for the rezoning of adjacent lands in the future. Mr. McIntire sponsored Ordinance Number 83-73, An Ordinance



RECORD OF PROCEEDINGS

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Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning The Land Described In Section 1 To The Centerville "I-1" And "R-0-I" Classifications, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion, Mr. Stone abstained.

The Public Hearing was held concerning the Rezoning Request filed by the Black Oak Development Company for 89.248 acres more or less from Washington Township R-3 Classification to Centerville R-3 Classification.

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

Mr. Winterhalter explained the proposed Rezoning and located the subject property on a map. The property is located on the east side of Clyo Road south of Alexandersville-Bellbrook Road. The Planning Commission recommended a variation to this Request, a reduction in density to 7.5 units per acre on 247 dwelling units, the density to be varied in three areas. The Application was submitted for a density of 285 units, Ambridge Road would meander through the development to eventually exit onto Alexandersville-Bellbrook Road, another roadway would tie Ambridge Road to Clyo Road.

Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Applicant, explained their Request. The Black Oak Development Company feels forced to stay with their original Request in consideration of the industrial zoning on the west side of Clyo Road. The development will be clustered residential units, the proposed street pattern has been approved by the Planning Commission.

Mr. McQueeney expressed his satisfaction with the revised plan recommended by the Planning Commission, the plan indicates the future development of the Weller Farm. Mr. Archdeacon agreed to restricting the land adjacent to the Weller Farm to two units per acre provided the proposed density is obtained on other lands.

Mr. Roland McSherry, 1443 Ambridge Road, stated his objection to this Request, he feels that single family density can be developed on this land, he is opposed to the proposed alignment of Ambridge Road.

Mr. James Singer, 1408 Ambridge Road, feels some higher density might be compatible, perhaps 225 units. He urged Council to vote against this Rezoning.

Mr. Joseph Barton, 7185 Bigger Road, feels that the zoning of this land should remain the same as it is today.

Mr. Richard Bethke, 7789 Windy Hill Court, urged Council to deny this Request without the Planning Commission's approval, the public is opposed to higher density.

Mr. Walter Padlo, 7777 Cliffview Court, moved to the Community because of open and clean atmosphere, he is concerned with the proposed park development.

Dr. Walter Reiling, 1431 Ridgefield Way, expressed his unwillingness to accept this plan as presented.

Mr. David Foraker, 7795 Windy Hill Court, feels that new developed areas should not be saturated with multi-family dwellings.

Mr. Joseph Bitzko, 1495 Ambridge Road, expressed his opposition to this plan.

Mr. John Black, Developer, reviewed rental percentage in his doubles in Black Oak Estates. He wants to construct 285 units, where shall they be located?

Mr. Archdeacon emphasized the proposed increase in tax evaluation with no increase of children in the Centerville Schools. Proposed is not a multi-family development but clustered single-family units. He feels that this development would not depreciate the real estate value of adjacent property.



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Mr. McQueeney expressed his desire for a compromise plan, a plan which has been approved by the Planning Commission. Mr. Davis suggested that a Planning Commission recommendation be received on this plan before action is taken by Council. Mr. McQueeney moved that this Rezoning Request be referred to the Planning Commission for a recommendation to Council. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 81-73 was held. Mr. McQueeney sponsored Ordinance Number 81-73, An Ordinance Appointing Marion Simmons To Fill The Unexpired Term Of Pat Catchpool Reppert On The Centerville Youth Board, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Planner Robert Winterhalter reported on the Planning Commission Meeting held October 16, 1973. He reviewed the Rezoning Request and Conditional Use Request filed by Dr. Donald Glanton for his residence on the north side of West Franklin Street, one lot east of Hampton Road. The Planning Commission and City Planner recommended denial of this Rezoning Application (R-1 to R-3) by a unanimous vote. No motion was made by Council to set a Public Hearing on this Request.

