

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

March 6, 1972

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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, March 6, 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: Russell Sweetman, J. V. Stone, Leonard Stubbs, Charles McQueeney, John Davis, John McIntire, City Manager James Smith, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of February 7, 1972 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of February 7, 1972 as distributed, be approved. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Minutes of the Meeting of February 14, 1972 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of February 14, 1972 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Davis abstained.

Mr. Lee Sherwood, Jaycee Chairman, along with Mr. Tom Weller and Mr. John Pogue appeared to ask Council to consider the passage of a Resolution or Ordinance to approve the Bike-way for Centerville-Washington Township as prepared by the local Jaycees. Mr. Sherwood introduced Mr. John Percival, a member of the Miami Valley Bike-Way Study Advisory Committee, and the developer of this Bike-way explained the route. This is a 20 mile outer perimeter circular route which will eventually tie into other bike-ways in surrounding areas. The route passes near most schools and parks and is designed to by-pass the heavily traveled areas. Mr. McIntire suggested that the City Safety Department review the proposed bike-way. Mr. Sherwood advised that the Jaycees' participation in this project is both planning and financial. The bike-way will be clearly marked with signs. Mr. Sherwood would like to open the bike-way prior to April 29, 1972. Mr. Farquhar will review this matter to determine whether an Ordinance or Resolution is necessary and whether it should be referred to a Council Committee.

The Public Hearing was held concerning Ordinance Number 18-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning Lots Numbered 3425, 3427, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3470 And 3471 Of The Herbert C. Huber Plat Number 25 From Centerville R-2 Classification To Centerville R-4 Classification. This is the Rezoning Request filed by fourteen property owners on East Alexandersville-Bellbrook Road, directly across from the Gold Circle Store.

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

Mr. Smith located the subject lots on a map. Mr. Farquhar outlined the permitted uses in R-4 Zoning Classification.

No one appeared in favor of this Rezoning Request.

Mr. William Talbot, 152 Cushwa Drive, advised that Petitions against this Request, containing approximately 175 signatures, had been previously submitted to the Planning Commission. He submitted additional Petitions containing approximately 165 signatures also indicating opposition, at this Meeting. Mr. Talbot made reference to the Deed Restrictions for

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the Washington Park Plat stating that all lots are to be known as residential lots. Mr. Talbot fears parking on side streets, danger to children, debris, clutter, lights, etc. If this Rezoning is approved. He fears a drainage problem from the parking areas serving the lots on Alexandersville-Bellbrook Road as they are the highest ground in the Plat. He referred to the proposal as strip zoning and made reference to maps in the Master Plan designating the subject area as single family medium density zoning. He circulated photographs among Council indicating similar developments in surrounding Municipalities and State Route 48 in Centerville.

Mrs. Beulah Herzog, 262 East Alexandersville-Bellbrook Road, wondered what alternative residents on State Route 725 have relative to use for their property. It is no longer possible to sell lots at a reasonable price on East Alexandersville-Bellbrook Road in the Washington Park Plat for residential use.

Mr. William Schryver, 133 Cushwa Drive, owns property which backs up against the subject property, he is concerned with a potential drainage problem and perhaps a financial burden upon his property.

Mr. Jim Corbitt, 190 Cushwa Drive, advised that properties along Alexandersville-Bellbrook Road do rent, one at approximately \$200.00 per month.

Mr. Ted Byman, 36 Blackstone Drive, suggested that the subject fourteen property owners buffer their property from business across the street with shrubbery in the front yards.

Councilman John Davis advised that the Planning Commission recommended denial of this Request by a 5-0 vote. Mr. Davis sponsored Ordinance Number 18-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning Lots Number 3425, 3427, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3470 And 3471 of The Herbert C. Huber Plat Number 25 From Centerville R-2 Classification To Centerville R-4 Classification, and moved that it be denied. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning the Conditional Use Request filed by William Fisk for his property at 152 West Franklin Street was held. The Request is to operate and maintain an office in a residence in an R-3 zoned district.

