

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held March 20

1972

SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session Monday, March 20, 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 McIntire, Leonard Stubbs, Charles McQueeney, John Davis, J. V. Stone, Russell Sweetman, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Carl Lewis, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of February 21, 1972 had been distributed prior to this Meeting. Mr. Sweetman advised that in paragraph four "Mrs. Allan Crow" should be changed to read "Mrs. Allan Kron". Mr. McIntire moved that the Minutes of the Meeting of February 21, 1972 as corrected, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy abstained.

The Minutes of the Meeting of March 6, 1972 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of March 6, 1972 as distributed, be approved. Mr. Stubbs seconded the motion. Mr. McIntire moved that the previous motion be amended to include the following correction to the Minutes: seventh sentence in paragraph seven be amended to read "Mr. Davis asked for clarification of the parking restrictions included in the proposed Ordinance; Mr. Smith advised that traffic will be restricted on the east side of State Route 48 between Franklin Street and Ridgeway Road in the A.M., restored in the P.M. and restricted on the west side of State Route 48 between Franklin Street and Ridgeway Road in the P.M. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Sweetman moved that the Minutes of the Meeting of March 6, 1972 as corrected, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mrs. Nora Lake, 1470 Black Oak Drive, appeared to asked Council to consider banning smoking during Council Meetings in the Meeting Chambers.

Mr. Stanley Weissman, 337 Pleasant Hill Drive, supported Mrs. Lake's suggestion and asked Council to consider the recycling of newspapers from each household as outlined at a Council Meeting a few months previous by Mr. Charles Cline.

Mr. Mike Koester, 1407 East Third Street, a Representative from the Dayton Public Service Union, wondered what Council's position is concerning the Union for some City employees.

Mr. Stubbs, in consideration of Mrs. Lake's suggestion, moved that Council, effective the first Meeting in April, effect no smoking in the Council Chambers during Council Meetings. Mr. McIntire felt that this matter should be further studied and perhaps the ventilation system in the room be improved. Mr. Stone felt that the restriction should be passed, he seconded the motion. Mr. Ed Blum, representing the Montgomery and Greene County Tuberculosis and Respiratory Association, encouraged passage of this motion. A roll call vote resulted in three ayes in favor of the motion. Mr. McIntire, Mr. McQueeney, Mr. Davis and Mr. Sweetman voted no.

The Public Hearing was held concerning Ordinance Number 5-72 to rezone 52.654 acres of land from Centerville R-1 Classification to Centerville B-2 and EC Classifications. The Rezoning Request had been submitted by Inland Systems, Inc.

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

The City Manager located the subject property on a map; it is situated on the north side of Alexandersville-Bellbrook Road between Loop Road and the Railroad Tracks, and borders proposed I-675.

Mr. Charles Abramovitz, from the Ralph L. Woolpert Company, and representing the Applicant, requested that the Public Hearing concerning the Rezoning Request of Marjorie Lagedrost be held at this same time.

The Notice of this Public Hearing was read by the Clerk of Council. This concerns Ordinance Number 10-72 to rezone 10.820 acres of land from Centerville R-1 Classification to Centerville B-2 and EC Classifications, property surrounded by the land belonging to Inland Systems, Inc.

The City Manager located the subject property on a map.

Mr. Charles Abramovitz reviewed how the north portion of both properties is proposed to be rezoned B-2 and the south portion to EC, both properties being developed as one unit. He explained how the uses proposed will tie in with development to the west. Mr. Abramovitz advised that ingress and egress will be from Alexandersville-Bellbrook Road and Loop Road. Mr. McIntire felt that Council must determine what is needed for State Route 725 right-of-way to provide a four lane highway. Mr. Abramovitz advised that proposed is a 90 foot right-of-way, the Applicant would provide 45 feet of right-of-way from the centerline or would place money in escrow to provide for such. Mr. McIntire felt that when proposals such as this are considered, the centerline of the State Routes should have been determined by the State Highway Department, having been requested by the Planning Commission. Mr. Farquhar advised that, relative to the EC property, the time to request right-of-way pavement or money in escrow would be at the time the Plan is approved by the Planning Commission and Council; right-of-way dedication could be now. Mr. Farquhar as requested by Mr. Sweetman, reviewed the uses permitted in the EC and B-2 Zoning Classifications. The Planning Commission had previously recommended approval of these two Rezoning Requests.

