

Held April 3

1972

REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, April 3, 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, Russell Sweetman, Leonard Stubbs, J. V. Stone, John Davis, City Manager James Smith, City Engineer Carl Lewis, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

Mr. Sweetman moved that Councilman Charles McQueeney be excused from this Meeting. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. David Price, 154 Waterford Drive, appeared to express his opinion concerning the Court decision rendered on the Chevy Chase Park Apartment Project: if Council appeals the decision it will benefit 95% of the Citizens of Centerville.

Mr. Davis reviewed the Planning Commission Meetings held on March 21, 1972 and March 28, 1972. On March 21, the Planning Commission, by a 5 to 2 vote recommended denial of the Black Oak Rezoning Request, for a change of 92.523 acres along the east side of Ciyo Road from Washington Township R-3 to Centerville B-2, R-1 and R-3 zone classifications.

The Planning Commission on March 28, 1972, recommended denial of the Rezoning Request submitted by the Acro Realty Company by a 6 to 0 vote. Requested was a change of 36.8 acres to Centerville R-3, 26.18 acres to Centerville B-2 and 13.35 acres to Centerville EC, all a change from Washington Township R-3, property is located at the northwest corner of Alexandersville-Bellbrook Road and Bigger Road.

Mr. Davis advised that the Planning Commission has revised the wording for the proposed Ordinance amending requirements and procedures for Business and Entrance Corridor Districts, it is now ready for Council's consideration.

Mr. Smith introduced Ken Griffith with John Judge Engineering and Engineer for Rose Estates, who reviewed how the ditch in Rose Estates can be improved. He compared an enclosed ditch vs open ditch. By placing a pipe underground of sufficient size to carry the flow of water at grade a 2 1/2 to 3 foot hump would be created through the Plat which would present more drainage problems for the future. He recommended concreting the bottom of an open ditch with a 9 foot bottom with a 20 foot paved bottom south of the bridge to converge into a 12 foot paved bottom at the north property line which enters the Turner Property. The sides will be a 2 to 1 sodded and paved slope. Mr. Sweetman was opposed to the open ditch, he suggested that the Record Plan include the provision that adjacent property owners keep their portion of the ditch clear of debris. Mr. McIntire moved that Council approve the Record Plan for Rose Estates, Section Three subject to the receipt of a Performance Bond and the Inspection Fee as outlined in the April 3, 1972 letter from the City Engineer to the City of Centerville. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Councilman J. V. Stone left the Meeting at this time.

Mr. Smith reviewed the Record Plan for Black Oak Estates V, Section Two. The curb height has been set at 5 1/2 inches and the crown of the road has been changed from 3 to 4 inches. Mr. Davis moved that the Record Plan for Black Oak Estates V, Section Two be approved subject to the receipt of a Performance Bond in the amount of \$107,000.00 and Inspection

RECORD OF PROCEEDINGS

~~405~~
381

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held

April 3, 1972 continued

19

Fee of \$661.32. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Smith reviewed the Record Plan for Black Oak Estates V, Section Three. The curb in this section will also be 5 1/2 inches in height with the crown of the roadway being changed from 3 to 4 inches. Mr. Lewis advised that by increasing the curb height, water run off should drain into the catch basin rather than into yards. Mr. Sweetman moved that the Record Plan for Black Oak Estates V, Section Three, be approved subject to the receipt of a Performance Bond in the amount of \$7,000.00 and an Inspection Fee of \$42.40. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Stone returned to the Meeting at this time.

Mr. Smith reviewed Ordinance Number 22-72. He explained the amount of monies set aside in the various categories in each Department. Mr. Sweetman sponsored Ordinance Number 22-72, An Emergency Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1972, 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. McIntire moved that Ordinance Number 23-72, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1972, be set for Public Hearing on April 17, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Farquhar reviewed the Decision of the Court of Appeals concerning the Writ of Mandamus action filed by Housing Associates, Inc. against the City of Centerville relative to the Chevy Chase Park Apartment Project. He recommended that Council not appeal the Decision to the Supreme Court, he based his recommendation on there being no error of law contained in the opinion of the Court which would be the basis for an appeal, and in consideration of possible damages against the City of Centerville. Mr. Stone, in consideration of the equity involved in this matter, moved that the City of Centerville not appeal the Decision of the Court of Appeals concerning the Chevy Chase Park Apartment Complex. Mr. Stubbs seconded the motion.

Mr. James Welty, 175 Waterford Drive, felt more apartments in Centerville would place an additional bad on sewers and schools.

Mrs. Marcy Wylie, 204 Waterford Drive, brought attention to the increase in the vacancy rate in existing apartments in the close proximity of Chevy Chase Park within the past 30 days.

Mr. James Mueller, 80 Dale Ridge Drive, wondered if Council has considered how State Route 48 will be widened during the construction of this project.

Mr. Ronald L. Gabbard, 94 Tuxworth Road, wondered where the children will play in this proposed complex.

