

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held October 2,

19 72

REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, October 2, 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, Charles McQueeney, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

Mr. Stubbs moved that Councilmen J. V. Stone and John Davis be excused from this Meeting. Mr. McQueeney seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

The Minutes of the Meeting of September 11, 1972 had been distributed prior to this Meeting. Mr. Stubbs moved that the Minutes of the Meeting of September 11, 1972 as distributed, be approved. Mr. McQueeney seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mayor Hoy abstained.

The Minutes of the Meeting of September 18, 1972 had been distributed prior to this Meeting. Mr. McQueeney moved that the Minutes of the Meeting of September 18, 1972 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mayor Hoy abstained.

The Public Hearing concerning the Rezoning Request of Paul Lapp, Inc. was held. Requested is a change of 49.5 acres from Washington Township R-4 and B-2 Classification to Centerville R-3 and B-2 Classifications.

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

Mr. Smith located the subject property on a map and reviewed the zoning of adjacent land. The property is located at the south west corner of Alexandersville-Bellbrook Road and Wilmington Pike.

Mr. Charles Abramovitz, from the Ralph L. Woolpert Company and representing the Applicant, reviewed the Request. Proposed is the enlargement of the current B-2 zoning at the corner of Alexandersville-Bellbrook Road and Wilmington Pike. The R-3 area will be developed into condominiums and high value rental property with a density of 5,000 square feet per dwelling unit or 180 units on approximately 25 acres of land. Some site development will be done by Mr. Lapp but development will be by various builders. The area will be developed upon the completion and operation of the Sugar Creek Sewer Treatment Plant, perhaps in 1975. Mr. Abramovitz advised that the relocation of Wilmington Pike proposed through the Lapp property will be a part of the Lapp development. There is no park land contained on this subject proposal. The access to the Multi-family area is designed off Alexandersville-Bellbrook Road. The Planning Commission recommended approval of this Request by a 6-1 vote.

City Planner Robert Winterhalter indicated concern with the amount of acreage proposed for B-2 zoning in the particular area, he agreed with the buffer that the R-3 would provide.

Councilman John McIntire entered the Meeting at this time.

Mr. McIntire suggested that the R-3 area be restricted to condominiums and covenants for such be placed on the deed. Mr. Abramovitz will take this proposal to Mr. Lapp for his concurrence and report to Council at the October 16, 1972 Meeting.

The Public Hearing concerning Ordinance Number 49-72 was held.

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Mr. Farquhar reviewed the proposed Ordinance, it provides no minimum size in area for a planned multi-family project. The City Planner indicated no objection to the proposed Ordinance. The Planning Commission recommended approval of the Ordinance by a 6-1 vote. Mr. Farquhar advised that the Ordinance was initiated by the Planning Commission to clear some internal conflicts in the Zoning Ordinance. Mr. McIntire sponsored 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, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Farquhar reviewed Ordinance Number 58-72, it accepts the bid of Fryman-Kuch Contractors, Inc. for the General Contract work for the new Municipal Building, base bid being in the amount of \$330,384.00. Mr. McIntire sponsored Ordinance Number 58-72, An Emergency Ordinance Accepting The Bid Of Fryman-Kuch Contractors, Inc. For General Contract Work In The Construction Of The New Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. McIntire moved that Ordinance Number 59-72, An Ordinance Accepting The Bid Of Fryman-Kuch Contractors, Inc. For General Contract Work In The Construction Of The New Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on October 16, 1972. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Ordinance Number 60-72 was briefly discussed by Council. Mr. McIntire moved that Council convene into Executive Session to review the Mechanical Contract work in the construction of the new Centerville Municipal Building. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Upon Council returning from Executive Session Ordinance Number 60-72, An Emergency Ordinance Accepting The Bid Of Jerry Seubert Company For Mechanical Contract Work In The Construction Of The New Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, was tabled for further consideration.

Mr. Sweetman sponsored Ordinance Number 61-72, An Emergency Ordinance Accepting The Bid Of Studebaker Electric Company For Electrical Contract Work In The Construction Of The New Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. McIntire seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. McIntire moved that Ordinance Number 62-72, An Ordinance Accepting The Bid Of Studebaker Electric Company For Electrical Contract Work In The Construction Of The New Centerville Municipal Building And Authorizing The City Manager To Execute A Contract With Said Contractor On Behalf Of The City Upon The Posting Of The Proper Performance Bond By The Contractor, be set for Public Hearing on October 16, 1972. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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Director of Finance Ronald Budzik reviewed two schedules which he prepared for the financing of the Municipal Building through the issuance of Bonds. He recommended the 15 year take down, issuance of Bonds to be as soon as possible. He recommended financing \$225,000.00 over a 15 year period, paying off the principle \$15,000.00 per year. Council concurred with Mr. Budzik's recommendation. Mr. Sweetman moved that the City borrow \$225,000.00 over 15 years and that proceedings be initiated for the Bonding. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mayor Hoy suggested that legislation be prepared for the October 16, 1972 Council Meeting.

