

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held August 7

19 72

REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, August 7, 1972 at 8:00 P.M. at the Centerville High School, South Building. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: Leonard Stubbs, Russell Sweetman, John McIntire, John Davis, Charles McQueeney, City Manager James Smith, Municipal Attorney Robert Farquhar and City Engineer Karl Schab.

Mr. McIntire moved that Councilman J. V. Stone be excused from this Meeting. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of July 10, 1972 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of July 10, 1972 as distributed, be approved. Mr. Sweetman seconded the motion. Mr. Stubbs requested and moved that the Minutes be amended to include, as the second last paragraph, the following: "Mr. Stubbs requested clarification of a letter written by Dean Peiper to the City Manager concerning the tape recording of a telephone conversation." Mr. McIntire seconded the motion. A roll call vote on the amendment resulted in five ayes in favor of the motion; Mr. Davis abstained. A roll call on the approval of the Minutes as amended resulted in five ayes in favor of the motion; Mr. Davis abstained.

The Minutes of the Meeting of July 17, 1972 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of July 17, 1972 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Melvin Oelrich, 7899 Raintree Road, appeared to question Council's action relative to the Volcan Tool Rezoning Request. Mayor Hoy advised that the Municipal Attorney has been directed to file an appeal to the recent court decision concerning this case. Mr. Victor Green, 7715 Greenbrier Place, recommended hiring a legal counsel to act as a consultant to Mr. Farquhar, who is well versed in these particular matters, he based his recommendation on the possible effect the ultimate decision could have on all zoning in Centerville and in other Communities.

Mr. Green also brought Council's attention to the increase in noise in Black Oak Estates being generated by the use of mini-bikes in a new residential area. Mayor Hoy recommended that a review of the anti-noise Ordinance be made.

Mrs. Robert Search, 7775 Park Creek Drive, appeared before Council to request that Mr. Schab be given permission to make a thorough study into her drainage problem in Black Oak Estates. Mr. Schab reviewed his findings thus far, there is currently more water being drained into the catch basin than was originally anticipated. Construction in the area of Park Creek Drive and Ambridge Road has not been in accordance with the original plan, the plan should be changed and approved by Council to reflect the present construction. Mr. McQueeney suggested that the City advise the builder what needs to be done to correct the drainage problems in Black Oak Estates and request that the work be performed soon. Mr. McQueeney moved that the Municipal Attorney be directed to draft and send to the Developer of Black Oak Estates, a letter stipulating a reasonable period of time, in accordance with Mr. Schab, to complete construction in Black Oak Estates II in accordance with construction plans approved by the City. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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The Public Hearing concerning Ordinance Number 47-72 was held. Mr. Farquhar reviewed the proposed Ordinance, It appoints Thomas Turner to the unexpired term due to a resignation, Glenn Aidt and Paul Buhr to the expired terms on the Centerville Youth Board. Mr. Sweetman sponsored Ordinance Number 47-72, An Ordinance To Appoint Members To The Youth Board Of The City Of Centerville As Established By Ordinance 15-71, and moved that it be adopted. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Oath of Office was administered to Paul Buhr, Glenn Aidt and Thomas Turner by Municipal Attorney Robert Farquhar.

Mr. Dennis Colston Director of Community Service of WLW-D TV Channel 2, Mr. George Mitchell General Manager for TV Channel 22 and Mr. Bailey President and General Manager of Bailey TV Antenna Service appeared before Council to define Cable TV. Mr. Mitchell reviewed the pros of Cable TV in some areas and the cons in other areas. He explained the ground rules as set by FCC for CATV in February, 1972. Mr. Colston read to Council a release published by AVCO Broadcasting Company in Cincinnati, Ohio, relative to proposed problems of CATV to TV home viewers, to the established Broadcasting Companies and it's threat to free TV. Mr. Bailey pointed out things which must be considered in a Franchise for CATV if and when it becomes a reality, he stressed the need for a non-duplication clause in the Franchise, exclude any possibility of paid TV, that the contract contain a quality of picture clause, and be positive (leaving out all promises and doubt).

Mr. Robert Makarius, Architect for the new Centerville Municipal Building, presented to Council the Construction Drawings or specifications necessary for the City to go to bid; the Plans have been prepared according to the Plan previously approved by Council. Mayor Hoy recommended that a sidewalk be installed in front of the Building to extend the complete length of the City owned property. Mr. Schab suggested that the right-of-way line be established to provide for the proposed right-of-way width for West Spring Valley Road. Mr. Farquhar explained a proposed Ordinance to authorize the City Manager to advertise for bids for the new Municipal Building. Mr. McIntire sponsored Ordinance Number 48-72, An Emergency Ordinance Authorizing And Directing The City Manager (Director Of Public Service) To Advertise The Proposed Municipal Office Building For Public Bid, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Makarius' final cost estimate on the proposed Building is \$275,000.00 excluding furnishings. Bid opening has been set for August 30, 1972, 12:00 noon. Mr. Makarius brought Council's attention to a confusion he encountered in Centerville's adoption of both the Uniform Building Code and the Ohio Building Code, he recommended deleting the Uniform Building Code for anything above three family dwellings. Mr. Farquhar will prepare the necessary legislation.

