

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held October 16, 1972

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SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, October 16, 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: John Davis, Russell Sweetman, Charles McQueeney, Leonard Stubbs, John McIntire, Acting City Manager and City Engineer Karl Schab, Municipal Attorney Robert Farquhar and Clerk of Council Marilyn McLaughlin.

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

The Minutes of the Meeting of October 2, 1972 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of October 2, 1972 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in five eyes in favor of the motion. Mr. Davis abstained.

Mr. Stanley Weissman, 337 Pleasant Hill Drive, appeared to solicit Council's endorsement of Question Number 9 on the November 7, 1972 election ballot, that being the Mental Health Retardation Levy. Mayor Hoy pointed out that Council, as a group, does not endorse Levys.

The Public Hearing was held concerning the Application submitted by Zengel Construction Company to the Board of Architectural Review to construct a Medical Health Building in the AP District. The proposed building is to be located south of and adjacent to the First National Bank Building on North Main Street. The Applicant has appealed the following five recommendations of the Board:

1. The retaining wall is to be faced and capped with brick.
2. All walkways, front entry and sidewalk along Main Street are to be brick.
3. The building should be moved forward toward the west property line far enough to accommodate parking in the rear and the required number of spaces.
4. Both side elevations should be treated with shutters at the windows.
5. Provide a brick sidewalk from the sidewalk along Main Street to the front entry of the building.

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

Mr. Farquhar reviewed the five recommendations and compared them with Sections of Ordinance Number 80-71, the Ordinance establishing the AP District.

Mr. Karl Schab located the subject property on a map and explained the plot plan as proposed by Zengel Construction Company.

Mr. Benjamin Albery, Attorney for the Applicant, explained their reasons for Appeal. They feel the brick faced retaining wall adds an un-needed expense; brick walkways could be a hazard to the sick and infirmed; the building should be located on the land to be compatible with the First National Bank Building, this is good planning; shutters add a maintenance cost to the building; and snow and ice removal will be difficult from a brick sidewalk.

Mr. John Doan, representing the First National Bank, indicated concern that their show window not be impaired by the movement forward toward Route 48 of this proposed Medical Building.

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As requested by Mr. Davis, Mr. Karl Zengel explained the proposed retaining wall along the south side lot line. They have proposed a concrete wall with brick pillars every 5 or 6 feet topped with lights. The wall would vary to a maximum height of 6 feet.

Following discussion on all issues, Mr. McIntire wondered whether the Petition should be considered in total or individually. Mr. Farquhar recommended individually. Mayor Hoy suggested that each of these five items be adequately reviewed and a decision made on them by the end of the month of October. Mr. McQueeney moved that this matter be tabled for one or two weeks. Mr. Sweetman seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Stubbs and Mr. McIntire voted no.

The Public Hearing concerning Ordinance Number 59-72 was held. Mr. Farquhar reviewed the proposed Ordinance. Mr. Stubbs sponsored Ordinance Number 59-72, An Ordinance Accepting The Bid Of Fryman-Kuck 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, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 62-72 was held. The proposed Ordinance was reviewed by the Municipal Attorney. Mr. Sweetman sponsored 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 Posting Of The Proper Performance Bond By The Contractor, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 63-72 was held. Mr. Farquhar reviewed the proposed Ordinance. Mr. McQueeney sponsored Ordinance Number 63-72, An Ordinance Designating And Accepting The Official Flag And Seal For The City Of Centerville, Ohio, 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. Winterhalter, Planner for the City of Centerville, discussed his review of the Rezoning Request of the Springmont Company with the Company's Planner. For the proposed R-3 area a new plan resulted which includes no curb cuts on Clio Road, and Clio Road to be a boulevard type roadway. There is no change in the number of units, breakdown or the density as previously proposed.

Mr. Wilson Adams, representing the Springmont Company, reviewed the following Covenants to run with this land if the Rezoning is granted:

1. Number of residential living units not to exceed 162, each for a single family.
2. All units to be constructed under the condominium or cooperative basis and to be offered for sale to home purchasers.
3. The formation of a Homeowners Association to maintain the private streets, open areas, landscaping and green space.
4. The City of Centerville has the right to make these covenants less restrictive at a later date, if so desired.
5. There will be no automobile service station or gasoline station on the premises.
6. City Council has the right to approve plans for any building to be constructed in the B-2 zoned area.

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Mr. Davis sponsored Ordinance Number 64-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 45.7 Acres, More Or Less, From Centerville EC And Washington Township R-4 Classifications To Centerville B-2, EC And R-3 Classifications, and moved that it be passed. Mr. McQueeney seconded the motion. Mr. Winterhalter reviewed his recommendation for the future development of the north east section of the City, this Request is not in conflict with his recommendation. A roll call vote resulted in six ayes in favor of the motion.

