

RECORD OF PROCEEDINGS

Minutes of

REGULAR MEETING

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held June 7

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, Monday, June 7, 1971 at 8:15 P.M. at the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag, with Mayor Paul Hoy presiding. Councilmen present were as follows: Victor Green, J. V. Stone, John Davis, John Zengel, John McIntire, Russell Sweetman, City Manager John Griffin, City Engineer Frank Williams, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of May 17, 1971 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of May 17, 1971 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Joseph Pignatiello, 95 Hampton Road, appeared before Council to review his previous efforts with City Administration to rectify a water shed problem on Davis Court. Mr. Griffin outlined the problem and explained a remedy for it which would cost an approximate contract cost of \$2,500.00. This problem will be reviewed by Council for further consideration at the next Council Meeting.

Mr. Sweetman, representing the Social Concerns Committee, introduced School Phycologist for the Centerville Schools Alex Browning, and Rick Benjamin who explained their proposed In-Depth Drug Education Program for Centerville. They asked for financial participation by the City, perhaps in the amount of \$1,000.00. Council agreed to financially support the program if at all possible. Mr. Farquhar will review the possibility of City funds being expended for this educational program and will give his opinion at the Council Meeting scheduled for June 14, 1971. Mr. Stone moved that the Centerville Council endorse this program as presented and, as soon as possible, follow through with financial support if permissable. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mayor Hoy advised that if the City would not be permitted to expend such funds that he will personally do all in his power to raise the necessary funds.

Mr. Green, in consideration of Council's position in the 175th Anniversary Parade, presented to Council a list of Antique Cars which are available through the Southern Ohio Chapter, Ohio Region, of the Antique Automobile Club of America. He requested that Council review the list so that selections can be made in the very near future.

Mr. Davis reported for the Planning Commission. He reviewed the Detail Drawings for Pleasant Hill Plat, Section Seventeen. The Planning Commission unanimously recommended approval of this Plan subject to the following provisions for sidewalks: along the east side of Silvertree Lane, along the south side of Zengel Drive east of Silvertree Lane, and along the length of the 10 foot public walkway easement lying along the lot line between lots 360 and 359 and provided that this easement be specifically described as a public walkway easement. Mr. Davis moved that the Detailed Drawings for Pleasant Hill Plat, Section Seventeen be approved, subject to the receipt of a Performance Bond in the amount of \$23,000.00, the Sub-Divider's Agreement, and Inspection Fee of \$262.40, and subject to sidewalks being provided as recommended by the Planning Commission. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Zengel abstained.

Mr. Davis explained the Rezoning Request heard by the Planning Commission from the Marathon Oil Company, requested is a Change in Zoning from Washington Township R-2 to Centerville B-2 concerning 1.148 acres of land located on the south west corner of Alexandersville-Bellbrook Road and Bigger Lane. The Planning Commission unanimously recommended denial of this Request. Attorney Harry E. Ebeling requested that Council hold a Public Hearing concerning this Request for Rezoning. Mr. Green moved that Council hold a Public Hearing on this Rezoning Request. Mr. Davis seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Zengel, Mr.

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McIntire, and Mr. Sweetman voted no. Mr. Davis moved that the Public Hearing concerning the Marathon Oil Company's Rezoning Request be set for August 2, 1971. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel and Mr. Sweetman voted no.

Mr. Davis explained the dedication by the Kostic Construction Company of public right-of-way of the property located on the east side of Far Hills Avenue immediately south of the Ponderosa Restaurant. The dedication is for the entire frontage of the Kostic Construction Company property on Far Hills Avenue to a depth of 100 feet from the centerline of Far Hills. Mr. Davis moved that Council approve the Construction Drawings submitted by the Kostic Construction Company for dedication of public right-of-way for the entire frontage of the Kostic property on the east side of Far Hills Avenue subject to the receipt of a Performance Bond in the amount of \$2,650.00, Sub-Divider's Agreement, and Inspection Fee of \$25.00. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis explained the Preliminary Plan submitted by R. B. Pavlak for that property lying just south of Centerville Station Road and bordering the Greene County Line; Plat to be known as Walnut Hills Estates. He proposes to develop this in accordance with a Residential Development Plan, the lots would average 20,000 square feet. He proposes to dedicate approximately one and one-half acres to the Park District for a mini-neighborhood park, about one-third of which would be in Greene County. The Park District advised that the proposed park land is below standards, however, if the Planning Commission and Council felt such a park would be desirable they would accept title and assume maintenance. The Planning Commission recommended approval of the proposed Preliminary Plan. Mr. Davis moved that Council set a Public Hearing for July 19, 1971 concerning the request by R. B. Pavlak for a Residential Development Plan under a Conditional Use for Walnut Hills Estates. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis reviewed the three Rezoning Requests submitted by the Springmont Company to Rezone approximately 149.4 acres of land located on the east side of Bigger Road lying between proposed I-675 and Alexandersville-Bellbrook Road, requested is a change from Washington Township R-3 and R-4 to Centerville R-3, R-4 and E-C classifications. The motion in Planning Commission for approval of the Request failed to pass. Clerk of Council Marilyn McLaughlin advised that an Appeal has been received from the Applicant and a Public Hearing set for July 19, 1971.

