

RECORD OF PROCEEDINGS

Minutes of

Regular

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held April 6, 1970

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, Monday, April 6, 1970 at 7:30 P.M. at the Municipal Building, with Mayor Paul Hoy presiding. Councilmen present were as follows: John Zengel, Harold Wells, J. V. Stone, Victor Green, 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 March 9, 1970 had been distributed prior to this Meeting. Mr. Stone moved that the Minutes of the Meeting of March 9, 1970 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 March 16, 1970 had been distributed prior to this Meeting. Mr. Zengel moved that the Minutes of the Meeting of March 16, 1970 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Minutes of the Meeting of March 17, 1970 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of March 17, 1970 as distributed, be approved. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Robert DeRegnacourt, 20 Gracewood Drive, appeared before Council concerning debris being strewn about by the garbage collector in the transferring of trash from the Cushman Carts to the truck. The complaint was referred to City Manager John Griffin.

Mr. Wells reported for the Planning Commission. He reviewed the Curb Cut Application for Bill Knapp's Restaurant on State Route 48 just north of Loop Road. Mr. Griffin advised that recommendations from a traffic engineer were: that a greater sight distance could be achieved by moving the curb cut near the north property line, and a traffic signal should be installed at Loop Road and Route 48. The Planning Commission recommended that the driveway be moved to 25 feet from the northern property line, that an L angle shaped island be provided in the middle of this driveway, and that the access road onto Loop Road be installed. Mr. Griffin will meet with representatives from the J. S. Davis Company, Bill Knapp Restaurant, and the builder to further discuss this matter. Deceleration and acceleration lanes on Route 48 will also be discussed.

Mr. Wells reviewed the Conditional Use Request by Senate Builders for a Residential Development Plan in R-1 Zoning, to be located on Centerville Station Road just east of Black Oak Estates III, and referred to as Olde Station Estates. The Planning Commission felt that this Request did not comply with Section 20, Figure 9 of Ordinance Number 15-61, Area Per Family For Residential Development Plan, and thus recommended to Council that it be denied. Mr. Wells moved that Council deny the Application for a Conditional Use by Senate Builders. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Wells reviewed the Application for a Curb Cut submitted by Main Auto Parts on North Main Street. Since there is an existing Curb Cut, approval of this Application would provide two cuts for this development. The Planning Commission felt that this would not ease the potential parking and access problems for this narrow lot. They recommended that the developer submit new plans including only one Curb Cut showing it's location and width.

Mr. Wells advised that the date for Planning Commission Meetings has been changed to the last Monday of the month instead of the last Tuesday as previously scheduled.

Clerk of Council Marilyn McLaughlin read a Notice of Intent to Appeal a decision of the Planning Commission received on April 3, 1970, concerning the Conditional Use Request of Senate Builders.

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

Mayor's Court	
Fines and Forfeitures	\$ 986.00
Costs	352.00
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Total	\$1,238.00

Zoning Permits

- 18 One Family Residences
- 6 Additions to Residence
- 1 Addition to Church
- 1 Apartment Building (6 family)

Mr. Zengel moved that the Mayor's Report as read, be accepted. Mr. Wells seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mayor Hoy abstained.

John Griffin gave his City Manager's Report. He distributed copies of a letter received from the City of Dayton asking for Centerville's participation in an investigation into the Dayton Power and Light Company's proposed gas rate increase.

The Public Hearing was held for Council's reconsideration of an Application for Variance for the property located at 335 Cedarleaf Court, submitted by Beverly and Richard Kiser to permit partial use of the premises for a Growing Up Nursery School.

Mr. Richard Hammond, Attorney for the Applicant, located the property on a map. He advised that the Variance had been requested to permit a Growing Up School for just lot 321 and limited only to the Kisers. He explained that the hardship is financial and reviewed the additional monies spent to provide for the operation of this School. Additions were made because the Kisers believed their operation to be legal. He advised that because of the number of children being transported by the school there is an average of 6.3 additional cars using the cul-de-sac per session. Mr. Hammond asked Council to reconsider this Variance because the Kisers believed they were operating legally.

