

RECORD OF PROCEEDINGS

~~489~~
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Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held June 5

1972

REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, June 5, 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: Charles McQueeney, J. V. Stone, John McIntire, Leonard Stubbs, Russell Sweetman, John Davis, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of May 15, 1972 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of May 15, 1972 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Minutes of the Meeting of May 22, 1972 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of May 22, 1972 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Stubbs abstained.

The Public Hearing concerning Ordinance Number 37-72 was held. Mr. Smith reviewed the proposed Ordinance. The sum of \$17,500.00 will be expended from the Washington Township's General Fund for the resurfacing of certain streets within the City of Centerville which were former Township roads. \$28,068.20 will also be appropriated for the program from Municipal Permissive Tax Fund through Montgomery County. Mr. McIntire sponsored Ordinance Number 37-72, An Ordinance Accepting The Terms Of A Proposed Agreement Between The Board Of County Commissioners Of Montgomery County, Ohio And The Board Of Trustees Of Washington Township, Montgomery County, Ohio, With The City Of Centerville, and moved that it be adopted. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 39-72 was held. Mr. Farquhar reviewed the proposed Ordinance. The Ordinance defines a procedure for Curb Cuts in the Architectural Preservation District and provides for Curb Cut Permits in the AP, B-3 and EC Districts. Mr. McIntire sponsored Ordinance Number 39-72, An Ordinance Amending Ordinance No. 18-69 And Ordinance No. 6-72 By Extending The Requirements And Procedures Of Said Ordinances To The Architectural Preservation District And By Adding B-3 And EC And By Establishing A Procedure For Curb Cuts In An Architectural Preservation District, 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 Rezoning Request of the Black Oak Development Company. Requested has been a change of 92.523 acres of land from Washington Township R-3 to Centerville R-1, R-3 and B-2 classifications. The property is located on the east side of Clio Road south of Alexandersville-Bellbrook Road. As requested by Mrs. Robert Search, 7775 Park Creek Drive, Mayor Hoy reviewed the Planning Commission's recommendation relative to this Request. Mr. Stone moved that this matter be tabled for further investigation and consideration by Council. Mr. Sweetman seconded the motion. Mr. McIntire felt that the public should be explained the alternatives proposed by the Applicant during their Work Session with Council. Mr. Robert Archdeacon, Ralph L. Woolpert Company and representing the Applicant, reviewed the following proposals:

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1. Mr. John Black has agreed to construct a maximum of 330 units, condominiums for sale, on the 59.1 acres of proposed R-3,
2. 11.7 acres of park land would be deeded to a governmental agency to be determined by Council.
3. Delete, if it is the desire of Council, the 1.4 acres proposed for B-2 (north-west portion of subject property),
4. Black Oak will construct Ambridge Road as Council desires at the time the Preliminary Plan is approved.

Mr. McQueeney felt that the Planning Commission should have an opportunity to review the recent proposals. A roll call vote on the motion resulted in five ayes in favor of the motion. Mr. McQueeney and Mr. Stubbs voted no.

Mr. Smith reviewed the Rezoning Request of Acro Realty Company. Requested has been a change of 76.35 acres of land from Washington Township R-3 to Centerville EC, B-2 and R-3 classifications. The property is located at the north-west corner of Bigger Road and Alexandersville-Bellbrook Road. In consideration of the discussion during Council's Work Session with the Applicant, Mr. Stubbs moved that this Rezoning Request be denied. Mr. Stone seconded the motion. As requested by Mr. McIntire, Mr. Archdeacon reviewed the following alternatives:

1. B-2 for area north of proposed Ciyo Road,
2. B-3 south of proposed Ciyo Road and
3. EC bordering Alexandersville-Bellbrook Road.

Mr. Archdeacon then withdrew the Rezoning Request. Mr. Stubbs withdrew his motion, Mr. Stone withdrew his second to the motion.

Mr. McQueeney explained the Community Relations And Promotion Council Committee's proposal for a contest to achieve a City Flag and City Seal. The contest will be open to Centerville and Washington Township professional and amateur artists and designers. Announcement of the contest, hopefully, will be made the week of June 12, 1972. Mr. Sweetman moved that Council accept Chairman McQueeney's outline as submitted concerning the City Flag and City Seal and that he be authorized to proceed with the contest. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed recent developments relative to the Railroad Crossing on Rahn Road. The Penn Central Transportation Company has accepted the City's plans as previously submitted, the Force Account Estimate being \$17,124.00 instead of \$3,300.00 as previously indicated. This difference of \$14,706.00 has not been totally included in the \$64,000.00 previously approved for Permissive Tax Money from Montgomery County for the complete Rahn Road Improvement. Mr. Smith recommended that the City go to bid for the project, specifications are being prepared. Mr. McQueeney suggested that further correspondence be made with the Railroad Company to attempt to negotiate the cost figures downward. Mr. Stone suggested that a recommendation be made by the City Engineer following his review of the proposal. Mr. Smith will further review this matter to ascertain that this is the correct railroad and receive justification for their cost figures.