Mr. Davis reported on the Planning Commission Meeting held July 25, 1972. He reviewed an Ordinance originated by the Planning Commission to provide for increased planned development in residential, business and industrial zoned districts; it is an amendment to the Zoning Ordinance of 1961. The Planning Commission recommended passage of this Ordinance to Council by a 6-0 vote. Mr. Davis moved that Ordinance Number 49-72, An Ordinance Amending Ordinance No. 15-61, The Village Of Centerville, Ohio, Known As The "Zoning Ordinance Of Centerville, Ohio, 1961" As Amended To Provide For Increased Planned Development, be set for Public Hearing on

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October 2, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Sweetman was not present for this item of business.

Mr. Davis reviewed the Planning Commission decision concerning the Rezoning Request of the Springmont Company. Requested is a change of 45.7 acres located along the east side of Bigger Road and north of Alexandersville-Bellbrook Road from Washington Township R-4 and Centerville EC to Centerville R-3, B-2 and EC zoning classifications. The Planning Commission recommended denial of the Request to Council by a 5-2 vote. Mrs. Betty Lewis, in the absence of the Clerk of Council, advised that an Appeal has been received from Springmont Company relative to this decision of the Planning Commission. A Public Hearing has been set for September 11, 1972.

The Rezoning Request of Paul Lapp, Inc. was reviewed by Mr. Davis. Requested has been a change of 49.5 acres along the south side of Alexandersville-Bellbrook Road and southwest of the intersection of Wilmington Pike with Alexandersville-Bellbrook Road from Washington Township R-4 and B-2 to Centerville R-3 and B-2 zone classifications. The Planning Commission recommended approval of this Request by a 6-0 vote. Mr. Davis moved that Council accept the recommendation of the Planning Commission and set this Request for Public Hearing on October 2, 1972. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Davis reviewed the Preliminary Plan and construction as proposed in the Chevy Chase Apartment Project. These are yet subject to approval of the City Engineer and the Montgomery County Sanitary Department.

Also considered by the Planning Commission was an Application for a Veterinary Hospital to be located on the east side of Far Hills Avenue immediately south of the Mel-O-Dee Inn Restaurant (north of Fireside Drive). The Planning Commission recommended approval of this Application by a 6-1 vote, subject to revised drawings indicating no outside kennel areas. Mr. Davis moved that Council approve and accept the plans for a Veterinary Hospital, Far Hills Avenue, as revised August 5, 1972 and authorize the issuance of the Zoning Certificate. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs reviewed the Meeting held between the Public Health and Safety Council Committee and the Chairman for the Hospital Planning Commission relative to additional bed space needed at the Kettering Memorial Hospital; the Committee recommended passage of the proposed Resolution recommending such to the Greater Dayton Area Health Planning Council. Mayor Hoy advised that this item will be on the Council Meeting Agenda for August 21, 1972.

Attorney Jim Wilson, representing the First Baptist Church in Centerville, requested that action be initiated to vacate the alley continuing from North Main Street to Maple Avenue, along their property. Mayor Hoy requested that the Municipal Attorney review this matter and have necessary legislation prepared for the August 21, 1972 Meeting. He also requested that the Police and Fire Departments give their recommendations relative to the proposed alley vacation.

Mr. Farquhar explained the request of the wives of the Wenzler brothers for release of their dower rights in Sections One and Two of Southbrook Manor. When the Record Plans were submitted and approved by the City the wives neglected to sign them, thus a Quit-Claim has been prepared. Mr. Sweetman moved that Council accept a Quit-Claim Deed to release all dower rights from Rose Mary Wenzler, Clara M. Wenzler, Pauline H. Wenzler,

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Betty J. Wenzler, in the City of Centerville, Ohio. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

In accordance with a request of the property owners on Chevy Chase Drive, Council concurred that the Municipal Attorney prepare the necessary legislation to change the name of Chevy Chase Drive to Bristol Avenue, this item to be before Council on August 21, 1972.

Mayor Hoy advised that a Council Work Session will be held on August 14, 1972 to review applicants for a City Planner.

As the Poll of Council was taken, the following comments were received: Mr. Sweetman read his letter dated August 2, 1972 to the Mayor, Councilmen and City Manager relative to present conditions in the housing market and the Chevy Chase Apartment Project. He reviewed his summary of valuation based on the feasibility study previously released concerning Chevy Chase. He asked that Council unite in acquiring information concerning the expenditure of taxpayers' money in the Chevy Chase Project.

There being no further business, the Meeting was adjourned.

Approved:

Paul H. Hoy
Mayor

ATTEST:

Marie J. McLaughlin
Clerk of Council