Mr. Bucky Weaver, 346 Cedarleaf Court, objected to the increase of traffic being generated in the cul-de-sac, and emphasized the fact that two families are involved in this endeavor.

Mr. Bernie Koziej, 345 Cedarleaf Court, did not feel that the hardship as expressed by the Kisers met the definition of hardship in the Zoning Ordinance. Municipal Attorney Robert Farquhar reviewed the referred to definition and advised that it is broad enough to encompass this situation.

City Manager John Griffin advised that an objection to this Variance was received by telephone from Mr. Joseph Staub, 414 Cedarleaf Drive.

Mrs. Barbara Power, 263 Pleasant Hill Drive, a student's mother, advised that anyone is free to use Cedarleaf Court; her tax dollars have helped pay for the street.

Mr. Terry McSweeney, 306 Cedarleaf Court, objected to Council's reconsideration of this Variance Request. He again stated his objection to the Variance.

Mr. Warricus, 326 Cedarleaf Court, advised that he chose the cul-de-sac for privacy; his investment would be decreased if this business continues to operate.

Mrs. Marion Cramer, 227 Burdell Drive, a student's mother, advised that the mothers transporting children to school are very much aware of the children living in the cul-de-sac, and thus drive with care.

Mrs. Joan Greenfield, 7365 Far Hills Avenue, a student's mother, and serving on the Board for the Day Care Planning Commission covering Montgomery and Green County reviewed the new Ohio Law concerning Day Care Centers; required will be a license, proper supervision, quantity limitation, and there will be health and safety standards. She advised that the subject nursery school is very much in line with such requirements.

Mr. Robert Ackerman, 463 Cedarleaf Drive, objected to this variance because it is a business and businesses are not permitted in a residential neighborhood. The hardship is being experienced by the property owners on the cul-de-sac.

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Mr. Green felt that although there was a misunderstanding in this matter, it was not created by the City of Centerville, and thus could not justify granting the Variance. Mr. Green moved that the original decision of Council prevail. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Stone sponsored Resolution Number 3-70, and moved that it be adopted. Mr. Wells seconded the motion.

WHEREAS, ROBERT BILLETT has faithfully and competently served the City of Centerville as fireman and Fire Chief of the Washington Township Volunteer Fire Department; and

WHEREAS, the said ROBERT BILLETT has retired from his position as Chief; and

WHEREAS, the Washington Township Volunteer Fire Department has grown under the leadership of ROBERT BILLETT and has continued to provide good fire service to the citizens of Centerville;

NOW, THEREFORE, BE IT RESOLVED

That the citizens of Centerville through their elected City Council hereby express their appreciation to ROBERT BILLETT for his devoted service and commend him for his good performance of his duties as volunteer fireman and Chief of the Washington Township Volunteer Fire Department.

A roll call vote resulted in five ayes in favor of the motion. Mayor Hoy presented to Mr. Billett a copy of this Resolution. Mr. Billett expressed his thanks and asked for continued cooperation for his successor Harry Burdick.

The Public Hearing concerning Ordinance Number 20-70 was held. Said Ordinance was briefly reviewed by the City Manager. Mr. Wells sponsored Ordinance Number 20-70, An Ordinance Authorizing The City To Cooperate With The Director Of Highways In The Improvement Of The Berm Of Alexandersville-Bellbrook Road (State Route 725) Within The City; Appropriating The Funds For Said Improvement; Authorizing The City Manager To Enter Into Maintenance And Parking Agreements And Special Contractual Obligations; Providing For Traffic Control, Right Of Way, Utility Rearrangement And Saving The State Of Ohio Harmless Of Damages, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

