

Held January 4, 1971

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, January 4, 1971 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: John Zengel, John Davis, Victor Green, Russell Sweetman, City Manager John Griffin, Municipal Attorney Robert Farquhar, City Engineer Frank Williams, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of December 21, 1970 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of December 21, 1970 as distributed, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Minutes of the Meeting of December 29, 1970 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of December 29, 1970 as distributed, be approved. Mr. Green seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mr. Zengel and Mr. Davis abstained.

Mrs. Greive, representing the Incarnation Parish Social Action Committee, appeared before Council to extend an invitation to everyone to listen to Dr. Stanley Weissman, President of Citizens for Clean Air, speak on Air Pollution on Tuesday, January 12, 1971 at 8:00 P.M.

Councilman John McIntire entered the Meeting at this time.

City Manager John Griffin reported for the Planning Commission. He reviewed the Rezoning Request of James P. McConnaughey for 36.104 acres on the south side of East Whipp Road. Requested is a change from Centerville R-1 and Washington Township R-4 Classification to Centerville R-3 Classification. The plan as presented contains an open space for park purposes which would adjoin the Red Coach South Park; this was endorsed by the Park District. The Montgomery County Sanitary Department advised that the area could be served with sanitary facilities. The Planning commission recommended to Council denial of this Request.

Mr. Griffin reviewed the Variance Application submitted by the Cricket Cage, for a two-foot set back from the front property line for their sign at 65 West Franklin Street. The Request was approved by the Planning Commission.

The Variance Application submitted by Dr. William C. Davis, for a two-foot set back from the front property line for his sign at 79 West Franklin Street, was reviewed for Council. The Planning Commission approved said Request.

Mr. Griffin reviewed the Rezoning Request of Thomas G. Forsythe for three lots on the east side of Far Hills Avenue south of Alexandersville-Bellbrook Road. Requested is a change from Centerville R-2 to Centerville R-3 Classification. The Planning Commission recommended denial of this Request based upon the fact that there is a distance between the three lots, this is in a residential area, there is other space available for office use, and the public opposition expressed against the Request. Mr. McIntire moved that Council concur with the action of the Planning Commission concerning case number Z-70-10 by Thomas G. Forsythe, 16 Poinciana Drive, and that action being the rejection of this Request. Mr. Davis seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Green and Mr. Sweetman abstained.

Mr. Griffin reviewed the Rezoning Request submitted by John Black, Stanley Swango, Jr., and P. Richard Brainard for approximately 148 acres on the east side of Clio Road north of Centerville Station Road. Requested is a change from Washington Township R-3 to Centerville R-1, R-4 and B-2 Classification. The Montgomery County Sanitary Department advised that this area can eventually be served by the new sewer treatment plant proposed in Greene County. The Park Board recommended that a Public Neighborhood Park be incorporated in the plan just west of the dead end of Black Oak Drive. The plan would be developed over a five year period. The motion to deny this Request

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by the Planning Commission failed. Mr. Davis sponsored Ordinance Number 1-71, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 148.1245 Acres, More Or Less, From Washington Township R-3 Classification To Centerville B-2, R-1, and R-4 Classification, and moved that the Ordinance be accepted and be set for Public Hearing on March 1, 1971. Mr. Zengel seconded the motion. Mr. Davis amended his motion to delete "be accepted and". Mr. Zengel seconded the amendment. A roll call vote resulted in six ayes in favor of the motion. Mr. McIntire emphasized the need for legislation establishing controls for a Planned Unit Development. He encouraged the Planning Commission to come forth with such legislation as soon as possible.

Councilman J. V. Stone entered the Meeting at this time.

