

## RECORD OF PROCEEDINGS

Minutes of

SPECIAL MEETING

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held

February 16,

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, February 16, 1970 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: John McIntire, John Davis, Victor Green, Harold Wells, John Zengel, City Manager John Griffin, Engineer Frank Williams, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of February 2, 1970 had been distributed prior to this Meeting. Mr. Green brought attention to the fact that Ordinance Number 6-70 was not passed since, according to the City Charter, an Emergency Ordinance needs an affirmative vote of five for passage. Mayor Hoy advised that, "Ordinance Number 6-70 was not passed due to it only receiving four affirmative votes", should be included in paragraph fourteen. Mr. McIntire moved that the Minutes of the Meeting of February 2, 1970 as amended, be approved. Mr. Green seconded the motion. A roll call vote resulted in three ayes in favor of the motion. Mr. Davis, Mr. Wells, and Mayor Hoy abstained.

Clerk of Council Marilyn McLaughlin advised that two letters have been received from participants of the Recreation Program requesting continuance of the program when funds become available.

A Request for Reconsideration of City Council's Decision concerning the Variance Request of Richard and Beverly Kiser has been received from their Attorney Richard Hammond. Mrs. McLaughlin read a letter requesting that Council reconsider it's decision which granted the Kisers a temporary variance to operate a growing up Nursery School in their home until the end of the current school year. They again request a permanent variance and desire another hearing before Council.

The Clerk of Council advised that a Notice of Application from the Ohio Department of Liquor Control has been received; said Application being that of the Dayton Food Fair Stores, Inc., 9045 Lebanon Pike, for a C-1 and C-2 Permit for the sale of 6% Beer and Wine. This item will be considered at the next Council Meeting.

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

Mr. Griffin gave his City Managers Report. He reported that the Urban Corridor Demonstration Program proposes paving the Penn-Central Railroad line for rubber-tired vehicles from Dayton to Centerville for rapid transit purposes. The Transportation Coordinating Committee would like a letter from Council endorsing their application to the Federal Government for planning and feasibility studies for this program. Discussion by Council revealed the following:

1. Mr. McIntire was concerned with the tax revenue which might be lost if rail service becomes unavailable to industry in Centerville. He requested an answer from the City's Director of Finance.
2. Rapid transit at this time is not feasible from Dayton to Centerville and visa versa.
3. The Penn-Central Railroad Company should be contacted prior to any such study.
4. We should be striving for the industrial potential along the present rail line, rather than another use for the line.

Mayor Hoy requested that the Clerk of Council write to the T.C.C. and indicate Council's reaction to the proposal.

Mr. Griffin advised that the Kanter Corporation has requested a time extension on the construction of Virginia Avenue from the Linxweiler Farm south to Spring Valley Road. They are requesting that the construction be broken down into two two-year stages. Council agreed that the southern portion of the development and southern portion of Virginia Avenue should be constructed first, and that Virginia Avenue be completed within two years; it's completion being reviewed before the end of two years or when 50% of the development is completed, whichever comes first.

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Mr. Griffin advised that the offer of a park lot to the City has been received from American Modulars Corporation; lot located in the Terrace Villa Plat. Municipal Attorney Robert Farquhar advised that the grading and enclosing of the ditch should be included in their offer. Mr. Wells felt the offer should permit the erection of structures on the lot to be in keeping with the character of the neighborhood, and this should not be referred to as a "park lot". Mr. Wells moved that this offer be returned to American Modulars Corporation for clarification of the erection of buildings, enclosure of the ditch, and grading of the lot. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 52-69: An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning 4.358 Acres, More Or Less, From Centerville R-2 Classification To Centerville R-3 Classification, was held. The Notice of Public Hearing was read by the Clerk of Council.

Mr. Wells, as Chairman of the Planning Commission, located the subject property on a map, reviewed the zoning of adjacent land, and explained the character of the neighborhood. The acreage involves includes four property owners: Wear, McNeill, Puterbaugh, and Troyan, and is located on the west side of South Main Street. The Planning Commission determined and recommended that this entire property be rezoned to R-3 Classification, thus affording a variety of uses. This would serve as a buffer between the B-1 and Residential Districts.

Mrs. Stanley Howell, 157 South Main Street, wondered why the change only included these four properties. She was under the impression that she had signed a petition requesting that her property be included in the change. Mr. Wells advised that no such petition had been received.

Mr. James Hussey, 77 Peach Grove Avenue, made reference to a traffic problem existing when there are activities at the high school, he felt there would be an increased traffic problem with the erection of apartments in this location. Mr. Wells advised that off street parking is required for apartments.

The Public Hearing concerning Ordinance Number 7-70, was held. City Manager John Griffin gave a review of the Ordinance. Mr. McIntire sponsored Ordinance Number 7-70: An Ordinance To Amend Ordinance Number 2-70 Of January 19, 1970 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 approved. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Conditional Use Request for a Day Nursery by Jack Mitchell was discussed by Council. Mr. Griffin reviewed the City Engineer's proposal which conforms to State and Local requirements. The layout as presented by Mr. Mitchell did not comply with the existing Zoning Ordinance. Municipal Attorney Robert Farquhar advised that Mr. Mitchell should amend his application and submit plans to conform to the Centerville Zoning Ordinance and State Requirements. Engineer Frank Williams will take this matter back to Jack Mitchell for resubmission of plans.

Mr. Griffin reviewed a Construction Cost Estimate for the Whipp Road Railroad Crossing improvement. He advised that he has not been able to make contact with the property owners thus far. Kettering's completion date for their portion of Whipp Road is July 1, 1970. Since there is no curb or sidewalk proposed along the property owned by the Latter Day Saints, the City Manager will review Resolution Number 1-70, establishing Centerville's public improvement policy, before contacting the Church.

The Appointment of a Member to fill a vacancy on the Planning Commission was discussed. Mayor Hoy advised that five well qualified applicants have been interviewed by Council. He received a letter from Reverend Max Sellers recommending the appointment of Mrs. Thomas R. Loemker to the position. Mr. Stone moved that an Ordinance be drawn by Mr. Farquhar appointing Mrs. Marion Loemker to the Planning Commission and increasing the term of Mr. Bruce Baker to four years. Mr. Wells seconded the motion. Discussion followed. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Green brought recognition to Washington Township Trustee Walter Buchanan in the audience at this Meeting. He made reference to an article in the K-O Times Sunday paper and requested that Mr. Buchanan convey Council's regrets for the inferences made that the City is trying to create more friction between the Trustees and the City Government.

Mr. Green presented a summary of his opinions of how to proceed to solve the problems with which we are faced.

Mr. McIntire reviewed his report "Keys to Capitol Improvement, Financial and Economic Progress", which he distributed to Council on February 2 for their review.

Mayor Hoy thanked Mr. Green and Mr. McIntire for their reports. He advised that they will be considered jointly in a Council Work Session.

The Meeting was then adjourned.

Approved:

  
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Mayor

Attest:

  
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Clerk of Council