Mr. Winterhalter explained the Site Plan for Spanish Village, retail and office uses proposed in the EC District located on the east side of Far Hills Avenue south of Fireside Drive. The Epiphany Church property will be buffered and a roadway is proposed for future construction to extend from the Church property onto Fireside Drive. Mr. Davis moved that the Site Plan for Spanish Village be set for Public Hearing before Council on December 3, 1973. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter explained the Record Plan for Southbrook Manor, Section Three. Sidewalk will be located on the north side of Princewood Drive. A concrete sidewalk will be installed at the east edge of the property to continue into the park land. Mr. Schab pointed out the fact that the open ditch in Kettering continuing into this plat must be kept free of debris, this ditch is enclosed in the City of Centerville. Drainage in Centerville has been taken care of from an engineering standpoint. Mr. Stubbs moved that Council approve the Record Plan for Southbrook Manor, Section Three as recommended by the City Planner, City Engineer and Planning Commission subject to the receipt of a Performance Bond in the amount of \$127,000.00 and an Inspection Fee of \$612.00. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Winterhalter and City Engineer Karl Schab explained the Record Plan for the Seeley Plat to be located on South Main Street. The only portion of this Plat lying in the City of Centerville is a strip of land 30 feet east of the centerline of State Route 48: half of the present blacktop road and part of the grass strip between the present roadway and the proposed access road. Mr. Davis moved that the Record Plan for the Seeley Plat be approved in accordance with the recommendation of the City Planner, City Engineer and Planning Commission subject to the receipt of a Performance Bond in the amount of \$500.00. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone sponsored Resolution Number 36-73, A Resolution Expressing Appreciation For The Service Of Ronald H. Janetzke As A Member Of The Personnel Appeals Board, and moved that it be passed. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.



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Mr. Sweetman sponsored Resolution Number 37-73, A Resolution In Opposition To Any Change In The Location Of Proposed Interstate Route 675 And Encouraging Prompt Completion Of A Proposed Environmental Impact Study, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Clerk of Council Marilyn McLaughlin read correspondence received from Mr. and Mrs. Harold Berry, 47 West Ridgeway Road, stating their endorsement for the Elected Officials to adopt the plan as presented for the north east corner of Main and Franklin Streets, this may well prove a landmark decision in the history of the Community, the Officials of the City have served the public well in pointing the way for Community improvement.

Mrs. McLaughlin also read correspondence received from Mr. Robert Farquhar, President of the Centerville Historical Society, stating the enthusiastic endorsement of the Board to the plan for the northeast corner of Main and Franklin Streets as proposed by the Board of Architectural Review. The Plan will not only help to restore the proper architectural and historical atmosphere of the Architectural Preservation District but will also be an aid to the merchants in the area, which in turn, will help to preserve the existing structures. The Board also offered their assistance in the restoration of the Temple property if such a purchase is effectuated.

Mr. McIntire moved that Ordinance Number 84-73, An Ordinance To Appoint Arthur E. Weeks, Jr. To The Personnel Appeals Board Of The City Of Centerville For The Unexpired Term Of Ronald H. Janetzke, be set for Public Hearing on November 19, 1973. Mr. Stubbs seconded the motion. A roll call Vote resulted in seven ayes in favor of the motion.

As the poll of Council was taken, the following Comments were received:

As questioned by Mr. Sweetman, Mr. Farquhar advised that the Ordinance prohibiting jacked cars on the streets in Centerville is being prepared.

Mr. Sweetman wondered what the Building Code requires relative to safety with storm and patio glass doors. Mr. Armour explained the Code as it is being enforced in Centerville today. Mr. Sweetman requested that the Building Inspector, City Engineer and Municipal Attorney review this matter to determine a method in which people can become more aware that some materials are not made of safety glass and to determine what can be done to prevent accidents from happening. This item will be on the agenda of a future Council Meeting.

Mr. Sweetman wondered whether there are exposed gas lines in the Chevy Chase Apartment Complex. Mr. Schab advised that there are some, however, the Ohio Columbia Gas Company has advised that there is no immediate danger of these pipes exploding because of exposure. Mayor Hoy requested that, if no letter has been received from the Gas Company granting permission for these open gas lines, then the City should pursue the covering of such. Mr. Sweetman requested that this matter be pursued.

Mr. Sweetman objected to vehicle parking upon the grass strip along the east side of South Main Street. He wondered why this is being permitted, the area must be restored immediately.

Mr. Stone suggested that the use of Church Parking Lots near the center of town be pursued which Church Services are not in session. He requested a written report from the City Manager to Council revealing how many spaces would be available and the proposal's receptability by the Churches.

Mr. Stubbs suggested that Council invite Mr. John Kidwell, Director of the South Community Mental Health Corporation to meet with Council to discuss how Centerville could work with him in their program.

Mr. Stubbs questioned the status of the Drainage Ditch Report by the City Engineer. Mr. Schab advised that such a report will be forthcoming

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soon.

There being no further business, the Meeting was adjourned.

Approved:

Paul C. Ray  
Mayor

ATTEST:

Marilyn J. McLaughlin