

## RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held May 3,

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, May 3, 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: Russell Sweetman, J.V. Stone, John Zengel, Victor Green, 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 April 19, 1971 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of April 19, 1971 as distributed, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Minutes of the Meeting of April 23, 1971 had been distributed prior to this Meeting. Mr. Sweetman moved that the Minutes of the Meeting of April 23, 1971 as distributed be approved. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Attorney Patrick Foley, representing Richard Rentz owner of the property at the south end of South Suburban Road, appeared before Council in opposition to the proposed cement plant in this Industrial Area. Mr. Griffin advised that the provisions in the Zoning Ordinance as well as the Board of Health laws will be enforced. Mr. Foley will further discuss this matter with the City Manager and City Engineer.

Mr. Richard Emanuelson, 361 South Village Drive, presented to Council a petition signed by 231 residents of Village South stating their opposition to the 100 foot buffer strip on the Davis Tract being violated in any manner especially by the extension of South Village Drive to connect to any proposed commercial development for the obvious reasons of increased traffic on all Village South streets and resultant danger to their children and the lowering of their property values.

Mr. Griffin gave a slide presentation revealing the damage sustained and the grading being done in the buffer strip. He advised that an acceptable grading plan had been received by the City of Centerville.

Mr. Farquhar reviewed the City's legal position in this matter. Verbal agreement has been received for proper restoration in the buffer strip, however, the City cannot require a Bond to assure this restoration.

Mr. Williams advised that no drainage plan has yet been received from the developer, grading is the only thing being done thus far. He advised that water will be piped to the west of the property to connect with an existing storm sewer while to the east it will continue to flow as it has in the past.

Mr. Bernard Schramm, representing the Village South Civic Association, presented a resolution adopted by said Association requesting that "1. A Performance Bond be immediately required of the M & S Construction Company and Jack Davis, to assure the proper restitution of the 100 foot buffer strip heretofore violated by said Jack Davis and/or his agents, directly contrary to a formal written promise by Jack Davis, made when the rezoning of the subject property was granted; and 2. The Centerville City Council withhold approval of the drainage plan for subject property until such time as a duly qualified Civil Engineer offers written certification that the water run-off from said Davis Development will in no way create a drainage nuisance to the lower land to the north of said development." Mr. Farquhar advised that Council legally cannot prevent grading at this time, but if a drainage plan is not approved, administratively drainage work should be halted under the Uniform Building Code.

Mr. Melvin Anderson, 222 South Village Drive, wondered how a grading plan can be approved without consideration of a drainage plan at the same time. Mr. Griffin will pursue the receipt of an approved drainage plan as soon as possible and before any drainage work has begun.

Mr. Marion McCoy, 6431 Colechester Court, clarified the fact that three large trees, approximately two feet in diameter, have been removed in the buffer strip. He suggested that the drainage plan remain on the table for review for several days prior to approval.

Councilman John Davis requested that the City Manager and the City Engineer do all and as soon as possible to secure an approved drainage plan for this area.

Held

May 3, 1971 cont.

19

Mr. Dale Alexander, representative from the Montgomery County Health Department reviewed his investigations of the exterior of the home at 174 Martha Avenue. He reviewed the orders given to the property owner and advised that they have been partially followed, agreed to be completed this week. He advised that the condition existing is a nuisance, not a public health hazard, there could be a fire hazard existing inside the house. Mr. Griffin advised that Dr. Vogel will issue an order relative to the condition inside the home, to be done by Wednesday, May 5, 1971. Mr. Davis suggested that the possible fire hazard be brought to the attention of the fire chief for some enforcement. Mrs. Striley, owner of adjacent property, requested that this item be placed on the agenda for a progress report at the next Council Meeting.