City Manager John Griffin reviewed Ordinance Number 23-70. Mr. Wells sponsored Ordinance Number 23-70, An Emergency Ordinance Authorizing The City To Cooperation With The Director Of Highways In The Improvement Of The Surface Of State Route 48 Within The City; Appropriating The Funds For Said Improvement; Authorizing The City Manager To Enter Into Maintenance And Parking Agreements And Special Contractual Obligations; Providing For Traffic Control, Right Of Way, Utility Rearrangement And Saving The State Of Ohio Harmless Of Damages, And Repealing Ordinance Number 21-70, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Wells sponsored Ordinance Number 24-70, An Ordinance Authorizing The City To Cooperate With The Director Of Highways In The Improvement Of The Surface Of State Route 48 Within The City; Appropriating The Funds For Said Improvement; Authorizing The City Manager To Enter Into Maintenance And Parking Agreements And Special Contractual Obligations; Providing For Traffic Control, Right Of Way, Utility Rearrangement And Saving The State Of Ohio Harmless Of Damages; And Repealing Ordinance Number 21-70, and moved that it be set for Public Hearing on April 20, 1970. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

City Manager John Griffin reviewed the Rezoning Request of the First National Bank, Centerville Branch, for a change from R-3 to B-1 Zoning Classification for the property on State Route 48 just south of Zengel Drive. The Planning Commission recommended approval of the Proposed Layout and the Rezoning Request, with the exclusion of a drug store in the Medical Building. The method of placing restrictions on the land was discussed by Council. Mr. Wells

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moved that Ordinance Number 25-70, 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, be approved subject to incorporation of the Site Improvement Plan dated November 1969 for the First National Bank, Miamisburg, Ohio, Centerville Branch and the Proposed Medical Building; uses restricted to those shown on the plan; in addition, a Pharmacy only to be allowed in the Proposed Medical Building; this Deed Restriction to run for a period not to exceed 12 years, and such Deed Restriction be entered into within 29 days from passage of this Ordinance. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Zengel abstained.

The Rezoning Request of Ralph Woodley and Paul Moody for their property on Alexandersville-Bellbrook Road; requested change from Washington Township R-3 to Centerville EC was discussed by Council. The Planning Commission recommended approval of this request. They recommended that certain restrictions be placed on the use of this property; said restrictions will be considered when a Development Plan is reviewed by the Planning Commission. Mr. Wells sponsored Ordinance Number 26-70, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 100.54 Acres, More Or Less, From Washington Township R-3 Classification To Centerville Entrance Corridor Classification, and moved that it be adopted. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

City Manager John Griffin reviewed the Request of Loring Duff for his property at the end of West Von Dette Circle; requested is a Washington Township Special Use as provided for in the amendment to article 12 of the Washington Township Resolution. The Plan has been revised to include the Planning Commission's recommendations. The Planning Commission recommended approval of this request with the lots rearranged and with lot numbers 21 and 16 being eliminated from the Plan. Mr. Wells recommended that the administration refer to this property in the future as S-sub-1 District. Mr. Wells sponsored Ordinance Number 27-70, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 26.012 Acres, More Or Less, From Washington Township R-2 And Washington Township R-3 Classifications To Washington Township Special Uses As Provided For In The Amendment To Article 12 Of The Washington Township Resolution Page 3, 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 17-70 was held. City Engineer Frank Williams located the alley on a map and explained it's surroundings. Mr. Green 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 adopted. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Hoy advised that a Council Work Session will be set for Council's review of the Ordinance to establish procedures in order to establish Historic Preservation Districts.

A celebration for Centerville's 175th anniversary to occur in 1971 was discussed by Council. Mr. Wells suggested that this be coordinated with the Ox Roast. Mr. Green suggested that this be promoted by the Chamber of Commerce. Mayor Hoy will contact the Chamber of Commerce and the Jaycees concerning this matter. Mr. Griffin will acquire information from other Communities concerning their celebrations.

Mayor Hoy stressed publicity in the newspapers that Centerville will provide better control on dogs running at large in the City. He asked for

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more cooperation by the Police Department.

The Meeting was then adjourned.

Approved:

Paul G. Hey

Mayor

Attest:

William J. Saublin

Clerk of Council