

RECORD OF PROCEEDINGS

Minutes of

SPECIAL MEETING

Meeting

COLUMBUS BLANK BOOK CO., COL. 0

Form No. 1087

Held

January 17, 1972

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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, January 17, 1972 at 8:00 P.M. at the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag, with Mayor Paul Hoy presiding. Councilmen present were as follows: John Davis, Russell Sweetman, Leonard Stubbs, J. V. Stone, Charles McQueeney, City Manager James Smith, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of December 20, 1971 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of December 20, 1971 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mr. Davis, Mr. Stubbs, and Mr. McQueeney abstained.

The Minutes of the Meeting of December 27, 1971 had been distributed prior to this Meeting. Mr. Stone moved that the Minutes of the Meeting of December 27, 1971 as distributed, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mr. Davis, Mr. Stubbs, and Mr. McQueeney abstained.

The Minutes of the Meeting of January 3, 1972 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of January 3, 1972 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mrs. Robert Search, 7775 Park Creek Drive, appeared before Council to point out her concern with the storm sewer system in Black Oak Estates II, Section Four, she feels the present system will be inadequate in years to come. Mr. Smith advised that the streets and storm sewers in Black Oak Estates II have not been approved by the City Engineer. Mr. Sweetman encouraged attention to this matter and a strong position be taken by the City.

Mrs. Thomas Lanik, 1510 Ambridge Road, reviewed her experience with drainage damage upon her property through the duration of her residency in Black Oak Estates II.

Mrs. Search suggested delaying acceptance of the Plat for a period of time after approval to determine whether the system will be adequate.

The Public Hearing concerning Ordinance Numbers 80-71 and 81-71, Ordinances To Amend Ordinance Number 15-1961, The Zoning Ordinance, By Establishing An Architectural Preservation District, Providing For Uses Therein And Procedures Relating Thereto.

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

Mr. Farquhar explained the difference in the two Ordinances. Ordinance Number 80-71 would create an Architectural Preservation District in which permitted would be all uses now permitted in R-1, R-2, R-3, R-4 and B-1 zone classifications. Ordinance Number 81-71 would create an Architectural Preservation District but uses permitted would be according to zoning, uses would be limited to those specified in each particular zone classification. Both Ordinances set forth certain procedures and requirements to be followed during construction or remodeling in the AP District.

Mr. Hubert Wear, 10 Westerly Lane, wondered why an Architectural Review Board is necessary, why can't the Planning Commission fulfill the obligations of this Board? Mr. Farquhar explained how the activities of this Board

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differ from the present duties of the Planning Commission. There is a need on this Board for experts.

Mr. Gary Maxton, a member of the Planning Commission, explained why the Planning Commission had unanimously recommended approval of Ordinance Number 81-71 to Council, they felt that it would provide flexibility in the additional AP zoned districts in the future, some areas may not lend themselves to business but should be architecturally preserved.

Mr. Wear wondered whether a property owner could establish business in the AP District without going before the Board if there are no exterior changes to the building. Mr. Farquhar reviewed Section 3, Subsection O in the Ordinance which would require Board approval for any use other than single family residential.

Councilman John McIntire entered the Meeting at this time.

Mr. Farquhar explained why Ordinance Number 80-71 would be the strongest Ordinance from a legal standpoint. While placing additional requirements on certain properties the uses would be broadened. Mr. Stone moved that Ordinance Number 80-71, An Ordinance To Amend Ordinance Number 15-1961, The Zoning Ordinance, By Establishing An Architectural Preservation District, Providing For Uses Therein And Procedures Relating Thereto, 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 was held concerning Ordinance Number 86-71, An Ordinance Amending Ordinance Number 15-61, The Village Of Centerville, Ohio, Known As The "Zoning Ordinance Of Centerville, Ohio 1961" By Creating Certain Conditional Uses In The B-1, B-2, B-3, EC & II Zones.

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

Mr. Farquhar reviewed the proposed Ordinance. It provides that an establishment wishing to retail alcoholic beverages by the glass must first apply for and receive approval of a Conditional Use. It further provides that such establishments be at least 500 feet apart, however, any provisions of the Ordinance may be waived.