Mrs. Marcy Wylie, 204 Waterford Drive, wondered if all uses require Planning Commission and Council approval. Mr. Farquhar advised only EC.

Mr. Karl Schab, Engineer for Zengel Builders, Inc., requested to go on record as being neither in favor of or against the Rezoning. He feels the location is good for the use but it will have an effect on the property on the south side of Alexandersville-Bellbrook Road.

Mr. Stone sponsored Ordinance Number 5-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 52.654 Acres, More Or Less, From Centerville R-1 Classification To Centerville B-2 And EC Classification, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis sponsored Ordinance Number 10-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 10.820 Acres, More Or Less, From Centerville R-1 Classification To Centerville B-2 And EC Classifications, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 11-72, was held.

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

City Manager James Smith outlined the land as described in the Ordinance on a map, land proposed for the Architectural Preservation District. Mr. Farquhar reviewed the highlights of the Ordinance which created the Architectural Preservation Zone Classification.

Mr. Edward Waincott, wondered if the property he owns at the southwest corner of Virginia Avenue and West Franklin Street and the property at the northeast corner of Cemetery Drive and East Franklin Street could

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be included in this AP District. Mr. Farquhar pointed out that this would require an amendment to the Ordinance, a Rezoning Request at some time in the future.

Mr. Richard Miller, wondered about extending the AP District further on Weller Avenue.

Mr. Stubbs encouraged expanding the boundaries for the District some-time in the future. Mr. McIntire sponsored Ordinance Number 11-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning The Land Described In Section 1 To Centerville Architectural Preservation District Classification, and moved that it be adopted. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. McIntire pointed out this outstanding move designed to improve the old part of the Village, a forward action in spite of some objections.

The Public Hearing concerning Ordinance Number 19-72, was held. Mrs. Nora Lake, 1470 Black Oak Drive, endorsed the appointment of Mrs. Susan Kush to the Centerville Youth Board. Mr. Sweetman sponsored 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, and moved that it be adopted. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 20-72, was held. The proposed Ordinance was reviewed by the City Manager. The fees contained in the Ordinance correspond with present Zoning, Building and Occupancy fees. Mr. McIntire sponsored Ordinance Number 20-72, An Ordinance Amending Ordinance No. 80-71, Which Amends Ordinance No. 15-61, By Establishing Building, Zoning, And Occupancy Fees, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed the location of Black Oak Estates V, Section Two on a map. The Record Plan and Construction Drawings have been checked and approved by the City Engineer and the Planning Commission. Mr. Carl Lewis, City Engineer advised that there is no drainage problem in this area, it meets Engineering Standards on the basis of run off factor, based on five year storms. The cost estimate for the plan is \$106,663.25, Inspection Fee of \$660.00. Following discussion concerning catch basins, crown of the street and curbing, Mr. McIntire suggested that a letter from the Developer be submitted stating what he plans to do which is in addition to what is required by law in the development of this area.

Mrs. Robert Search, 7775 Park Creek Drive, wondered what the flow of water will be from this property to the open ditch to the south. Mr. Lewis explained through Black Oak property, the Park property and through the existing creek.

Mr. McIntire felt this matter should be delayed until a written recommendation is received from the City Engineer including Performance Bond and Inspection Fee amounts. Mr. McQueeney would like to see more specifics and clarification as to what will be done. Mr. Stone moved that this matter be tabled for further clarification as to what will be done. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager James Smith reviewed the Record Plan for Black Oak Estates V, Section Three and located it on a map. The Plan has been approved by the City Engineer. Mr. Stone moved that this matter be tabled for a written recommendation from the City Engineer which would include Performance Bond and Inspection Fee amounts. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Smith explained the Record Plan for Rose Estates, Section Three. Discussion followed concerning open ditch with concrete bottom and sodded banks in this Section vs enclosed piped ditch. As suggested by Mr. McIntire and Mr. Sweetman, and agreed to by Council, Mr. John Judge, Engineer for the Developer will prepare a complete and full report containing alternatives and costs for development of this plat and submit it to the City Engineer and City Manager for their recommendation and submission to Council.

Mr. Joe Gruenberg, Attorney representing the Sun Oil Company, presented himself to Council to answer any questions Council might have concerning their Rezoning Request.

Mr. Stubbs wondered why Sun Oil wants to locate in this area in consideration of the number of Service Stations already located in Centerville.

