

RECORD OF PROCEEDINGS

Minutes of

Regular

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

March 2,

19 70

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, March 2, 1970 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Victor Green, John McIntire, John Davis, 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 16, 1970 had been distributed prior to this Meeting. Mr. Zengel advised that paragraph eight should include the sentence, "The duration of the Bond is extended to two years". Mr. Zengel moved that the Minutes of the Meeting of ~~March 2~~^{February 16}, 1970 as amended, be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor or the motion.

Mr. Wells reported for the Planning Commission. He reviewed Loring Duff's revised plan to replace the plan previously submitted with his request for a Special Use District. The Planning Commission recommended approval of this plan. The matter was deferred by Council until the Ordinance is prepared.

Mr. Wells advised that the application by Rote Sign Company to erect two outdoor signs at the Elder-Beerman Food Fair Store was approved by the Planning Commission.

Mr. Charles Abramovitz representative of the Ralph Woolpert Company, explained the revised plan for the land involved in the Rezoning Request for 100.54 acres on Alexandersville-Bellbrook Road at Clyo Road. The Planning Commission recommended approval with the following conditions:

1. The access road be removed.
2. Allow only 400 apartments maximum in the 48 acre central area.
3. Restrict the north portion, 33 acres, to light industry or commercial park by deed restriction.
4. Restrict the southern portion 19.54 acres to no multi-family by deed restriction.

Mr. Abramovitz requested that, if possible, control of these conditions be provided in an Ordinance incorporated in Centerville's Zoning rather than through Covenants attached to the Deed. Municipal Attorney Robert Farquhar will further research this matter.

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

Mr. Wells advised that a letter requesting withdrawal of the Variance Application of Myrna Ryan, requesting use of a home in an R-1 District for a Day Nursery, has been received. The Planning Commission will drop any further consideration of this request.

Mr. Wells reviewed the Public Hearing held before the Planning Commission concerning the Request of Senate Builders, Inc., for a Conditional Use for a Residential Development Plan in R-1 Zoning Classification. The property is located at 1856 East Centerville Station Road, and will be known as Olde Station Estates.

The Application for Curb Cuts by Bill Knapp Restaurant through J.N. Haverstick & Sons was reviewed. The Restaurant will be located on Route 48 at Loop Road; Curb Cuts requested were: one on Route 48, and one on Loop Road. In consideration of future development of this land and the ^{possible} requirement of additional Curb Cuts this matter will be further discussed with the J.S. Davis Company.

Clerk of Council Marilyn McLaughlin read a letter received from Paul J. Kiefer, 7825 Rain Tree Road, addressed to Mayor Paul Hoy, in which he endorsed the "no cost" survey for mass transit from Dayton to Centerville.

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

Mayor's Court

Fines and Forfeitures	\$ 602.00
Costs	<u>293.00</u>
Total	\$ 895.00

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Zoning Permits

- 8 One family residences
- 3 Additions to residence
- 3 Signs
- 3 Commercial Buildings

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

John Griffin gave his City Manager's Report. He reviewed the State Highway Department's recommended solution to our financial problem for re-surfacing Route 48. They recommended that the project be split into three parts:

1. South corporation line to Franklin Street.
2. Franklin Street to Alexandersville-Bellbrook Road.
3. Alexandersville-Bellbrook Road to the north corporation line.

Mr. Griffin and Street Superintendent George Powell recommended that Centerville proceed with the southern portion, or part number 1. Mr. Green suggested that Centerville ask the Washington Township Trustees to pay the City's share for re-surfacing State Route 48, to pay the balance of the East Franklin Project, and provide the traffic light at North Village Drive and Route 48, using the .7 mill paid to the Township by Centerville residents. Further discussion concluded that Council should proceed with re-surfacing Route 48 from the south corporation line to Franklin Street and proceed with the remaining two stages as funds become available. Mr. McIntire moved that Council accept as a job of pavement on State Route 48 from the south corporation line to State Route 725 (Franklin Street) the State's proposal for cost of surfacing said highway: 80% State Funded at \$18,254, and 20% Centerville funded at \$4,563. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Green moved that Council make a request to the Township Trustees to utilize the .7 mill paid by Centerville residents which the Trustees have available in the following manner:

- a. Approximately \$11,000.00 for Centerville's share of re-surfacing State Route 48 within the corporation limits.
- b. Approximately \$12,004.00 for the East Franklin Street project.
- c. For Centerville's share of a traffic signal at the intersection of North Village Drive and State Route 48, which would be approximately \$4,250.00.