Mr. Davis reviewed the Preliminary Plan for Hewitt Farms, a multi-family proposal of Kostic Construction Company for 256 units or 11 units per acre on 23.2 acres of E-C zoned land located on the west side of Bigger Road south of the Kettering Corporation Line. Approximately 13 acres of E-C land will remain in this area for other permitted uses. Discussion followed concerning the buffer strip to be provided on the western edge of the property; Mr. Robert Archdeacon, representing the Ralph L. Woolpert Company, advised that this buffer will be indicated on the final plan when submitted for approval. Mr. Davis moved that Council approve the Preliminary Plan for Hewitt Farms, a multi-family proposed development of the Kostic Construction Company on 23.2 acres to contain 256 units as outlined on a map dated May 19, 1971. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire and Mr. Sweetman voted no. Mr. McIntire reviewed previous occurrences during the Rezoning of this subject land a few years ago.

The Planning Commission recommended to Council that Ordinance Number 42-71, An Ordinance Amending Ordinance Number 15-61, The Village Of Centerville, Ohio, Known As The "Zoning Ordinance Of Centerville, Ohio, 1961", To Establish Amended Requirements For Business Districts, be considered for passage. Mr. Davis moved that Ordinance Number 42-71, be set for Public Hearing on August 2, 1971. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 24-71, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance By Rezoning 26.716 Acres, More Or Less, From Washington Township R-4 Classifi-

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cation To Centerville R-3 And B-2 Classifications, was held.

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

Mr. Charles Abramovitz, from the Ralph L. Woolpert Company, explained the Rezoning Request and located the property on a map. The subject land is located at Wilmington Pike, bordering on proposed I-675 and is owned by the Oak Creek Development Company. It is that land which was excluded from a previous Rezoning Request for I-675 purposes as requested by the State Highway Department.

Mr. William Hilgeman, 5792 Overbrooke Drive, wondered when the Overbrooke Drive extension was put into the Master Plan. Mr. Abramovitz advised it was put into the Plan at it's time of annexation to Centerville.

Mr. Kenneth Digges, 5301 Oakbrooke Drive, representing the Oak Creek Civic Association, stated the Association's objection to the anticipated increase of traffic to be generated by the proposed apartment units. The Association requested that the land in question not be rezoned but be retained as green space.

Mr. McIntire questioned Mr. Abramovitz as to what could be done to draw traffic away from Overbrooke Drive. Mr. Abramovitz advised that this is the correct flow for traffic.

Council action was deferred on this Request for Rezoning pending further study.

Mr. Louis Slack, President of the Centerville Police Auxiliary, introduced Mr. John K. Buehl as a candidate for the Auxiliary. Mr. Buehl was sworn into office by Municipal Attorney Robert Farquhar.

The Public Hearing concerning Ordinance Number 39-71, was held. City Engineer Frank Williams pointed out the principal advantages which this Ordinance makes to Ordinance Number 12-1966.

Mrs. McLaughlin read a letter received from Mr. Harry E. Brown, President of the Home Builders Association, requesting that Council give more consideration to this type of Ordinance before it's passage.

The following people spoke in favor of the proposed Ordinance and pointed out it's apparent need.

Dr. Walter Reiling, 1341 Ridgefield Way.

Mrs. Dan Neer, 1547 Ambridge Road.

Mr. Larned Kent, 1553 Ambridge Road.

Mrs. John Gallagher, 1541 Ambridge Road.

Mr. Gayle Dorton, 360 South Village Drive.

Mr. Dan Neer, 1547 Ambridge Road.

Mr. Eugene Brown, representing the Home Builders Association, pointed out various objections which the Association has to the proposed Ordinance.

Mr. Harry Brown advised that he is receptive to a drainage Ordinance but feels that this Ordinance would be almost impossible to administer.

Mr. Williams recommended that the following two items be changed in the proposed Ordinance:

First page, second line "General Objectives" change "dwelling" to "structure".

Section 2-7.2, change "Record Plan" to "Drainage Plan".

