

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

April 5,

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, April 5, 1971 at 8:00 P.M. at the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag, with Deputy Mayor John Davis presiding. Councilmen present were as follows: J.V. Stone, Victor Green, John Zengel, John McIntire, Russell Sweetman, City Manager John Griffin, City Engineer Frank Williams, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of March 15, 1971 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of March 15, 1971 as distributed, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of March 22, 1971 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of March 22, 1971 as distributed, be approved. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Richard Springer, 1015 East Rahn Road, appeared before Council to encourage a halt to apartment construction in Centerville.

City Manager John Griffin reported on the Planning Commission Meeting held March 29, 1971. He reviewed the Public Hearing held concerning the Rezoning Request of Paul E. Lapp, Inc., for 75.9 acres located at the south west corner of Alexandersville-Bellbrook Road and Wilmington Pike; Requested is a change from Washington Township R-4 and B-2 to Centerville R-4 and B-2. The developer proposes a 90 foot right-of-way thoroughfare street through the development which would connect Wilmington Pike to Rooks Road. Mr. Roland McSherry, 1443 Ambridge Road, pointed out the fact that 550 apartment units are proposed in this development to be located adjacent to the east end of Black Oak Estates. Planning Commission action will be forthcoming at their Meeting on April 26, 1971.

The Planning Commission approved the Variance Request of the Shell Oil Company to provide a reduction in the set-back requirement for the sign at their Service Station on the northwest corner of Spring Valley Road and State Route 48. Permission was granted to leave the sign in it's present location, but to be removed upon the widening of Spring Valley Road and/or State Route 48.

The Planning Commission unanimously recommended approval of the Oak Creek Development Company Rezoning Request to Council. Requested is a change of 26.716 acres from Washington Township R-4 to Centerville R-3 and B-2, property being that located south of Whipp Road on the west side of Wilmington Pike, and being that land previously set aside in a Rezoning Request for Interstate 675. Approval of this Request would merely make the zoning of the subject land coincide with that of adjacent land. Mr. Green moved that Ordinance Number 24-71, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 26.716 Acres, More Or Less From Washington Township R-4 Classification To Centerville R-3 And B-2 Classifications be set for Public Hearing on June 7, 1971. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin reviewed the revised architectural sketch and landscape plan for the proposed Office Building to be located on Far Hills Avenue just south of the Ponderosa Restaurant. This again did not receive Planning Commission approval.

Mr. Griffin reviewed the Record Plan for Rose Estates, Section One. Mr. Williams explained the smaller lot size of the two corner lots at the intersection of South Normandy Lane and Sheehan Road and recommended approval of the Plan subject to the receipt of a \$88,000.00 Performance Bond and Inspection Fee of \$429.90. Sidewalk will be on both sides of South Normandy Lane, the west side of Sheehan Road and the north side of Marsha Way. The Planning Commission recommended approval of the Plan subject to the deed for the park land being placed in escrow. Mr. McIntire moved that the Record Plan for Rose Estates, Section One be approved subject to the receipt of a Performance Bond in the amount of \$88,000.00 and an Inspection Fee of \$429.90 and subject to the

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City Engineer's and the Montgomery County Sanitary Engineer's approval of the Plan. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Planning Commission unanimously denied the Variance Application submitted by the Lubow Realty Company to erect a 4 x 5 foot sign without required set-back at 52 North Main Street.

Action by the Planning Commission was deferred concerning the Variance Request of the Kreuzsch and Schermer Construction Company to permit an advertising sign to be erected in a residential district on Clareridge Lane.

The Planning Commission unanimously recommended to Council passage of an Ordinance changing the name of Wynshire Drive to Fernshire Drive. Mr. McIntire moved that Ordinance Number 25-71, An Ordinance Changing The Name Of Wynshire Drive to Fernshire Drive be set for Public Hearing on April 19, 1971. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin advised that a Public Hearing has been set before the Planning Commission for April 13, 1971 concerning a Rezoning Request submitted by Anthony B. Wenzler for 28.6 acres on the east side of Marshall Road across from Hyde Park Drive; Requested is a change from Washington Township R-4 to Centerville R-3 and R-4 zone classifications.