Mr. Farquhar reviewed a request for damages by Housing Associates, Inc. because of being held up on getting their plans underway. He advised that the Attorney for Housing Associates, Inc., Mr. John Petzold, has agreed to drop the damages question if the Zoning Certificate is issued. Mr. Petzold personally verified this fact.

Mrs. Marjorie Mueller, 296 Tauber Drive, opposed the implication made earlier that all of Centerville is opposed to the project, she as well as others are in favor.

Mr. Ronald Meyers, 215 Waterford Drive, wondered if proper fencing will be required around this Development. Mayor Hoy advised that adequate

382
RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held

April 3, 1972 continued

19

screening is required.

Mr. Robert Search, 7775 Park Creek Drive, suggested that no additional money be expended on this matter.

Mrs. Ernest Guenther, 83 Dale Ridge Drive, questioned the number of units to be constructed on the subject land. Mr. Farquhar advised that the Zoning Certificate includes 232 units.

Mr. Farquhar pointed out the fact that the question being considered at this time is not whether the apartments should be built, but whether a Decision of the Court of Appeals should be appealed. He advised that an action must be taken at this Meeting or the Zoning Permit must be issued by 9:00 A.M. April 4, 1972.

A roll call vote on the previous motion (that the City of Centerville not appeal the Decision of the Court of Appeals concerning the Chevy Chase Park Apartment Complex) resulted in four ayes in favor of the motion. Mr. McIntire and Mr. Sweetman voted no.

Mr. McIntire pointed out, that when the total property is developed there will be, with 512 units as permitted, 1714 or one apartment for every 2 homes.

Mr. Stubbs felt this ratio will be changed as time goes forward. He felt that tax monies should not be spent on Court Suits.

Mr. Sweetman sees no need for more apartments in Centerville. He stressed the fact that the units must be constructed according to Centerville Specifications.

Mr. Davis pointed out that his decision is based on the recommendation of the Municipal Attorney.

Mrs. Peggy Gabbard, 94 Tuxworth Road, suggested that Council and the Planning Commission take a long slow look as to what this Community is becoming.

Mr. Davis reviewed Ordinance Number 24-72, it's amendments to Ordinance Number 15-1961. The Ordinance has been revised by the Planning Commission and is ready for Council's consideration. Mr. Davis moved that Ordinance Number 24-72, An Ordinance Amending Ordinance No. 15-1961, 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, be set for Public Hearing on May 15, 1972.

Mr. McIntire seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Stone voted no.

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

Mayor's Court

Fines and Forfeitures	\$ 646.00
Costs	210.00
	<hr/>
TOTAL	\$ 856.00

Zoning Permits

- 20 Single family residences
- 6 Additions to residences
- 1 Addition to commercial
- 2 Signs

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

Mr. Smith advised that the amount of \$14,165 for health services to the City of Centerville from the Montgomery County Board of Health for the year 1972 has been budgeted. Mr. Stubbs wondered how much inspection is being made relative to employees in eating establishments in the City. The City Manager will review the procedure which the Board of Health is cur-

RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held April 3, 1972 continued

19

rently following. Mayor Hoy suggested that a representative from the Board of Health be invited to brief Council on this matter, possibly at the next Council Meeting. Mr. Stone moved that the City Manager be authorized by Council to sign the 1972 Contractual Agreement with the Montgomery County Board of Health. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Clerk of Council Marilyn McLaughlin advised that an Intent to Appeal and the Appeal has been received concerning a Decision of the Planning Commission relative to the Black Oak Rezoning Request. An Intent to Appeal has also been received concerning the Acro Realty Rezoning Request, a Decision rendered by the Planning Commission on March 28, 1972.

Municipal Attorney Robert Farquhar advised that Centerville Ordinances relative to the mowing of weeds are in concurrence with State Statute. Perhaps another Section should be added to the cleaning of premises provision. Mr. Farquhar will prepare said additional Section.

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

Mr. Stubbs wondered about a report from the City Manager concerning the recycling of newspapers. Mr. Smith advised that he is currently reviewing what other Municipalities are doing, he will then prepare a report on his findings. Mr. McIntire would like to see a complete cost per household factor with a comparison of service by the City of Oakwood and the City of Centerville.

Mr. Stone suggested that a Work Session be held between Council and the Inspection Department to review procedures and specifications. Mayor Hoy suggested scheduling said Session within the next two weeks.

Mr. McIntire questioned narcotic abuse currently being found in the Centerville area. Lieutenant Randolph, Centerville Police Department, reviewed recent arrests.

Mr. Davis, recognizing the fact that Voss Chevrolet has adjusted their lighting, advised that it is not yet satisfactory. Mr. Smith is attempting to acquire a light meter in order to measure amount of foot candle.

Mr. Sweetman wondered what has happened to the Meetings between the Council, Trustees, and School Board. Council agreed to a joint Meeting in the future.

The Meeting was then adjourned.

Approved

Mayor

Attest:

Marilyn J. McLaughlin
Clerk of Council