Mr. Mart Kask, Executive Director of T.C.C., briefed Council on the progress being made by Cities of Dayton, Oakwood, and Kettering concerning the development of the Penn Central right-of-way into a bus facility. This bus service would not extend into Centerville as planned at the present time. Purchase of the rail right-of-way is currently being pursued for that area between Hempstead Road and Brown Street. The rail service would continue to be maintained from Centerville north to Dorothy Lane, and would continue north through the eastern part of the City of Dayton on a rail not being considered for removal. Mr. Kask advised that the City of Centerville is included in the feasibility study and Centerville could be included in this bus service facility at some future date.

The Public Hearing concerning the Rezoning Request of Frank W. Williams was held. Requested is a change in Zoning for .844 acres from Washington Township R-4 Classification to Centerville I-1 Classification, property lying on the west side of Clio Road north of Centerville Station Road and immediately south of that land belonging to Floyd Malott.

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

Mr. Williams explained his request and located the property on a map. He reviewed the zoning of adjacent land and pointed out current land uses. He proposes to construct a garage to the rear of the property for the repair of motor vehicles, retaining the residence to the front in it's present condition.

Mr. Stone sponsored Ordinance Number 12-71, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning .844 Acres More Or Less, From Washington Township R-4 Classification To Centerville I-1 Classification and moved that it be adopted. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 13-71, was held. City Manager John Griffin reviewed the proposed Ordinance. This would permit an Office and Residential Office as a Conditional Use in an R-3 and R-4 zoned area. Mr. Green pointed out that this proposed Ordinance would permit an office in a residence without necessarily requiring a change in zoning. Mr. Sweetman sponsored Ordinance Number 13-71. An Ordinance To Amend Ordinance Number 15-61, The Village Of Centerville, Ohio, Known As "The Zoning Ordinance Of Centerville, Ohio" To Amend The Conditional Uses, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 29-71, was held. Mr. Green sponsored Ordinance Number 29-71, An Ordinance To Amend Ordinance Number 18-71 Of April 5, 1971 For A Table Of Organization Personnel Classifications And Granting Retroractive Pay Increases For Certain Employees Of The City Of Centerville, Ohio, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 30-71, was held. Mr. Sweetman sponsored Ordinance Number 30-71, An Ordinance Granting Retroactive Pay Increases For Certain Employees Of The City Of Centerville, and moved that it be adopted. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

City Manager John Griffin reported for the Planning Commission. He reviewed the Rezoning Request submitted by Paul E. Lapp, Inc., requesting a change for 75.5 acres of land, located south westerly from the intersection of Wilmington Pike and Alexandersville-Bellbrook Road, from Washington Township R-4 and

Held

May 3, 1971 cont.

19

and B-2  
B-2 Classification to Centerville R-4<sup>A</sup> Classification. The Planning Commission unanimously recommended approval of this Request, to Council. Mr. Davis moved that a Public Hearing be set for July 19, 1971 on the Ordinance amending the Zoning Ordinance to affect the Rezoning Request of Paul E. Lapp, Inc. for that land lying at the intersection of Wilmington Pike and Alexandersville-Bellbrook Road. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Griffin reviewed the Record Plan for Section One, Southbrook Manor. Engineer Frank Williams and the Planning Commission recommended approval of this Plan. Sidewalks will be provided on the north side of Hyde Park Drive and on the north and east side of Mary Crest Lane. Mr. Green suggested that square type curbing be considered for the corner lots in this development. Mr. Robert Archdeacon, representing the developer, will further pursue this matter. Mr. Zengel moved that the Record Plan for Southbrook Manor, Section One be approved, subject to the receipt of a Performance Bond in the amount of \$82,000.00, Sub-Divider's Agreement, and an Inspection Fee of \$614.20. Mr. Sweetman seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Davis advised that a Council Work Session will be held Monday, May 10, 1971 at 8:00 P.M. to interview applicants for the Centerville Youth Board. Interviews will be scheduled by City Manager John Griffin.