The following Public Hearings before the Planning Commission were set for January 25, 1971:

1. Variance Application by Bonded Oil Company for their property on the south west corner of Spring Valley Road and Lebanon Pike. Requested is a 11 foot set back from the right-of-way line on Spring Valley Road and a 30 foot set back from the right-of-way line on Lebanon Pike for the erection of their sign.
2. Variance Application by Dr. John D. Welsh for his property located at 69 West Franklin Street. Requested is a 21 inch set back from the right-of-way line to permit his sign to remain in it's present location.
3. Variance Application submitted by Architect Harry E. Misel, Jr. for Shakey's Pizza Parlor to be located at 6090 Far Hills Avenue. Requested is a variation in the parking requirements in an E-C District.
4. Rezoning Request submitted by Frank W. Williams for one lot on the west side of Clio Road north of Centerville Station Road. Requested is a change from Washington Township R-4 to Centerville 1-1 Classification.
5. Rezoning Request submitted by Oak Creek Development Company for the property located along the west side of Wilmington Pike at the intersection with proposed IS 675. Requested is a change from Washington Township R-4 to Centerville R-4, R-3, and B-2 Classification.
6. Variance Application submitted by Lubow Realty Company for the property at 52 North Main Street. Requested is a set back of five feet from the front property line for a sign.

City Manager John Griffin reviewed a Curb Cut Application submitted by E. H. Swaim for his property located on the west side of North Main Street immediately north of Main Auto Parts. The Request is for a 50-foot curb cut to be located 14 feet 6 inches south of his north property line. The Planning Commission approved the Request. Discussion followed concerning the location of the proposed building and the location of a street to be constructed from Lyons Drive to North Main Street. Mr. Davis moved that the curb cut as proposed on the drawing dated December 31, 1970, as revised, Drive-Thru Beer Carry Out, Mr. E. H. Swaim, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in seven naves against the motion. Mr. Davis moved that this Curb Cut Request by Mr. E. H. Swaim be referred back to the Planning Commission for review of alternatives in: site location of the building, location and size of the curb cut keeping in mind that there is an intent for a street to the immediate north of Mr. Swaim's property line and in consideration for the surrounding vacant land relative to future requests for curb cuts. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Planning Commission approved Section Six of Red Coach South. This is a one lot subdivision at the intersection of East Whipp Road and the Penn-Central Railroad. Mr. Griffin advised that the Developer, Mr. Ralph Woodley, has agreed in writing to accept an assessment at the time East Whipp Road is improved for his portion of said improvement. Mr. Sweetman moved that the Record Plan for Red Coach South, Section Six be approved, subject to the receipt of a covenant on this land drawn to the satisfaction of the Municipal Attorney relative to the future improvement of East Whipp Road. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Clerk of Council Marilyn McLaughlin read the following correspondence:

1. Notice of Intent to Appeal the decision of the Planning Commission rendered on December 28, 1970 concerning the Rezoning Request of James P. McConnaughey.
2. Notice received from the Ohio Department of Liquor Control for a D5 Permit from Anthony J. Dipasquale, DBA Antonios Restaurant, 36 West Franklin Street. This would permit the sale of all alcoholic beverages.
3. Notice received from the Ohio Department of Liquor Control for a D1 and D2 Permit from Shakeys Inc. DBA Shakeys Pizza Parlor, 6090 Far Hills Avenue. This would permit the sale of 3.2 and 6% beer and wine.
4. Notice received from the Ohio Department of Liquor Control for a D5 Permit from Pete Lahanas, Jr., DBA Copper Lantern, 890 East Franklin Street. This would permit the sale of all alcoholic beverages. Municipal Attorney Robert Farquhar will prepare an opinion concerning whether this use is permitted in an I-1 District for the January 18, 1971 Council Meeting.

Mayor Hoy read the following Mayor's Report for the month of December, 1970:

Mayor's Court

Fines and Forfeitures	\$1609.00
Costs	548.00

TOTAL	\$2157.00
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Zoning Permits

- 11 One family residences
- 2 Additions to residences
- 1 Sign
- 1 Commercial building
- 1 Apartment (12 units)

Mr. Zengel moved that the Mayor's Report as read, be accepted. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy abstained.

