

## RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held February 21

19 72

## SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session Monday, February 21, 1972 at 8:00 P.M. at the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag, with Deputy Mayor John McIntire presiding. Councilmen present were as follows: J. V. Stone, Charles McQueeney, John Davis, Russell Sweetman, Leonard Stubbs, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Carl Lewis, and Clerk of Council Marilyn McLaughlin.

Mr. Davis moved that Mayor Paul Hoy be excused from this Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Dwight Griswold, 875 Wynshire Drive, representing the Red Coach Civic Association, appeared before Council to indicate residents' objection to a 25 acre sports complex in the residential area of Red Coach South. Mr. Ronald Niess, 900 Heathshire Drive, submitted a Petition signed by 127 residents of Red Coach South outlining the following reasons for their objection:

1. The park is in the middle of a residential area and such development would not be in keeping with the surrounding locality.
2. The noise and commotion generated by a park of this type is not in keeping with the residential character of the area.
3. The increased traffic flow that would be generated by a park of this type would be a hazard to the residents and their children due to the park in the middle of a residential area.
4. The residents of the Red Coach South area who are the ones who will be most directly affected by the development of the park have, up to this time, not been consulted as to the proposed development of the park.
5. The residents of the Red Coach South area, due to no fault of any governmental entity have been misled as to the proposed development of the 25 acre park.

Mr. Griswold reviewed his contact with the Centerville-Washington Park District, Woolpert Engineering, Parkins, Rogers and Associates, and others concerning this Iron Horse Park. He requested that this Park be changed from a Community Sports Complex to a neighborhood park. He compared the residents' proposal for the development of this park with the plans prepared by the Park District. Mr. Griswold requested that the Centerville Planning Commission and Council intercede to obtain for them a neighborhood park, if an agreement cannot be resolved then Parkins, Rogers and Associates, Inc. be brought to Centerville to substantiate their study, statements and recommendations. Mr. McIntire requested, in behalf of City Council, answers to the following questions from the Municipal Attorney: 1. Clarification of the autonomy of the Centerville-Washington Park District, 2. Whether there are covenants or deed restrictions stating the type and description of the park, and 3. The authority of Council and the Planning Commission to intercede into this matter. Mr. Russell Miller, Park Director, advised that a new plan for Iron Horse Park is being developed by the Park District. He explained their obligation to the residents of Red Coach South and to all residents of the Centerville area. Mr. Sweetman felt that the current Plan is too great a magnitude, he suggested that a Work Session be held between Council, residents of Red Coach South and the Park Board to effect a solution to this problem. Mr. McIntire set a Work Session for February 28, 1972, at which time answers from Municipal Attorney shall have been received.

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19

Mrs. Allan Crow, 7740 Park Creek Drive, appeared before Council, to ascertain whether a recommendation has been made by the City Manager concerning the drainage problem in Black Oak Estates. Mr. Smith advised that the Developer has agreed to lower the storm drain on Ambridge Road and replace the catch basins on Park Creek Drive with two double catch basins, this should resolve the problem. Mrs. Crow suggested that all improvements be made within a certain period of time, and as soon as possible. Mr. Farquhar suggested that the Developer and the City agree on a time for completion of this Section of Black Oak Estates. Mr. Sweetman requested a clarification of the Sub-Dividers Agreement. Council concurred that action be taken immediately to complete work in Black Oak Estates to rectify the existing drainage problem and information be directed to the complaining parties. Mrs. Crow advised that the problem is not only inadequate catch basins but also a surface drainage problem.

Mr. Gary Bates, 315 Waterford Drive, brought Council's attention to the debris and mud deposit onto the streets from the Clareridge Lane Apartment construction. Mr. McIntire requested and Council concurred that the City Administration research this matter and report findings to Mr. Bates.

Mrs. Marcy Wylie, 204 Waterford Drive, asked Council for a clarification on the salary ranges which will constitute occupancy in a Federally Subsidized Housing Project such as proposed Chevy Chase Park. Mr. Smith advised that the City has no information on record concerning this question.

Mr. David Price, 154 Waterford Drive, questioned the status of the suit filed against the City relative to the Chevy Chase Park Apartment Project. Mr. Farquhar advised that Court decision will be received sometime after the hearing on February 24, 1972.

