

## RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

March 16,

1970

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, March 16, 1970 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Victor Green, John Davis, John McIntire, J.V. Stone, John Zengel, City Manager John Griffin, City Engineer Frank Williams, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of March 2, 1970 had been distributed prior to this Meeting. Mr. Davis moved that the Minutes of the Meeting of March 2, 1970 as distributed, be approved. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin gave his City Manager's Report. He explained the necessity for the issuance of \$39,000.00 Emergency Renewal Notes for the City. Said Notes need only to be for 30 days, as the Auditor has indicated that Centerville will receive it's first half settlement on April 10, 1970.

Councilman Harold Wells entered the Meeting at this time.

The Public Hearing concerning An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 2.807 Acres, More Or Less, From Centerville R-3 Classification To Centerville B-1 Classification, was held. The Clerk of Council read the Notice of Hearing.

Mr. Wells reviewed this Rezoning Request and located the property on a map. The property is located on the east side of North Main Street, and immediately south of Zengel Drive. Proposed to be built on this site is a Medical Building and a new First National Bank of Miamisburg, Centerville Branch building. He reviewed restrictions which were discussed while the case was before the Planning Commission. The property owners agreed to: 1. making the entrances to the parking area on State Route 48 and the exits on Zengel Drive, and 2. not include a Drug Store in the Medical Building. The Planning Commission felt that if a Drug Store was excluded from the Medical Building there would not be considerable increase in traffic in the area over the next few years, and thus recommended by a 5 to 0 vote that this Rezoning be approved. Mr. Wells pointed out the fact that an agreement to restrictions would have to be entered into while this matter is before Council.

Mr. John Doan, Legal Counsel for the Bank, reviewed the anticipated flow of traffic. He reviewed pictures of the proposed Bank and Medical Building.

Mr. John Carlson, 65 Zengel Drive, wondered what will be done with the old Bank Building. Mr. Doan advised that it will be sold.

Mr. Ron Shubert, 55 Zengel Drive, questioned what success have the owners had in finding tenants for the Medical Building.

Mr. Jack Gramann, owner of Centerville Pharmacy, advised that he along with Drs. Williamson, Archdeacon and Kelso are the principles concerned with this Medical Building. He asked Council to permit a Pharmacy within the Building. Mr. Wells related that exclusion of a Drug Store had been discussed, not that of a Pharmacy.

Mr. Robert Ackerman, 463 Cedarleaf Drive, spoke in favor of the proposed Rezoning. He felt that it would provide a fine well planned development for the area.

Mr's. Zelma Carlson, 65 Zengel Drive, wondered who will be leasing the building, she was concerned with the various used permitted in B-1 Zoning. Mr. Doan advised that because of the expense involved, the Bank and Medical Building will be constructed if the zoning is changed. He reviewed the advantages of this type of development to our Community.

Mr. Ron Shubert, 55 Zengel Drive, wondered if money has been set aside by Council to provide the traffic control which he felt will become necessary when this development is constructed. He felt that by putting the exits on Zengel Drive it will become a by-pass street instead of a residential street.

Mr. Richard Mindling, owner of Poor Richard's Drive In, questioned where would you find better looking commercial buildings. They will be of colonial architecture and will be an asset as far as taxes are concerned. The buildings are being proposed by businessmen of our Community to improve citizen's service.

Mr. Ron Shubert submitted to Council a copy of a letter signed by Karl Zengel to property owners on Zengel Drive concerning the development of the property bordering on Route 48. This letter has become a part of this Public Hearing.

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Mr. McIntire expressed concern for the easement to the cemetery in this area. Discussion revealed that the easement is on Richard Mindling's property and will remain as it is today. Mr. McIntire questioned the anticipated investment of this development. Mr. Carroll Grause advised the Bank will be \$300,000 plus, Mr. Jack Gramann advised the Medical Building will be \$250,000.