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

City Manager James Smith located the subject property on a map. The Planning Commission recommended approval of this Request subject to adequate screening by plantings, and a reduction of the rear parking to seven spaces, by a 5-0 vote. Mr. Guy Elder, representing the applicant and as purchaser of the land has agreed to dedicate eight feet of right-of-way from the south edge of this property to Franklin Street along Weidner Lane. The garage located approximately three feet on City right-of-way to the rear of this property will be removed.

Mr. Farquhar explained the requirements as set forth in Ordinance Number 13-71 concerning an Office in a Residence under a Conditional Use.

Mr. Elder explained how proposed changes on this property will benefit the City of Centerville and how he has complied with the Planning Commission's recommendation.

Mr. Robert Power, 165 West Franklin Street, felt by using this residence as an office it is in effect spot zoning, he fears an increased traffic problem and recognizes a safety factor relative to school children using the sidewalk to and from the High School.

Mr. Farquhar reviewed the type of offices which would be permitted on this property if this Conditional Use is granted. Mr. McIntire moved that the Conditional Use Request submitted by William Fisk be approved

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subject to a satisfactory deed of dedication being submitted to the City. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Sweetman and Mr. Davis voted no.

The Public Hearing concerning Ordinance Number 17-72, was held. The proposed Ordinance was reviewed by the City Manager. It provides for repair and resurfacing to State Route 48 as well as berm repair. City's share will be 20% or \$8,486.00, work to be completed in 1972. Mr. McIntire wondered if this amount is available in the State Highway Fund and whether any additional right-of-way is required for the construction of the improvement. Mr. Smith advised that the money is available in the Fund and no additional right-of-way is required. Mr. Davis asked for clarification of the parking restrictions included in the proposed Ordinance; Mr. Smith advised that parking is the same as it now exists in the general area. Mr. Sweetman sponsored 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, and moved that it be approved. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reported on the Planning Commission Meeting held February 29, 1972. He reviewed the Record Plan for Section Two and Section Three of Black Oak Estates V. The Planning Commission unanimously recommended approval of the Plan, the City Engineer has also approved it. In Section Three, sidewalk will be provided on the east side of Rambler Drive; in Section Two, on the east side of John Elwood Drive, north side of Highland Meadows Drive and the east side of Stanley Mill Drive. Mr. Sweetman felt that the recommendations made by Mr. Robert Archdeacon of the Ralph L. Woolpert Company and agreed to by Carl Lewis at the Planning Commission Meeting concerning water problems in Black Oak Estates should be reviewed at this time. The recommendations were: 1. a higher crown on the roads be required and 2. the curbs be higher, increased one inch. Following discussion concerning the condition of various streets in Black Oak Estates II, Mr. Sweetman moved that Council withhold action on approval of these two Sections for review of other Sections of Black Oak Estates. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith explained the Record Plan for Rose Estates, Section Three. The Section has a drainage ditch which is proposed to have a 9' concrete bottom. The Planning Commission unanimously recommended approval of this Plan with sidewalk to be provided on one side of Marsha Jeanne Way, Shawnee Trail and Rosewood Drive. The Plan has also been recommended for approval by the City Engineer. Mr. John Judge of the John Judge Engineering Company and Engineer for Rose Estates advised that flowing through the ditch is no less than nine inches of water, it is a natural stream bed. The ditch has been designed in such a manner to keep itself clean of mud and debris after construction of the Plat. Mr. Davis suggested and Council concurred to review this Section prior to approval. Mr. Sweetman moved to table this matter for further study and until the next Council Meeting. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. The Builders have agreed in writing to pave the bottom of the ditch, to leave some trees and remove them in the future and pave in those areas should a problem occur. Provided will also be a 40 foot easement along the ditch.