Mr. Davis seconded the motion. Mr. McIntire felt that Council and the Trustees should jointly discuss the use of this revenue beyond that of re-surfacing State Route 48. Mr. Zengel suggested that this motion be contained in a friendly letter to the Trustees. A roll call vote resulted in four ayes in favor of the motion. Mr. McIntire, Mr. Stone, and Mr. Wells voted no. City Manager John Griffin will write such a letter and hand carry it to the Township Trustees.

Clerk of Council Marilyn McLaughlin reviewed the notice received from the Ohio Department of Liquor Control concerning an Application by the Dayton Food Fair Stores, Inc. for a C-1 and C-2 Permit. This would permit the sale of 6% Beer and Wine at 9045 Lebanon Pike. Mr. Wells moved that said notice be returned to the Ohio Department of Liquor Control indicating no objection by Council. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

A Petition to Vacate the Alley on the west side of South Main Street between Lots 8 and 9 of the Benjamin Robbins Plat was discussed by Council. City Engineer Frank Williams and John Griffin will further review this on the ground and report back to Council.

Mr. Wells sponsored Ordinance Number 52-69, An Ordinance Amending Ordinance Number 15, Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 4.358 Acres, More Or Less, From Centerville R-2 Classification To Centerville R-3 Classification, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Stone introduced Ordinance Number 8-70, An Ordinance To Amend Ordinance Number 39-69 By Deleting The Name of Hugh Lagedrost As A Member Of The Planning Commission, Appointing Bruce H. Baker To The Term Vacated By Hugh Lagedrost And Appointing Marion Loemker To The Term Vacated By Bruce H. Baker, and moved that it be set for Public Hearing on March 16, 1970. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone sponsored Ordinance Number 9-70, An Emergency Ordinance Amending Ordinance Number 39-69 By Deleting The Name Of Hugh Lagedrost As A Member Of The Planning Commission, Appointing Bruce H. Baker To The Term Vacated By Hugh Lagedrost And Appointing Marion Loemker To The Term Vacated By Bruce H. Baker, and moved it's adoption. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin reviewed Ordinance Number 10-70. Mr. McIntire sponsored Ordinance Number 10-70, An Ordinance Appointing The Fire Chief Of The Washington Township Fire Department As Fire Chief And Fire Prevention Officer Of The City, and moved that it be set for Public Hearing March 16, 1970. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells sponsored Ordinance Number 57-69, An Ordinance To Establish A Personnel Appeals Board, Adopt Personnel Rules And Regulations And Appoint Members To The Board, and moved that it be adopted. Mr. McIntire seconded the motion. After discussion Council concurred that the Rules and Regulations should be reviewed by Council before passage of the Ordinance. Mr. Wells withdrew his motion. Mr. McIntire withdrew his second to the motion.

The Request of Richard and Beverly Kiser for Reconsideration of City Council's Decision of January 19, 1970 concerning their Variance Request was reviewed by Council. Mr. Richard Hammond, Attorney for the Applicants, gave reasons for requesting such reconsideration. Mr. Stone moved that the application for rehearing of the Kiser Variance Case be granted by Council and proper notice be given of the Public Hearing to be set for April 6, 1970. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The release of the Performance Bond for Red Coach, Section Ten was discussed by Council. Mr. Griffin was concerned with the drainage along the railroad tracks which borders this Section Ten; he wondered whose responsibility it is to clean up this area. He will further review this matter and report back to Council on March 16, 1970.

Mr. Wells sponsored Ordinance Number 11-70, 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, 1970, and moved that it be set for Public Hearing on March 16, 1970. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis sponsored Ordinance Number 12-70, An Emergency 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, 1970, and moved that it be adopted. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Green expressed the need to appropriate some funds for a part time animal warden as soon as possible, to provide some control on dogs running at large in the plats. This matter will be further reviewed.

Income Tax Ordinances from West Carrollton, Kettering, Oakwood, and the City of Dayton were reviewed by Council. Various suggestions were offered to Mr. Farquhar for preparation of an Income Tax Ordinance for Centerville. Council agreed that the Income Tax should be 1 1/4% and allocation of the funds should

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be reviewed and determined by Council each year. Mr. Farquhar will have the proposed Ordinance ready for consideration at the next Council Meeting. Mr. Zengel suggested that serious consideration be given to a tax break for businesses in the City, to perhaps encourage Business and Industry in Centerville. Mr. Davis and Mr. Green did not feel that an Income Tax would be a deciding factor to a Business seeking location in our area.

The Meeting was then adjourned.

Approved:

Paul C. Gray

Mayor

Attest:

Marilyn D. McLaughlin

Clerk of Council