The Public Hearing concerning Ordinance Number 11-70 was held. City Manager John Griffin reviewed the proposed Ordinance and explained recent adjustments. Mr. Green felt that it is incumbent upon Council to provide finances for improving State Route 48 since the State Highway Department is willing to pay their share. He encouraged a transfer from General Government to the Street Fund to provide for this improvement. Mr. Davis and Mr. Zengel agreed with Mr. Green's proposal. 106 General Government, 255 Streets, Highways, Sidewalks and Curbs was changed from \$12,635.00 to \$19,135.00, thus changing the total for General Government to \$28,568.00 and the Total, General Fund to \$238,936.00. Mr. Green 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 adopted. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing was held concerning Ordinance Number 8-70. Mr. Wells sponsored 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 Baker To The Term Vacated By Hugh Lagedrost And Appointing Marion Loemker To The Term Vacated By Bruce Baker, and moved that it be adopted. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 10-70 was held. Fire Chief Harry Burdick was introduced to members of Council. 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 accepted. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. McIntire moved that a Resolution be prepared by the Municipal Attorney expressing thanks to our former Fire Chief Mr. Robert Billett and extending Council's appreciation for a great many years of public service and dedication to the Centerville Washington Township area. Mayor Hoy seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 15-70, An Emergency Ordinance Appointing The Fire Chief Of The Washington Township Fire Department As Fire Chief And Fire Prevention Officer Of The City, and moved it's adoption. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis 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 it's adoption. Mr. Zengel seconded the motion. Mr. Wells recommended that Section 2 of this Ordinance be changed to read as follows: "Attached hereto, incorporated herein and made a part hereof are Rules and Regulations Dated March 16, 1970 of the said Personnel Appeals Board, which are hereby enacted." The change was made to the Ordinance. Mayor Hoy requested that an official copy be maintained by the Clerk of Council. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Davis sponsored Ordinance Number 16-70, An Emergency Ordinance To Establish A Personnel Appeals Board, Adopt Personnel Rules And Regulations And Appoint Members To The Board, and moved it's adoption. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Engineer Frank Williams explained his sketch concerning the alley off South Main Street for which vacation has been requested. This alley lies just north of the office of T.R. Price. Mr. Williams advised that there will be no land locked by this vacation and thus recommended that it be abandoned. Mr.

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Price advised that he has requested vacation of this alley so that he can improve the area. An Ordinance to vacate this alley was considered. Council agreed that the Ordinance should include the words "more or less" after the phrase "vacate an alley eleven feet". Mr. Wells sponsored Ordinance Number 17-70, An Ordinance To Vacate An Alley Eleven Feet, More Or Less In Width Running East And West Between In-Lot Number Eight And In-Lot Number Nine Of The Benjamin Robbins Plat, and moved that it be set for Public Hearing on April 6, 1970. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Ordinance Number 18-70, An Emergency Ordinance authorizing the issuance of Emergency Notes for \$39,000.00 by the City of Centerville was discussed by Council. City Manager John Griffin will review the figures stated in the Ordinance with Peck, Schaffer & Williams, and the matter will be considered at the Council Meeting on March 17, 1970.

City Manager John Griffin reviewed a Resolution requesting the Auditor and Treasurer of Montgomery County for an advance of taxes collected. He explained the City's financial status at the present time. Mr. Wells sponsored Resolution Number 2-70, Resolution Requesting The Auditor And Treasurer Of Montgomery County, Ohio, For An Advance Of Taxes Collected, and moved that it be adopted.

WHEREAS, Section 321.34 Ohio Revised Code directs the county auditor to draw a draft and the county treasurer to pay said draft to the treasurer of a municipal corporation when the authorities of the municipal corporation, by resolution, have requested an advance payment from funds derived from taxes payable to the county treasurer for the account of said municipal corporation, and

WHEREAS, it appears that there are presently funds in the account of the City of Centerville being held by the Treasurer of Montgomery County, Ohio;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY OF CENTERVILLE:

Section 1. The City of Centerville hereby requests the Auditor of Montgomery County, Ohio, to draw a draft in favor of the City of Centerville, Director of Finance of the City of Centerville (who is the Treasurer of Centerville) for Fifteen Thousand Dollars (\$15,000.00), being a portion of the current collection of taxes assessed and collected for and in behalf of the City of Centerville which shall be held and treated as an advance payment on the current collection of taxes due said City at the ensuing February, 1970 Settlement as provided by law.

Section 2. The clerk of Council is hereby authorized and directed to certify this Resolution to the Montgomery County Auditor and to do any and all things necessary to secure said advance.

Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The acceptance of Red Coach, Section Ten was discussed by Council. Engineer Frank Williams advised that release of the Performance Bond and acceptance of the Maintenance Bond was in order. The remaining brush along the railroad tracks is the responsibility of the Railroad Company. John Griffin advised that the Maintenance Bond has been received. Mr. Davis moved that the Performance Bond for Red Coach, Section Ten, be released and a Maintenance Bond in the amount of \$2,600. be accepted. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells explained the Municipal Attorney's opinion concerning control of certain conditions in the Rezoning Request of Ralph Woodley and Paul Moody. Mr. Farquhar's opinion was that the conditions could be improved by the Planning Commission after the zoning is changed and before the Commission recommends to Council that a Zoning Certificate be issued. John Griffin read a letter dated March 16, 1970 from Ralph Woodley and Paul Moody setting forth their intentions and accepting certain restrictions for development of their land on Alexandersville-Bellbrook Road. Mr. Wells recommended that this letter be passed on to the Planning Commission by Council as a policy statement, if and when zoning is changed, so that the Planning Commission can impose said restrictions when the Zoning Certificate Application comes before them.

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Mr. Wells reported for the Planning Commission. He reviewed the Curb Cut Application of Bill Knapp's Restaurant on State Route 48 at Loop Road. The Planning Commission has indicated to Mr. Jack Davis that they will be very skeptical in recommending approval of curb cuts to Council in this area. The Planning Commission recommended to Council that the driveway onto State Route 48 for this Restaurant, and the access road from Loop Road, be accepted and the exit onto Route 48 be restricted to no left turns. After considerable discussion concerning the driveway onto Route 48 and hazardous conditions, Mr. McIntire felt that it would be safer if an access road was provided in front of the Restaurant onto the Loop Road. Mr. Wells moved that the curb cut for the Bill Knapp Restaurant as shown on the drawing dated 9 February 1970 be accepted with the restriction of no left turn from the Route 48 exit. Mr. Davis seconded the motion. Mr. Zengel felt there should be no curb cut on Route 48 exits and entrances should be onto Loop Road. Mr. McIntire felt that it is important to Centerville that Mr. Jack Davis become involved in this project since it concerns the overall safety of this community, he recommended another contact be made with Mr. Davis. Mr. Wells withdrew his motion. Mr. Davis withdrew his second to the motion. Mayor Hoy moved that this matter be returned to the Planning Commission for further review to determine if there are better exits and entrances for this land north of Loop Road. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

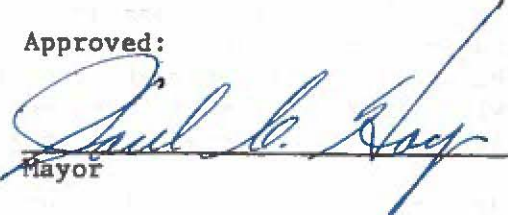
Mr. Wells reviewed the proposed revisions to the Zoning Ordinance. The Planning Commission has reviewed the proposed Ordinance and recommends to Council that it be passed. Copies will be available for Council at the next Meeting after review by the Municipal Attorney.

Mr. Wells advised that the Historic Preservation Ordinance has been placed in limbo, since, at it's Public Hearing, very little interest was shown in the Ordinance. Copies will be made available to Council and to the Historical Society. Mr. Zengel felt that the Planning Commission should proceed with this Ordinance.

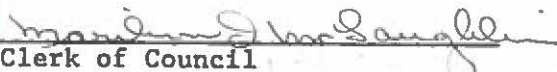
Engineer Frank Williams brought before Council the matter of releasing the Performance Bond for the Mitchell Plat on Maple Avenue. He advised that the hold in Mrs. Lowry's garage has been patched, the sign is off the right-of-way, the evergreens have not been planted but are not covered on the Bond. Mr. Zengel moved that the Performance Bond on Maple Avenue in the Mitchell Plat be released and a Maintenance Bond of \$1,000.00 be granted to the City. Mayor Hoy seconded the motion. Mr. Davis requested that the City Manager investigate how other Municipalities get contractors to complete certain conditions which are not covered by the Performance Bond.

The Meeting was then adjourned.

Approved:

  
 Mayor

Attest:

  
 Clerk of Council