A Public Hearing has also been set for April 13, 1971, on a Variance Request submitted by Zengel Construction Company to permit the erection of a car port with a reduction in the set-back requirement for an accessory building.

The Planning Commission has set April 26, 1971 as the Public Hearing date concerning a Rezoning Request filed by the Marathon Oil Company. Requested is a change from Washington Township R-2 to Centerville B-2 zone classification for 1.148 acres on the south west corner of Alexandersville-Bellbrook Road and Bigger Road.

A Rezoning Request has been received by the Planning Commission from the Springmont Company for a change in zoning from Washington Township R-3 and R-4 to Centerville R-3, R-4 and E-C Classifications. The subject property is 149.42 acres located on the east side of Bigger Road approximately 950 feet north of State Route 725. A Public Hearing has been set by the Planning Commission for May 11, 1971.

The Planning Commission approved the issuance of a Zoning Certificate for the Imperial Foodtown Store located at the Elder Beerman Store on State Route 48 to replace their advertising sign.

The Planning Commission unanimously waived the on-site parking requirements for the building located at 116 North Main Street, owned by Robert Ferguson. The waiver was based on the availability of adequate parking on an adjacent site.

Mr. Griffin advised that two Ordinance amending the Zoning Ordinance have also been set for Public Hearing before the Planning Commission; one on April 26, 1971 and one on May 11, 1971.

Mr. McIntire reported for the Finance and Personnel Committee and made the following recommendations concerning the Grievances filed by five Police Personnel. The Committee recommended and Mr. McIntire moved that an Ordinance be drafted to provide for Patrolman Fenlon and Reeder to be paid immediately for that step rate increase that was missed and that they be paid retroactively to that date that concluded a twelve month anniversary date ^{from their original date} of employment. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion. The Committee also recommended that the Ordinance on personnel classifications be immediately amended to include twelve months of continuous service and/or six months of continuous service, as it applies to the conditions of employment. The Committee further recommended and Mr. McIntire moved that, based on evidence presented, an Ordinance be drafted in consideration of

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Dispatchers Lemon, Link and Copeland to provide that the first anniversary date increases be forthcoming retroactive to the first anniversary date of employment. Mr. Stone seconded the motion. The Committee feels this is the moral approach even if in spite of or even whether or not it is in direct conflict to subsequent personnel classification Ordinances which eliminated this one year step rate increase. A roll call vote resulted in six ayes in favor of the motion. The Committee also recommended that the City Manager develop a booklet for all employees showing the:

1. Conditions of hiring a new employee as provided by Ordinance.
2. Develop Personnel Rules and Procedure pertaining to correct procedure for employees i.e. in questions of this nature.
3. This should be done at the earliest possible date.
4. Report to Council when this is complete.
5. Present this in a Meeting or Meetings with all employees.
6. Report back to Council when this is concluded.

Mr. McIntire moved that Council grant the request for a sabbatical which has been requested in a letter to the City Manager from Centerville's Chief of Police. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 18-71, was held. City Manager John Griffin explained the proposed Ordinance. Mr. Zengel sponsored Ordinance Number 18-71, An Ordinance To Amend Ordinance Number 4-71 Of February 1, 1971 For A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be adopted. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin reviewed the Rezoning Request of John Black, Stanley Swango and P. Richard Brainard for property on the east side of Clyo Road north of Centerville Station Road. Mr. Green sponsored Ordinance Number 26-71, 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 it be put to a vote. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. James Singer, 1408 Ambridge Road, questioned whether any covenants have been placed on the property following the Public Hearing. Mr. Davis advised not at the present time.

A roll call vote resulted in six nays against the motion.

Council commended the developers on their proposal but was opposed to the density permitted.

Mr. Carl Milbrandt, 7111 Bigger Road also commended the developers but did not feel the area was large enough for such a concept, he thanked Council for their position in this matter.

The Public Hearing concerning Ordinance Number 21-71, was held. Mr. Sweetman sponsored Ordinance Number 21-71, An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1971, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 22-71, was held.

Mr. Thomas Thompson, 104 Martha Avenue, asked for clarification of the proposed Ordinance. It was reviewed by Municipal Attorney Robert Farquhar.