Mr. McQueeney reviewed the contest recently held to develop a City Flag and City Seal. Prize money awarded was \$250.00 to James Ivanoff for the winning Seal and \$50.00 to Bernard Schramm for the winning Flag. Three judges made the final decision. Mr. McQueeney moved that Ordinance Number 63-72, An Ordinance Designating And Accepting The Official Flag And Seal For The City Of Centerville, Ohio, be set for Public Hearing on October 16, 1972. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Smith advised that the Edward J. DeBartolo Corporation has agreed to paying the increased City's share from \$5,000 to \$11,350 for the improvement of State Route 725 east from North Main Street to Loop Road. Mayor Hoy expressed his dissatisfaction with the State of Ohio's design for SR725 in Centerville in comparison with the proposed widening of the same State Route in Greene County. Mr. McIntire feels that the proposal in Centerville is inadequate in design in consideration of the potential business uses to the east, he suggested that Division 8, State of Ohio, Department of Highways and TCC prepare a revised proposal for SR725. Council concurred that Division 8 and TCC should review with the City Manager requirements of this roadway and ultimately report back to Council with a recommendation at some future date.

Mayor Hoy set a Council Work Session for Monday, October 9, 1972 to interview Applicants for the Centerville Planning Commission.

Terrace Villa, Section One and Section Two, were reviewed by the City Manager. Mr. Schab recommended release of the Performance Bond on these two Sections construction meets Centerville Standards. Following discussion concerning sidewalks throughout the Development, acceptance of these two Sections was tabled until the October 16, 1972 Meeting.

Mr. Smith reviewed Sections Two and Six of Red Coach South. City Engineer Karl Schab recommended release of the Performance Bonds on these two Sections, construction meets Centerville Standards. Mr. McIntire moved that the Performance Bond in the amount of \$80,000.00 for Red Coach South, Section Two be released subject to the receipt of a Maintenance Bond of 5% of the original \$80,000.00 Performance Bond for the duration of one year. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. McIntire moved that the Performance Bond on Red Coach South, Section Six be released. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Stubbs reported on the Meeting held between the Public Health and Safety Council Committee, City Administration and the Centerville City School Board relative to the potential traffic problem on East Franklin Street upon completion of the new High School. It was concluded at the

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Meeting that East Franklin Street should be widened for a portion and additional sidewalk is needed, Mr. Smith is pursuing the improvements which need to be made prior to school opening. Mr. Stubbs, speaking for the Council Committee recommended that the City Manager and City Engineer prepare a sketch showing what is needed as agreed to, cost figures and assessments and present to Council for consideration at the October 9, 1972 Work Session.

Clerk of Council Marilyn McLaughlin advised that a Notice of Intent to Appeal recommendations of the Board of Architectural Review has been filed by Karl Zengel. These recommendations were made concerning a proposed Medical Health Building on North Main Street south and adjacent to the First National Bank.

Mr. Smith reviewed the bids received by the Montgomery County Purchasing Department for De-icing salt. He recommended accepting the bid of Domtar Chemical, Inc. for 400 tons of salt, direct transfer at \$9.00 per ton. Additional tonage will be delivered for \$11.55 per ton. Mr. Sweetman sponsored Resolution Number 23-72, A Resolution Accepting The Bid Of Domtar Chemicals, Inc. To Supply The City Of Centerville, Ohio With De-icing Salt, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

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

Mr. Sweetman, in reference to his request of September 11, 1972 concerning natural gas commitment and propane gas units for the Chevy Chase Apartment project, wondered what findings have been made. Mr. Farquhar advised that they have a commitment from Dayton Power and Light Company for natural gas good until February 1, 1973 and there are provisions in the State Building Code concerning the storage of propane gas tanks. Mr. Sweetman requested these findings in writing. Mr. McQueeney questioned the procedure to be followed in the adjournment of a Council Meeting. Mayor Hoy advised that a procedure will be set after review of the Council Rules.

Mr. Stubbs reported on the Ohio Municipal League Conference which he attended during the week of September 25, 1972. He wondered if Council would like to endorse the State Income Tax Issue and the Mental Health Levy, both to be election issues November 7, 1972. Mayor Hoy suggested that a policy of Council be discussed at the Council Work Session set for October 9, 1972.

Mr. McQueeney moved that this Meeting be adjourned. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Approved:

Paul C. Hoy
Mayor

Attest:

Marilyn J. McLaughlin
Clerk of Council