Mr. Griffin reviewed a proposed amendment to the Annual Appropriation Ordinance. Mr. Stone moved that Ordinance Number 31-71, An Ordinance To Amend Ordinance Number 21-71 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, be set for Public Hearing on May 17, 1971. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Davis sponsored Ordinance Number 32-71, An Emergency Ordinance Accepting The Bid Of King Equipment Company To Supply The City Of Centerville, Ohio With A Used Tractor With Loader-Backhoe, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Zengel moved that Ordinance Number 33-71, An Ordinance Accepting The Bid Of King Equipment Company To Supply The City Of Centerville, Ohio With A Used Tractor With Loader-Backhoe, be set for Public Hearing on May 17, 1971. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Griffin reviewed the bids received on April 23, 1971 for <sup>the 1971</sup> street resurfacing program for various streets throughout the City of Centerville; seven bids were received, Ziehler Road Materials being the low bidder at a total bid price of \$46,326.00. Mr. Williams recommended throwing out all bids and re-advertising, with the bid to include the removal of bad sections of pavement prior to the resurfacing. Mr. Griffin advised that this work can be done by the Street Department. Council concurred that the City Engineer approve all streets prior to the resurfacing of such. Mr. Stone sponsored Ordinance Number 34-71, An Emergency Ordinance Accepting The Bid To Do Certain Street Resurfacing For The City Of Centerville, Ohio, and moved that it be passed with the bid being awarded to Ziehler Road Materials, Inc. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Stone moved that Ordinance Number 35-71, An Ordinance Accepting The Bid To Do Certain Street Resurfacing For The City Of Centerville, Ohio, be set for Public Hearing on May 17, 1971. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Griffin explained proposed Ordinance Number 36-71. The cost of the subject improvement is estimated at \$7,500.00 and is now being considered for \$5.00 County License Fee Money. This will provide for Rahn Road to become a four lane roadway, the improvement of Rahn Road and the crossing have been combined into one project. Residents in the area brought attention to the fact that Rahn Road must be widened at the same time the rail crossing is provided. Mr. Green advised that curbing of Rahn Road will be included in the project and

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Held

May 3, 1971 cont.

19

hopefully the County will accept this with the original proposal. It was also suggested by a resident of the area that an opening be made in the median strip of Rahn Road between Royalwood Drive and Apple Creek Road. Mr. Griffin and the City Engineer will further review the cost for placing curbing along this median strip. Mr. Green sponsored Ordinance Number 36-71, An Emergency Ordinance Authorizing And Directing The City Manager To Execute A Contract With The Connecting Railway Company and George P. Baker, Richard C. Bond, Jervis Langdon, Jr. and Willard Wirtz, Trustees Of The Property Of Penn Central Transportation Company, Debtor For The Construction Of A Railroad Crossing And Approaches Thereto At East Rahn Road, 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. Stone moved that Ordinance Number 37-71, An Ordinance Authorizing And Directing The City Manager To Execute A Contract With The Connecting Railway Company And George P. Baker, Richard C. Bond, Jervis Langdon, Jr. and Willard Wirtz, Trustees Of The Property Of Penn Central Transportation Company, Debtor For The Construction Of A Railroad Crossing And Approaches Thereto At East Rahn Road, be set for Public Hearing on May 17, 1971. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Davis read the following Mayor's Report for the month of April, 1971:

Mayor's Court	
Fines and Forfeitures	\$1,681.00
Costs	615.00
Total	<u>\$2,296.00</u>

## Zoning Permits

- 3 Commercial buildings
- 12 One family residences
- 2 Additions to residence
- 2 Swimming pools
- 3 Apartments (36 units)
- 1 Car port for apartments
- 2 Additions to commercial
- 1 Sign

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

Mr. Griffin advised that Mr. Jack Davis has applied for a Zoning Certificate for the property on Loop Road, however, a Curb Cut Application has not yet been received or approved. Mr. Farquhar advised that the Zoning Certificate cannot be held pending the issuance of a Curb Cut. It was recommended by Council that the Zoning Permit be issued at the end of the issuing period as outlined in the Zoning Ordinance.

The Meeting was then adjourned.

Approved:



Mayor

Attest:



Clerk of Council