Mr. Davis reported on the Planning Commission Meetings held May 16, 1972 and May 30, 1972. He reviewed the Paul E. Lapp, Inc. Conditional Use Request for a Residential Development Plan. The property (85.1) acres is located on the south side of Alexandersville-Bellbrook Road west of Wilmington Pike. As recommended by the Planning Commission, the lots abutting lots to the west, outside the development, are in excess of 30,000 square feet. The Planning Commission recommended by a 4 to 0 vote that this

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request be approved. Mr. Davis moved that the Paul E. Lapp, Inc. Conditional Use Request be set for Public Hearing on June 19, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the Preliminary Plan for Revere Village, development on the north side of Spring Valley Road and west of Virginia Avenue, and contains 55 lots. Dedicated along Spring Valley Road will be 45 feet of right-of-way for future road widening. The Planning Commission recommended approval of the Plan by a 6 to 0 vote. Mr. McQueeney suggested that consideration be given to the City eventually acquiring some park land in this area for needed ball diamonds, etc. Mr. Stone recommended that Council decide on a policy for the City's participation in the parks program for the future. Mr. Davis moved that Council approve the Preliminary Drawing for Revere Village, Section Three, dated June 5, 1972. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis explained the Application for a Zoning Certificate in an Entrance Corridor District submitted by Steak and Ale Restaurant. The Restaurant to be located on the east side of State Route 48 south of the Hinkle House. The building set back is in accordance with the requirements of the Zoning Ordinance, landscaping in front of the building and parking to the sides. The Planning Commission found that the public health, safety, morals and general welfare of the City will not be substantially adversely affected by the establishment of this use upon the subject land and approved the Plan by a 6 to 0 vote. Mr. Davis moved that Council authorize the City Manager to issue the Zoning Certificate for the Steak and Ale Restaurant based on the Site Plan #SPI dated April 19, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the Record Plan for Southbrook Manor, Section Two. Sidewalks are included on the north side of Thorndale Drive and Marycrest Lane with a walkway from Marycrest to Thorndale for access to the Park. The Planning Commission recommended approval of the Plan as submitted. Mr. Davis moved that Council approve the Record Plan for Southbrook Manor, Section Two, in accordance with the map issued on May 16, 1972 and subject to the receipt of a Sub-Divider's Agreement, Performance Bond in the amount of \$93,000.00 and an Inspection Fee of \$496.32. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the Access Road Layout, that portion in the Entrance Corridor District on the east side of State Route 48 in front of the proposed Steak and Ale Restaurant. The Planning Commission recommended approval of the Plan by a 6 to 0 vote. The open ditch will be enclosed. Mr. Davis moved that the Record Plan for the Access Road north of Fireside Drive be approved subject to the receipt of a Sub-Divider's Agreement, Performance Bond in the amount of \$51,000.00 and an Inspection Fee of \$135.00. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis explained the replatting of Oak Creek Four, Section Five A, change being 8 lots to 5 to provide for two story townhouses. The lots are located on the east side of Overbrook Drive, the number of units proposed remain the same (32 units). The Planning Commission recommended approval of the replatting by a 6 to 0 vote. Mr. Davis moved that Council approve the replatting of lots on Overbrook Drive, Oak Creek Four, Section Five A in accordance with the map received by Centerville on May 19, 1972. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire and Mr. Sweetman voted no.

Mr. Davis reviewed the Planning Commission's recommendation concerning the Ordinance removing apartments as a permitted use in EC Districts prior

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to the passage of Ordinance Number 48-70. They unanimously recommended that the Ordinance not be adopted as there is little EC land left which the Ordinance would affect. The Commission re-emphasized the fact that they and Council will have the right to choose, under Ordinance Number 24-72 when effective, whether apartments should be permitted in EC Districts as plans are presented.

Mr. Smith advised that State Highway Department representatives are willing to meet with Council in a Work Session to further discuss the improvement of State Route 725, that portion between State Route 48 and Loop Road. Council agreed on a Work Session for Monday, June 12, 1972.

City Manager James Smith advised that the Police Department has reviewed the proposed bike route for Centerville and agrees with it as originally proposed, he recommended passage of the Ordinance. Mr. Stone moved that Ordinance Number 33-72, An Ordinance Establishing A Bike Route Through The City Of Centerville, Ohio, And Providing For Authorization And Regulations Concerning Marking Signs For Said Route, be set for Public Hearing on June 19, 1972. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The one bid received from the Standard Oil Company for the purchase of gasoline to be used by City Departments was reviewed by the City Manager; bid price - \$0.22.65 per gallon, includes tax. Mr. Stone moved that Council accept the bid of the Standard Oil Company and authorize the City Manager to enter into a contract to purchase gasoline at 22.65 cents per gallon. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed his proposed layout for the City owned property at the north west corner of Edenhurst Drive and State Route 48. It is designed to provide the elderly with a place to enjoy their leisure hours out of doors; estimated to cost less than \$1,000.00. Mr. Sweetman moved that the Proposed Park Layout for the City owned property at Edenhurst Drive and South Main Street, City of Centerville, general design by Mrs. Janet Smith prepared by Karl Schab, City Engineer, be accepted as proposed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Smith reviewed proposed Ordinance Number 40-72. The Ordinance covers some recent changes in personnel. Mr. McIntire sponsored Ordinance Number 40-72, An Emergency Ordinance To Amend Ordinance Number 13-72, February 21, 1972 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 adopted. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 41-72, An Ordinance To Amend Ordinance Number 13-72, February 21, 1972 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, be set for Public Hearing on June 19, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mrs. McLaughlin advised that a Notice of Application has been received from the Ohio Department of Liquor Control relative to the Steak and Ale Restaurant at the northeast corner of Far Hills Avenue and Fireside Drive.

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They have applied for a D-5 Permit, permit to sell all alcoholic beverages. Council indicated no objection to the Application.

Clerk of Council Marilyn McLaughlin read resignation letters received from Shirley Whyte and Virginia Ronald, both members of the Centerville Youth Board. Mayor Hoy advised that the term of Thomas Turner on same Board is expiring on July 8, 1972. Mayor Hoy extended an invitation to all interested residents to acquire an application form from Mrs. McLaughlin.

The Meeting was then adjourned.

Approved:

Mayor

Attest:

Marilyn McLaughlin
Clerk of Council