Mr. Simms, representing the Sun Oil Company, advised that they wish to offer their products to the residents of Centerville. They would agree to build a Colonial Station and would be willing to conform to Architectural Preservation Requirements. Mr. Farquhar pointed out that this is not one of the permitted uses for the AP District and therefore the requirements would not apply.

Mr. Stubbs sponsored Ordinance Number 85-71, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning Part Lots No. 1 And 2, Benjamin Robbins Plat Consisting Of .647 Acres, More Or Less, From Centerville B-1 Classification To Centerville B-2 Classification, and moved that it be adopted. Mr. Stone seconded the motion. A roll call vote resulted in seven nays against the motion.

In consideration of the Health Contract for the year 1972, Mr. Farquhar advised that for additional coverage previously discussed, it would cost an estimated additional \$2,000.00. He recommended that Ordinances be changed rather than increasing Board of Health Services.

City Manager James Smith reviewed the three bids received concerning traffic signal equipment and installation at two intersections: State Route 48 at North Village Drive and West Franklin Street at Virginia Avenue. He recommended accepting the bid of the Wagner-Smith Company in the amount of \$13,835.00. Mr. McIntire sponsored Resolution Number 8-72, A Resolution Accepting The Bid Of The Wagner-Smith Company To Complete Traffic Signal Installation On State Route #48 At North Village Drive And On West Franklin Street And Virginia Avenue, For 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. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Smith advised that the lights should be in operation within 90 days barring any unforeseen difficulties.

Mr. McQueeney, in reference to the City Manager's Report, wondered why the improvement on Ambridge Road has not been completed.

Mr. Davis questioned the status of the lights at Voss Chevrolet. Mr. Smith advised that they will be focused at night.

Mr. Farquhar advised that an Ordinance is necessary for the establishment of a Bike-Way in Centerville. Mayor Hoy suggested that the Jaycees be so advised so that they do not open the Bike-Way in late April as anticipated or until the Ordinance has been passed. Following approval of the Bike-Way route by the Police Department, Mr. Farquhar will prepare an Ordinance for Council's review at a future Work Session.

Clerk of Council Marilyn McLaughlin advised that a Notice has been received from the Ohio Department of Liquor Control concerning an

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Application from Boyd Robinson, DBA Red Coach Inn, 29 East Franklin Street for a B-3A permit to sell until 2:30 A.M. No objection by Council was indicated on this Application.

Mr. McIntire moved that Ordinance Number 21-72, An Ordinance Regulating The illumination Of Signs And Other Outdoor Lighting By Amending The Code Of Ordinances, be set for Public Hearing on April 17, 1972. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy asked Council for suggestions as to how to arrive at a City Flag and City Seal. He assigned this matter to the Community Relations And Promotion Council Committee.

Mayor Hoy advised that recommendations concerning amendments to the Architectural Preservation District received from several property owners in Centerville will be considered in a future Council Work Session. The recommendations will be considered in conjunction with other Ordinances.

As the Poll of Council Members was taken, the following comments were received.

Mr. Stubbs asked for a recommendation from the City Manager relative to the recycling of newspapers, whether it is feasible and it's foreseeable problems. He would like to see area Garden Clubs initiate some planting programs. He would also like to adopt a volunteer service program to involve more people in City activities.

Mr. Stone requested that the City Manager prepare a brief review of the inspection program in Centerville, particularly street, so that Ordinances could be strengthened were needed (how many objections during the past year and how they are registered with the Developers.)

Mr. Davis pointed out that the "In" and "Out" signs at Cassano's Pizza are not what was intended by the Planning Commission and Council. Mr. Smith will contact Cassano's relative to this matter.

Mr. McQueeney wondered if the criteria has been set for applications to the Architectural Review Board. Mayor Hoy advised that application forms are available in the Clerk's Office.

Mr. Sweetman commended Mr. Smith for obtaining two used Street Sweepers for the City of Centerville.

Mayor Hoy requested that the Municipal Attorney and City Manager review the City's procedure concerning cleaning premises and mowing of vacant lots and propose to Council an amending Ordinance if necessary.

Mr. Farquhar suggested that Council consider hiring a professional planner to undertake the revision of the Zoning Ordinance. Mr. Davis will present this matter to the Planning Commission on March 21, 1972.

The Meeting was then adjourned.

Approved:

Paul L. Hoy
Mayor

ATTEST:

Wanda J. Saenger
Clerk of Council