

RECORD OF PROCEEDINGS

Minutes of

REGULAR MEETING

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held November 6,

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REGULAR MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session on Monday, November 6, 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: Charles McQueeney, Russell Sweetman, J. V. Stone, John Davis, John McIntire, Leonard Stubbs, City Manager James Smith, Municipal Attorney Robert Farquhar, City Engineer Karl Schab, Director of Finance Ronald Budzik and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of October 16, 1972 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of October 16, 1972 as distributed, be approved. Mr. Stubbs seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Stone abstained.

The Minutes of the Meeting of October 23, 1972 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of October 23, 1972 as distributed, be approved. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. and Mrs. Carl Pickering, 35 East Franklin Street, appeared before Council concerning the parking lot located next to their residence; they have experienced a dust problem. Mr. Farquhar will research requirements concerning a public parking lot, so advise the City Manager and Mr. Smith will be in contact with the Pickerings within the following two days. Mr. James Georgakas, co-owner of the property, explained how the parking lot has recently been improved and requested clarification of the City's Specifications. Discussion followed concerning a drainage problem in this same location. Mr. McIntire suggested that irregularities concerning both properties be researched; Mayor Hoy requested that a report concerning this matter be presented to Council at their next Meeting.

Bellbrook Councilman Charles Billings and Bellbrook Planning Commission Member David Holmes introduced themselves to Council, their attendance at this Meeting was relative to the Paul E. Lapp, Inc. Rezoning Request.

Mr. Davis reported on the Planning Commission Meeting held October 17, 1972. He reviewed the Rezoning Request filed by Edward Wainscott in behalf of several property owners on East Franklin Street. Requested is a change of five lots on the south side and one lot on the north side from R-2 and R-3 zone classifications to AP District. The land proposed to be rezoned is east of and adjacent to the present Architectural Preservation District. The Planning Commission, four Members being present, unanimously recommended denial of the Request.

Mr. Davis reported on the October 31, 1972 Planning Commission Meeting. The Planning Commission unanimously recommended approval of an Ordinance granting the Board of Architectural Review the right to grant Variances. Mr. Davis moved that Council accept the recommendation of the Planning Commission concerning Ordinance Number 70-72, An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance As Amended By Ordinance No. 25-69 And Ordinance No. 80-71 By Granting The Board Of Architectural Review The Power To Grant Variances, and that it be set for Public Hearing on December 18, 1972. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Davis reviewed a proposed Zoning Ordinance amendment to establish amended procedures for Business 1 and Business 2 Districts. Mr. Farquhar explained the Ordinance, it basically extends the present procedure for Entrance Corridor and Shopping Center Districts to B-1 and B-2 uses. The Planning Commission recommended approval of the proposed Ordinance by a six aye, one abstention vote. Mr. Davis moved that Council accept the Planning Commission's recommendation concerning Ordinance Number 71-72, An Ordinance Amending Ordinance No. 15-61, The Village Of Centerville, Ohio, Known As The "Zoning Ordinance Of Centerville, Ohio, 1961" To Establish Amended Procedures For Business 1 And Business 2 Districts, and that it be set for Public Hearing on December 18, 1972. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed a Preliminary Plan for Greenbrier Commons to be located on the north side of Alexandersville-Bellbrook Road, south and east of the proposed extension of Clio Road. Mr. Robert Archdeacon, from the Ralph L. Woolpert Company and representing the Applicant, explained the proposed Plan; it concerns only the multi-family development portion of the land. An Agreement has been made between the north adjacent property owner and Greenbrier Commons that extended Clio Road be completed by 1975. Clio Road and the perimeter road will be dedicated, the interior roads being private. Proposed are 400 condominium units at a density of 9.3 units per acre. The Planning Commission recommended approval of this Plan by a 5 to 2 vote subject to Clio Road being developed no later than 1975 and a 60 foot right-of-way north of the centerline of Route 725 being dedicated by the Developer. Mr. Archdeacon advised that the width of Alexandersville-Bellbrook Road will be co-ordinated with the State Highway Department at the time the front portion of the property is proposed for development. Mr. Davis moved that Council approve the Preliminary Plan for Greenbrier Commons in accordance with the Plan submitted and accepted by the City Manager on October 7, 1972 with the provision that an agreement be worked out by the Municipal Attorney for the completion of the extension of Clio Road no later than 1975 and the dedication of 60 feet of right-of-way north of the centerline of State Route 725. Mr. Stone seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mr. McQueeney, Mr. Sweetman and Mr. McIntire voted no; Mr. Stubbs abstained.