Mr. Griffin gave his City Manager's Report.

Mr. Green moved that Mr. John K. Buehl, 391 Whittington Drive be asked to serve another term of three years on the Personnel Appeals Board. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Clerk of Council Marilyn McLaughlin read the Notice of Public Hearing concerning a Conditional Use Request for the property located along the east side of South Main Street approximately 200 feet south of Martha Avenue. The Use is requested in order to open and maintain a Day Nursery.

Attorney James Gilvary, representing Applicant Mrs. Myrna Ryan, reviewed the Planning Commission's recommendation, that the Request be granted. He gave the dimensions of the lot and explained it's location and the character of adjacent properties. The maximum amount of children in attendance at any one time is 23. He outlined how the Use conforms to the requirements of the Zoning Ordinance. Mr. Green moved that a Zoning Certificate be issued for this Conditional Use. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mrs. McLaughlin read the Notice of Public Hearing concerning the Rezoning Request of American Modulars Corporation for a change in zoning from Centerville R-1 to Centerville R-3 Classification. The property is located along the east side of Lyons Drive approximately 200 feet north of Sheldon Drive.

Mr. Ned Haverstick explained an exhibit of the proposed buildings.

Mr. Gordon Mundell, 109 Lyons Drive, wondered what might happen to future zoning of the property to the south of this property on the east side of Lyons Drive, he stressed the importance of a street through from Lyons Drive to State Route 48 possibly before this Rezoning is granted.

Mr. Charles Rush, 144 Maple Avenue, questioned how much revenue is being received by the City from Apartment Buildings. Mr. Griffin advised that this matter is currently being researched by two members of the Planning Commission.

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Mr. Zengel sponsored Ordinance Number 49-70, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 3.291 Acres, More Or Less, From Centerville R-1 Classification To Centerville R-3 Classification, and moved that it be passed. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. City Manager John Griffin will pursue the construction of the proposed street from Terrace Villa Plat to State Route 48.

The Public Hearing was held concerning Ordinance Number 59-70. Mr. Green sponsored Ordinance Number 59-70, An Ordinance Giving Consent Of The City Of Centerville To The Expansion Of The Federal-Aid Primary System Of Highways In Said City To Include Streets And Highways Eligible For Traffic Engineering Improvements And The Betterment Of Existing Streets Through Traffic Engineering Improvements To Increase Traffic Flow And Safety Under The Supervision Of The Director Of Highways Of The State Of Ohio And Proposing To Cooperate With Said Director In Certain Matters Incident Thereto, and moved that it be adopted. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone sponsored Ordinance Number 2-71, An Ordinance Authorizing A Contract Between The City Of Centerville And The Montgomery County Board Of Health For 1971 Health Services, and moved that it be set for Public Hearing on January 18, 1971. Mr. Sweetman seconded the motion. Mr. McIntire suggested that an outline be submitted by the Montgomery County Board of Health outlining what the City has received and what the City can anticipate receiving in 1971 under the Contract. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Griffin reviewed Ordinance Number 3-71, a Temporary Appropriation Ordinance for the first three months of 1971. Mr. Davis sponsored Ordinance Number 3-71, An Emergency Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During One Quarter Of The Fiscal Year Ending March 31, 1971, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Ordinance Number 53-70, An Ordinance Amending Ordinance Number 12-1966 By Providing Additional Regulations For Lot And Site Improvements, was discussed by Council. Mr. Zengel felt that this Ordinance is too complex, it lacks simplicity, and contains some items already incorporated in other codes and regulations. Mr. McIntire advised that the Ordinance contains some unnecessary items, he suggested that this Ordinance be discussed in a Council Work Session prior to going to Public Hearing with Builders or their representatives.

Mayor Hoy called a Special Council Meeting for January 11, 1971 at 7:30 P.M.

The Meeting was then adjourned.

Approved:

Paul C. Hoy
Mayor

Attest:

Marie J. Langdon
Clerk of Council