Mr. Sweetman sponsored Ordinance Number 86-71, An Ordinance Amending Ordinance Number 15-61, The Village Of Centerville, Ohio, Known As The "Zoning Ordinance Of Centerville, Ohio 1961" By Creating Certain Conditional Uses In The B-1, B-2, B-3, EC & II Zones, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. McIntire voted no.

The Public Hearing concerning Ordinance Number 2-72, was held. Mr. Farquhar explained that an Administrative Official must be named for the enforcement of the Building Code. Mr. Davis sponsored Ordinance Number 2-72, An Ordinance Appointing The City Manager As The Administrative Official Charged With Administering And Enforcing The Building Code, 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 concerning Ordinance Number 6-72, was held. Mr. Davis explained the proposed Ordinance. This Ordinance would require a developer to obtain a Curb Cut Permit prior to receiving a zoning and building permit in B-1 and B-2 zone districts. Mr. Stubbs sponsored Ordinance Number 6-72, An Ordinance Amending Ordinance 18-69 To Provide Additional Procedures For Curb Cuts In B-1 And B-2 Districts, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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The Public Hearing concerning Ordinance Number 7-72, was held. The Ordinance was reviewed by Municipal Attorney Robert Farquhar. It authorizes an agreement with Eugene R. Romer for Animal Warden services for the period between January 1, 1972 through December 31, 1972 at a monthly fee of \$100.00 per month. Mr. Farquhar recommended that Article Number 10 of the Agreement be changed to read: In consideration for his services to be rendered hereunder, Romer shall receive a fee of \$100.00 per month. Said fees will be paid to Romer by the City of Centerville by the 15th day of each month following the month in which service is rendered. Mr. Sweetman sponsored Ordinance Number 7-72, An Ordinance Authorizing And Directing The City Manager To Enter Into An Agreement With Eugene R. Romer On Behalf Of The City Of Centerville To Provide Animal Warden Services To Said City And Accepting The Terms Of Said Agreement, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed some changes needed in the Temporary Appropriation Ordinance previously set for Public Hearing at this time. He recommended a change be made in General Government and that Planning Commission and Animal Warden be added to the fund classifications of the General Fund.

Mr. Hubert Wear, 10 Westerly Lane, brought Council's attention to a needed improvement to the pedestrian crossing at Main and Franklin Streets. The City Manager will review this matter for Council's consideration of a push button control, Walk/Don't Walk at this intersection.

Mr. Davis moved that Ordinance Number 8-72, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During One Quarter Of The Fiscal Year Ending March 31, 1972, be set for Public Hearing on February 7, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman sponsored Ordinance Number 9-72, An Emergency Ordinance To Amend Ordinance Number 3-72 To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During One Quarter Of The Fiscal Year Ending March 31, 1972, and moved that it be adopted. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy called a Council Work Session for January 24, 1972 to meet with representatives concerning the Paul E. Lapp, Inc. and the R. & R. Investment Company Rezoning Requests.

Mr. Smith advised that the City of Dayton, because of its austerity program, is considering selling various street department equipment. He asked Council for authorization to tender a bid to the City of Dayton for two street sweepers and one chipper. Council concurred that Mr. Smith be authorized to bid on such equipment at a cost not to exceed \$11,000.00 on the two sweepers. Mr. Davis sponsored Resolution Number 5-72, A Resolution Authorizing The City Manager To Bid At An Auction Of Street Sweepers To Be Held By The City Of Dayton, Ohio, and moved that it be passed. Mr. Stone 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: Mr. Sweetman commended the City Manager on his report concerning additional Municipal facilities.

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Mr. Stubbs wondered if the 1972 Budget will include funds for the purchase of some park equipment. Mr. Smith advised that he had not planned to include such at this time. Mayor Hoy pointed out Park District Chairman William Yeck's desire for program participation instead of equipment by the City of Centerville.

The Meeting was then adjourned.

Approved:

Paul C. Hoy
Mayor

ATTEST:

Maureen J. McLaughlin
Clerk of Council