The Public Hearing was held concerning the Rezoning Request submitted by William Forbes for 52.7 acres of land located on the west side of Wilmington Pike, south of proposed I-675. Requested is a change from Washington Township R-4 classification to Centerville EC and B-2 classifications.

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

Mr. Schab located the subject property on a map and reviewed the Request; 14.3 acres are proposed for EC and 38.4 acres to B-2 classification.

Mr. William Forbes explained to Council that the Plan does meet the Comprehensive Plan for Centerville. Planning Commission recommended approval of this Request by a 5 to 0 vote.

Mr. Robert Winterhalter, City Planner, explained how the Plan is consistent with the Comprehensive Plan, he recommended approval of the Plan.

Mr. McIntire sponsored Ordinance Number 72-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 52.7 Acres, More Or Less, From Washington Township R-4 Classification To Centerville EC And B-2 Classifications, and moved that it be

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passed. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 66-72. Mr. Farquhar reviewed the proposed Ordinance. Mr. Stubbs sponsored 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, and moved that it be passed. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 67-72. Mr. Farquhar reviewed the proposed Ordinance. Mr. Davis sponsored 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, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 69-72 was held. Mr. Farquhar reviewed the proposed Ordinance, it appoints Mr. John E. Myers to complete the term of Robert Ackerman on the Centerville Planning Commission. Mr. Sweetman sponsored Ordinance Number 69-72, An Ordinance Appointing A Member To The Planning Commission To Fill A Vacancy Presently Existing By Virtue Of The Resignation Of Robert Ackerman For The Remainder Of Said Robert Ackerman's Term, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Stubbs and Mr. Stone abstained.

Mr. Smith reviewed the Paul E. Lapp, Inc. Rezoning Request; it is an extension of the B-2 zoning at the south west corner of Wilmington Pike and Alexandersville-Bellbrook Road with requested R-3 to the west and south of the proposed B-2. Mr. Farquhar reviewed the following Covenants which have been prepared concerning the multi-family area:

1. Number of residential units will not exceed 5 1/2 units per gross acre.
2. All residential living units shall be condominium or co-operative type offered for sale to home purchasers.
3. A Homeowners Association will be formed for maintenance of private streets, open space, landscaping, etc.
4. Permits the majority of City Council to make the Covenants less restrictive.

Bellbrook Councilman Charles Billings pointed out a potential drainage problem into Greene County from the development of this property. He suggested that a joint meeting be held between the Bellbrook Planning Commission and the Centerville Planning Commission to consider various Plans as well as the Paul Lapp Plan. The joint meeting was set for November 21, 1972 in concurrence with Centerville Planning Commission Member John Davis. Mr. Stone moved that Ordinance Number 57-72, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 49.5 Acres, More Or Less, From Washington Township R-4 And B-2 Classification To Centerville R-3 And B-2 Classification, be tabled until Council has an opportunity to consider recommendations resulting from the joint meeting of the Centerville and Bellbrook Planning Commissions. Mr. McQueeney seconded the motion. A roll call vote resulted

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In seven ayes in favor of the motion, Mayor Hoy suggested that recommendations be presented to Council at the December 4, 1972 Council Meeting.

Clerk of Council Marilyn McLaughlin advised that a Notice of Intent to Appeal and the Appeal has been received concerning the decision of the Planning Commission rendered on October 17, 1972 relative to the Rezoning Request filed by Edward Wainscott in behalf of several property owners on East Franklin Street. A Public Hearing has been set for December 4, 1972.

Mr. Schab explained the Specifications he prepared for brick paving in the Architectural Preservation District; included are three methods of installation and three patterns, the pattern to be approved by the Board of Architectural Review. The brick walks do not extend across the driveways. As Mr. Schab recommended, Council concurred that the Board of Architectural Review approve the proposed patterns before an Ordinance is prepared. Mr. McQueeney suggested that the Board of Architectural Review reconsider the requirement of brick sidewalks in the AP District. Mr. McIntire pointed out that the overall effect will be achieved only after a period of time.