Mr. Smith advised that Rose Estates has requested a reduction in the Performance Bond for Section One from \$49,948.25 to 30% of the total Bond. Mr. Lewis recommended reducing the Bond to \$15,000.00 to cover

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some uncompleted items. Mr. McIntire moved that the Performance Bond on Rose Estates, Section One be reduced from \$49,948.25 to 30% of the original Bond to meet the requirements in accordance with the City Engineer's recommendation of March 6, 1972. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone moved that Ordinance Number 19-72, An Ordinance To Amend Ordinance No. 38-71 By Appointing Susan Kush To The Youth Board Of The City Of Centerville As Established By Ordinance No. 15-71 For The Unexpired Term Of Leonard Stubbs, be set for Public Hearing on March 20, 1972. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire moved that Ordinance Number 20-72, An Ordinance Amending Ordinance No. 80-71, Which Amends Ordinance No. 15-61, By Establishing Building, Zoning, And Occupancy Fee, be set for Public Hearing on March 20, 1972. Mr. Sweetman seconded the motion. Municipal Attorney Robert Farquhar advised that these fees are the same as being charged currently for such permits in the City. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy read the following Mayor's Report for the month of February, 1972:

Mayor's Court		
Fines and Forfeitures		\$467.00
Costs		238.00
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	Total	\$705.00

Zoning Permits	
14	Single family residences
1	Double
2	Additions to residence
1	Sign
2	Additions to commercial buildings
1	Private school

Mr. Davis moved that the Mayor's Report as read, be accepted. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy abstained.

Mayor Hoy advised that the Municipal Attorney has ruled that the Council could consider a Resolution to effect an Environmental Impact Report concerning the Red Coach South Park. Mayor Hoy felt that any such study should include the entire Park District and the use of recreational land around school buildings. Mr. Stone moved that Council adopt the following Resolution: Be it resolved that the Centerville City Council while recognizing that it is the responsibility of the Centerville-Washington Park Board to make decisions regarding the Parks within their jurisdiction, strongly recommend to the Park Board, that studies of our existing Parks and school properties relating to noise, environmental impact, etc., be obtained and considered in arriving at the final plan for Iron Horse Park. Mr. Stubbs seconded the motion. Mrs. Robert Feiler, 880 Wynshire Drive, requested that this Resolution be passed immediately as the request for matching funds for the Park from HUD is scheduled for review this month. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy advised that he has been contacted periodically concerning the Sister City Program. Mr. Sweetman felt that this would be a good bond

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between communities. Mr. Stubbs felt this would create good human relationships, he suggested that the matter be referred to a Council Committee for study. Mayor Hoy referred the Sister City Program to the Community Relations And Promotion Council Committee for a recommendation to Council for Centerville's direction in this matter.

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

Mr. McIntire indicated his dissatisfaction with the Miami Valley Regional Planning Commission's functioning as it is presently structured, it should be more responsive to it's 35 member communities, political responsiveness should be more direct. Representatives should at all times have the power to veto a proposal which directly affects their individual Communities. He feels Centerville should take an initiative to perhaps save the MVRPC as regional planning is necessary in certain areas.

Mr. Davis and Mr. McQueeney would like to see a solution to the lighting problem at Voss Chevrolet Company on Loop Road shining down on Village South residents. Mr. Smith advised he is currently working on the problem. Mayor Hoy suggested that an Ordinance be drafted to control lighting; direction, height, illumination, etc., prior to any permit being issued for another building on Loop Road.

Mr. Sweetman felt that a City Engineer should be hired now. Mayor Hoy felt such appointment should be made by April 1, 1972.

Mr. Stubbs suggested meeting with people of the MVRPC to determine their role and what type of structure would be more effective. Mr. Davis suggested inviting a Representative from MVRPC to find out what the agency is all about. Mayor Hoy suggested that this be considered for a Work Session in late March or early April.

Mayor Hoy advised that a Council Work Session will be held during the week of March 13, 1972 concerning the 1972 Budget.

The Meeting was then adjourned.

Approved:

Mayor

Paul C. Hoy

ATTEST:

Clerk of Council

Marilyn J. McLaughlin