These changes being made, Mr. McIntire sponsored Ordinance Number 39-71, An Ordinance Amending Ordinance 12-1966 By Providing Additional Regulations For Lot And Site Improvements, and moved that it be passed. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Zengel voted no; he advised that he is not in favor of passing an Ordinance which does not benefit all parties affected.

The Public Hearing concerning Ordinance Number 38-71, An Ordinance To Appoint Members To The Youth Board Of The City Of Centerville As Established By Ordinance-15-71 And To Establish Terms For Said Appointees, and moved that it be adopted. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Stone suggested and Council concurred that these Appointees be sworn into office at the first Council Meeting held in July after their term has commenced.

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The Public Hearing concerning Ordinance Number 40-71, was held. Mr. Davis sponsored Ordinance Number 40-71, An Ordinance To Authorize The Investment Of Treasury Funds, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 41-71, was held. Municipal Attorney Robert Farquhar reviewed the proposed Ordinance. Mr. Zengel sponsored Ordinance Number 41-71, An Ordinance Amending Section 64.24 Of The Code Of Ordinances Of The Village Of Centerville Concerning Trespassing Upon Lands Or Premises Of Another And Providing For A Penalty, 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. McIntire suggested that signs for such enforcement be made available for purchase from the City. Mr. Farquhar will draft such a sign for printing.

Mr. Green sponsored Ordinance Number 43-71, An Emergency Ordinance To Extend The Terms Of Existing Members Of The Planning Commission Of The City Of Centerville As Established By Ordinance No. 25-69, For A Period Of Sixty Days, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mayor Hoy requested that the Clerk of Council advise the Members affected by this Ordinance of the extension of their terms.

Mayor Hoy read the following Mayor's Report for the month of May, 1971:

Mayor's Court	
Fines and Forfeitures	\$700.00
Costs	232.00
	\$932.00
Total	
Zoning Permits	
24 One family residences	
7 Additions to residences	
3 Swimming pools	
2 Signs	
1 Commercial building	

Mr. McIntire moved that the Mayor's Report for the month of May, 1971 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.

City Manager John Griffin reviewed the two Bids received for the Rahn Road Crossing and Improvement. The following two Bids were received:

Carey Paving Company, Inc.	\$32,456.00
Finke Construction Company	\$35,170.00

Municipal Attorney Robert Farquhar advised that the Court did grant judgement on May 24, 1971 concerning the Railroad Crossing, thus acceptance of the Bid is in order. Council action was deferred on this matter until the next Council Meeting.

Clerk of Council Marilyn McLaughlin read a letter received from Mr. Thomas W. Mumma, Co-Chairman for the Centerville Ox Roast, in which he explained a dunking machine to be used at the Ox Roast.

Mr. Stone sponsored Resolution Number 4-71, A Resolution Accepting The Letter Of Resignation Of John P. Griffin As City Manager Submitted On May 28, 1971, And Effective June 30, 1971, and moved that it be passed. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Council expressed their wishes for success to Mr. Griffin in future years.

Mr. McIntire sponsored Ordinance Number 44-71, An Emergency Ordinance Authorizing And Directing The Director Of Finance To Expend The Necessary Funds For A Dinner Honoring 25 Years Of Service To The City Of Centerville By Chief Of Police James R. Smith, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Davis moved that Ordinance Number 45-71, An Ordinance Amending Sections 22.22 And 26.64 Of The Code Of Ordinances Of The Village Of Centerville, Ohio And Repealing Ordinance Number 5-1961 Which Enacted Section 22.23 Of The Code Of Ordinances Of The Village Of Centerville, Ohio, be set for Public Hearing on June 21, 1971. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

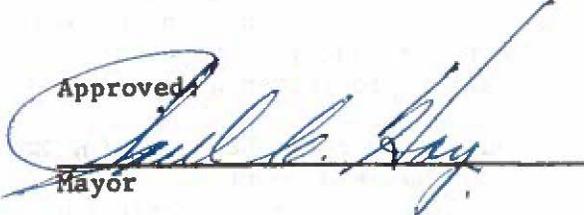
The following comments were received from Council Members as the poll was being taken:

Mr. Davis suggested that Council further review the drainage problem in the Park Area in Village South and seek some relief for the affected residents in that area.

Mr. McIntire advised that a Resolution was sponsored at the T.C.C. Meeting relative to the traffic signal proposed on Far Hills Avenue at North Village Drive, Boundbrook Drive, whereas it was accepted as a problem, and notified the State Highway Department that it is confirmed in the TOPICS Program, estimated to cost approximately \$13,700.00.

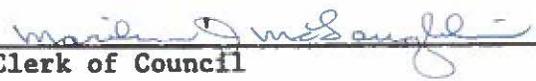
The Meeting was then adjourned.

Approved:



 Mayor

Attest:



 Clerk of Council