Mr. Schab reviewed the Construction Drawings for Black Oak Estates Five, Section One: all improvements have been made except for a sidewalk in front of lot 404. He recommended that the Performance Bond in the amount of \$97,000.00, which will provide for the sidewalk and a Maintenance Bond in the amount of \$4,850.00 be required. Mr. Sweetman moved that Council comply with the recommendation of the City Engineer. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Schab reviewed the Record Plan for Rose Estates, Section Four. The Planning Commission recommended approval of the Plan subject to the ditch in Rose Estates being constructed before Section Four is developed. Mr. Schab recommended that new construction not start before the ditch conforms to Specifications outlined in Construction Drawings of former Sections of Rose Estates. Mr. McIntire moved that the Record Plan for Rose Estates, Section Four be approved subject to the receipt of a Sub-Dividers Agreement, Performance Bond in the amount of \$30,000.00, and an Inspection Fee of \$223.21 and subject to conformance with the City Engineer's recommendation. Mr. Sweetman seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. McIntire requested that the Planning Commission Minutes of October 17, 1972 be amended to reflect their approval of this Plan.

Mr. Schab reviewed the Record Plan for Black Oak Estates Four, Section Three; he recommended approval of this Plan subject to receipt of a Performance Bond in the amount of \$13,000.00. The Development includes widening and improvement of 630 feet of Ciyo Road. The Planning Commission unanimously recommended approval of this Plan and that Ciyo Road be widened to 26 feet east of its centerline. Sidewalk is included along Ciyo Road. Mr. Stubbs moved that Council accept the recommendation of the City Engineer to approve Black Oak Estates Four, Section Three, subject to the receipt of a Sub-Dividers Agreement, Performance Bond in the amount of \$13,000.00 and an Inspection Fee of \$108.40. Mr. McQueeney seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis moved that Council accept the recommendation of the City Manager in reference to the Police Cruiser Bids. Mr. Stubbs seconded the motion. Mr. Smith had recommended that the bid for three Ford Custom Four-

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door Sedans and one Ford Galaxie Two-door Sedan received from Borchers Ford, be accepted. A roll call vote resulted in seven ayes in favor of the motion.

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

Mr. Sweetman wondered whether everyone doing construction in the AP District are in conformance with the Ordinance establishing the District. He made reference to a Curb Cut having been made on East Drive. Mayor Hoy advised that this Curb Cut has been approved by the Board of Architectural Review. Mr. Stone moved that Council approve the Curb Cut on East Drive as submitted. Mr. Stubbs seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Discussion followed concerning whether a Curb Cut Permit is required for the widening of an existing Curb Cut; this is in reference to construction on the west side of South Main Street, also in the AP District. Mr. Farquhar will further research this matter.

Mr. McQueeney suggested that a Meeting be scheduled to discuss how Centerville should use Revenue Sharing Funds. Mr. McIntire extended the idea of giving garbage collection back onto the property. Mr. Stubbs suggested that the City Manager ascertain what formula will be used for distribution.

Mr. McIntire made reference to the increased number of auto accidents occurring in the City of Centerville during the month of October. He recommended that a stronger look be made into traffic safety.

There being no further business, the Meeting was then adjourned.

Paul B. Hoy
Mayor

ATTEST:

Margaret M. Laughlin
Clerk of Council

Mr. Gault explained his analysis of the waste collection time for the period between November 1, 1971 through October 31, 1972. He currently shows that operation at 1.7% net revenue per unit but only as compared to anticipated 2.0% - the difference is contributed to efficiency and an increase in residential households. He recommended going into industrial waste collection to offset any cost increase. This residential collection would continue at \$4.00 per month for the next one or two years. Mr. McIntire emphasized improving residential collection, placing the cans back at the residence. Mr. Sweetman brought attention to and pointed to the note written on a check in payment for waste collection since by G. Andrew Burton, also former head, in which he objected to paying in advance for the service one receives in Centerville as a corrupt city. He accused Centerville government as being crooked and graft laden. Mr. McIntire reviewed waste collection by the City of Centerville since the service began, there has been not one day without collection, the service