City Engineer Karl Schab reviewed proposed street improvements for Black Oak Estates II. Improvements proposed for Rolling Oak Drive and Ambridge Road will eliminate the existing drainage problem. Mr. Farquhar, after a review of previous City Engineer recommendations, advised that in his opinion the City can only uphold previous recommendations and require that only the items not complete at the time of the recommendations be completed prior to final acceptance by the City. Mr. Farquhar reviewed a commitment letter received from the Black Oak Development Company for street improvements in Black Oak Estates II which will rectify the drainage problems. Mayor Hoy requested that information be compiled concerning the Sections of Black Oak Estates for which acceptance has been requested and this matter be further discussed at a Council Work Session set for October 23, 1972.

Mr. Sweetman sponsored Ordinance Number 65-72, An Emergency Ordinance Accepting The Bid Of Jerry Seubert Company For Mechanical Contract Work In The Construction Of The New Centerville Municipal Building And Ratifying The Action Of The City Manager In Executing A Contract With Said Contractor On Behalf Of The City, and moved that it be passed. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stubbs moved that Ordinance Number 66-72, An Ordinance Accepting The Bid Of Jerry Seubert Company For Mechanical Contract Work In The Construction Of The New Centerville Municipal Building And Ratifying The Action Of The City Manager In Executing A Contract With Said Contractor On Behalf Of The City, be set for Public Hearing on November 6, 1972. Mr. McQueeney seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Municipal Attorney Robert Farquhar reviewed Resolution Number 24-72, A Resolution Requesting Fiscal Officer To Certify As To Maximum Maturity Of Bonds. The Resolution has been prepared by the Bonding Attorney. Mr. Davis moved the adoption of the following Resolution:

WHEREAS, this Council contemplates the issuance of Bonds in the sum of \$225,000 for the purpose of constructing a municipal building or buildings, and furnishing and equipping the same,

BE IT RESOLVED by the Council of the City of Centerville, Ohio, that the Director of Finance, as fiscal officer, be and he is hereby requested to certify to this council the estimated life of the improvement to be made with the proceeds of the sale of said bonds, and the maximum maturity of said bonds, as provided in Sections 133.20 and 133.21 of the Uniform Bond Law of the Ohio Revised Code.

Mr. McIntire seconded the Resolution. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman moved that Ordinance Number 67-72, An Ordinance Providing For The Issuance Of Bonds By The City Of Centerville, Ohio, In The Sum Of \$225,000 For The Purpose Of Building And Equipping A Municipal Building Or Buildings, be set for Public Hearing on November 6, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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City Engineer Karl Schab reviewed his recommendations concerning Section One and Section Two of Terrace Villa Plat. He recommended acceptance of both Sections and release of the Performance Bonds. All sidewalks have been completed as had been requested. Mr. Davis moved that the City accept Section One and Section Two of Terrace Villa Plat in accordance with Mr. Schab's letters of September 29, 1972. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Schab reviewed Section Two of Kingsgate Plat. All improvements have been made, he recommended release of the \$16,655.24 Certified Check placed in escrow in lieu of a Performance Bond to Mr. George Steller and no Maintenance Bond be required. Mr. Sweetman moved that the Certified Check in the amount of \$16,655.24 be released to Mr. George Steller. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Charles Abramovitz, representing Paul E. Lapp, advised that, in reference to Mr. Lapp's Rezoning Request, he is amenable to constructing condominium for sale type units adjacent to the single family zoning, however he wonders about the suitability of condominiums adjacent to the business area. He would agree to 100% condominiums for sale on the multi-family area if Council desires. Following additional discussion, Council concurred that the proposed multi-family zoned area be restricted to 100% condominiums for sale at a density of 5 1/2 units per acre. Covenants will be prepared to restrict the multi-family zoned area as agreed upon and will be considered along with the Ordinance effecting this Rezoning Request. Mayor Hoy advised that this matter will be on the agenda for the next Council Meeting.

Mr. Sweetman reported on the South Suburban CATV Franchise Committee Meeting which he attended on October 12, 1972. Indications at the Meeting were that a Franchise will be issued in January or February, 1973. Discussion followed concerning Centerville's position on this matter. Mr. McIntire and Mr. McQueeney felt that people should be made aware of what to expect of CATV in the future and they should be permitted to make the decision - CATV or not. Mayor Hoy reviewed the fact that Centerville's participation at these Meetings is for information purposes only, this was Council's previous position and it has not been changed.

While the Poll of Council Members was taken, Mr. McQueeney suggested that Council receive a status report concerning the Recycling Center on Clio Road from the Centerville Youth Board, to contain information relative to Bookkeeping, Economics, Insurance, etc.

There being no further business, the Meeting was adjourned.

Approved:


 Mayor

ATTEST:


 Clerk of Council