Mr. Smith reviewed the Planning Commission Meeting held on February 15, 1972. Various recommendations were made by the Planning Commission concerning the Ordinance creating the Architectural Preservation District.

The Public Hearing concerning Ordinance Number 13-72, was held. Mrs. Robert Search, 7775 Park Creek Drive, wondered if a City Engineer will be employed in the year 1972. Mr. Smith advised that resumes for such are currently being received by the City. Mr. Smith further reviewed various Sections of the Ordinance. Mr. Sweetman sponsored Ordinance Number 13-72, An Ordinance To Establish A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio For The Fiscal Year 1972, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 14-72, was held. Mr. Farquhar explained the proposed Ordinance. Mr. Davis sponsored Ordinance Number 14-72, An Ordinance Consenting To The Construction Of Culverts To Carry A Natural Stream Under Marshall Road, And Interstate Route Number 675 In The City Of Centerville, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman sponsored Resolution Number 6-72, A Resolution Accepting The Bid Of Dayton Ford Tractor Sales To Furnish A Ford Vineyard Tractor To The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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Municipal Attorney Robert Farquhar explained An Ordinance Amending Ordinance No. 15-61, The Village Of Centerville, Ohio, Known As The "Zoning Ordinance Of Centerville, Ohio, 1961" To Establish Amended Requirements And Procedures For Business And Entrance Corridor Districts. He reviewed the uses permitted in B-1 and B-2 zoned districts, and pointed out that the proposed Ordinance provides that Council can by a 2/3 vote override a decision of the Planning Commission concerning the issuance of a Zoning Certificate in the B-3 or Entrance Corridor Districts. He further stated that the Ordinance is not in conflict with the Initiative Ordinance passed a few years ago establishing a majority vote of Council to override a decision of the Planning Commission in rezoning matters. Mr. McIntire felt that a simple majority provides for the Legislative body to better represent the people by whom they were elected. Mr. Stone felt that a 2/3 vote should be required as the Planning Commission considers these matters in more detail. Discussion followed concerning previous changes made in the Ordinance while in Planning Commission. Mr. Stone moved that this Ordinance be returned to the Planning Commission for correction in final draft. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McIntire advised that Centerville Youth Board Applicants will be interviewed in a Work Session on February 28, 1972, prior to the Work Session previously set.

Mr. Smith requested and Mr. Sweetman moved that Council authorize the City Manager to purchase a chipper from the City of Dayton at a cost not to exceed \$2,000.00, with a serious effort to purchase it for \$1,500.00. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Smith advised that the goal for the Rahn Road Railroad Crossing and Widening Project is the construction season of 1972.

Clerk of Council Marilyn McLaughlin advised that an Appeal has been received concerning a Planning Commission Decision rendered on January 25, 1972 concerning the rezoning request filed by fourteen property owners on the south side of Alexandersville-Bellbrook Road directly across from the Gold Circle Discount Store. A Public Hearing has been set for March 6, 1972.

Mr. Farquhar explained a proposed Ordinance to effect the resurfacing of State Route 48 from Franklin Street to the north corporation line. Mr. Stone sponsored Ordinance Number 16-72, An Emergency Ordinance Enacted By The City of Centerville, Montgomery County, Ohio In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Highways, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 17-72, An Ordinance Enacted By The City of Centerville, Montgomery County, Ohio In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Highways, be set for Public Hearing on March 6, 1972. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McIntire suggested and Council concurred that the Clerk of Council get information to the news media concerning Applicants for the Architectural Review Board.

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Council concurred that the Municipal Attorney prepare an Ordinance to establish Permit Fees for the Architectural Preservation District. Mr. McIntire suggested that the Fees be established to be essential to cover all costs incurred in the issuance of said Permits.

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

Mr. Sweetman directed Council's attention to the Special Meeting of the Transportation Coordinating Committee set for Thursday, February 24, 1972 at 9:30 A.M. at which time discussed will be the recent announced delay in the construction of Interstate Route 675 and appropriate action on the part of TCC toward expediting the highway.

The Meeting was then adjourned.

Approved:

Mayor

ATTEST:

Clerk of Council

*Marilyn MacLaughlin*

*Paul C. Gray*