Mr. McIntire sponsored Ordinance Number 22-71, An Ordinance Accepting A Proposed Agreement From The City Of Dayton, Ohio, For The Keeping Of Prisoners At The Human Rehabilitation Center During The Period April 1, 1971 To And Including December 31, 1971 And Authorizing The City Manager To Execute Said Agreement On Behalf Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 23-71, was held. Municipal Attorney Robert Farquhar cautioned Council on the fact that the State has not appropriated funds thus far for the year 1971. Mr. Griffin will keep a const-

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ant view on this matter prior to the effective date of this Ordinance and will make a further recommendation to Council. Mr. Stone sponsored Ordinance Number 23-71, An Ordinance Providing For Improvement Of Main Street - State Route 48 Under The Supervision Of The Director Of Highway, and moved that it be adopted. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman sponsored Ordinance Number 27-71, An Emergency Ordinance Amending Ordinance Number 23-69, An Ordinance Providing For A City Animal Warden, Prohibiting Animals From Running At Large Within The Corporate Limits Of Centerville; Authorizing The Impounding Of Animals And Providing A Penalty, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 28-71, An Ordinance Amending Ordinance Number 23-69, An Ordinance Providing For A City Animal Warden; Prohibiting Animals From Running At Large Within The Corporate Limits Of Centerville, Authorizing The Impounding Of Animals And Providing A Penalty, and moved that it be set for Public Hearing on April 19, 1971. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The current status of the four acres of City owned property in the Terrace Villa Plat was discussed by Council. Mr. Farquhar will review the current agreement between American Modulars, Inc., and the City of Centerville and report back to Council.

Deputy Mayor John Davis read the following Mayor's Report for the month of March, 1971:

Mayor's Court		
	Fines and Forfeitures	\$1,031.00
	Costs	522.00
		<hr/>
	Total	\$1,553.00

Zoning Permits

- 28 1 Family Residences
- 2 Additions to Residences
- 1 5 Family Apartment Buildings
- 1 Restaurant
- 1 Commercial Building
- 1 Addition to Commercial

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

Mr. McIntire suggested that consideration be reactivated concerning the Building Inspection of apartment buildings in excess of three units and commercial buildings; revenue is being lost by the City. Mr. Griffin will report back to Council on what legislation is needed for such inspections and will give an estimated figure of revenue the City might anticipate with said certification.

A letter of resignation has been received from Mr. John K. Buehl from the Centerville Personnel Appeals Board to be effective May 1, 1971 or whenever a replacement is appointed. Mr. Davis recommended that the City Manager review the application previously received for said Board. Mr. Stone recommended that the vacancy be made known in the newspapers to solicit additional applications.

The letter received from the Home Builders Association of Metropolitan Dayton was discussed by Council; this was in reference to a proposed Ordinance controlling drainage in Centerville. City Engineer Frank Williams recommended that this letter vs the Ordinance be considered in a Council Work Session. Mr. McIntire suggested that the City Engineer prepare a report on what is presented by the builder presumably and what would be required to accomplish a good drain-

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age control in the various plats in the future, and report back to Council at their next Meeting, thus a Work Session could be set on the matter.

Mr. Griffin reviewed the Financial Quarterly Report for the first three months of 1971 for the City of Centerville as prepared by the Director of Finance.

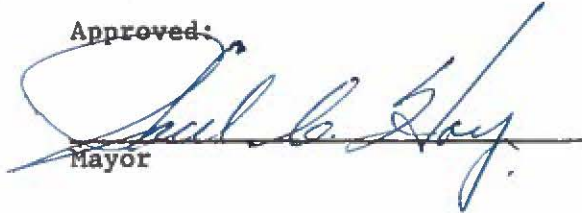
Council passed onto the City Manager various alternatives for consideration relative to disposing of grass clippings rather than disposition of such in the Montgomery County Incinerator during the summer months. Mr. Griffin will further review these alternatives.

Mr. Griffin reviewed his City Manager's Report. He recommended that the City go to bid for the 1971 Street Program estimated to cost approximately \$52,000.00. Council authorized the City Manager to proceed with such advertisement.

The purchase and selling of plastic bags for Waste Collection by the City was discussed by Council. This matter will be further reviewed at the next Council Meeting.

Councilmen having no comments as the poll was taken, the Meeting was adjourned.

Approved:



Mayor

Attest:


Clerk of Council