

RECORD OF PROCEEDINGS

Minutes of

Regular

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held May 4, 19 70

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, Monday, May 4, 1970 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: J.V. Stone, John McIntire, Victor Green, John Davis, Harold Wells, City Manager John Griffin, City Engineer Frank Williams, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of April 20, 1970 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of April 20, 1970 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire abstained.

Mr. George Hughes, 67 Westerly Drive, and two of his neighbors appeared before Council concerning the shabby treatment they are receiving from the owner of Country Manor Apartments. The fence has been removed dividing the two properties and the elevation of the land belonging to Jack Mitchell has been raised causing the water to run onto the Hughes Property. Mr. Mitchell agreed some time ago to replace the fence. Mr. Hughes asked that Council bring pressure upon the Apartment owner to rectify these problems. Engineer Frank Williams related that he advised Mr. Mitchell the grading was improper; Mr. Mitchell then agreed to correct this before sodding. Mr. Griffin will contact the developer to review this complaint and expedite some remedy for it.

Councilman John Zengel entered the Meeting at this time.

Mr. Harvey Reilich, 962 East Rahn Road, appeared before Council concerning the status of the median strip and the finish course of Rahn Road between Marshall and Oak Creek Development. Mr. Williams advised that on the uncompleted portions of Rahn Road, the finish course will be applied by the County. Mr. Griffin discussed the possibility of placing curbing around the median strip. The City Manager will review the improvement of this median strip and have the street cleaned so that the finish course can be applied.

Mr. John Hawkins, 190 Bethel Road, appeared before Council concerning drainage from the Dr. Thomas Farm onto his property. Mr. Griffin distributed copies of a letter from Engineer Frank Williams in which he recommended that this problem be corrected following the policy previously established by Council. He estimated the contract price to be \$930.00. Mr. Williams reviewed the problem as it exists and advised that the City could provide the labor. Mr. McIntire requested that the City Engineer cost the job of the materials involved excluding labor, and City labor be itemized separately. Mr. Hawkins agreed to bear some of the cost for said improvements. Mr. Griffin recommended that the City receive a construction easement to enable the City to perform the work. Mayor Hoy advised that this item will be further discussed at the next Council Meeting.

Mr. Wells reported for the Planning Commission. A Public Hearing will be held before the Commission on June 29, 1970 at 7:30 P.M. to consider the Historical Preservation Ordinance.

The adoption of an Interim Master Plan was discussed by the Planning Commission. They preferred to wait until the Joint Planning Committee meets and formally acts on the Master Plan.

Mr. Wells reviewed a Request for Rezoning received from James McConnaughey for his property located on the south side of Whipp Road east of Marshall Road and on both sides of the Railroad Tracks. Requested change is from Washington Township R-4 and Centerville R-1 to Centerville R-3. A Public Hearing was set by the Planning Commission for May 25, 1970 at 7:30 P.M.

Mr. Wells located on a map and explained a Rezoning Request received from property owners on both sides of South Main Street, south of Martha Avenue to just north of the Concept Plat. Requested is a change from Centerville R-2 and R-3 to Centerville B-1. The Planning Commission has set a Public Hearing for May 25, 1970 at 8:30 P.M.

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Mr. Wells reviewed a Curb Cut Request submitted by E. & E. Properties for the Genuine Auto Parts to be located on the east side of North Main Street. Revisions to the plan were requested by the Planning Commission.

Mr. Wells explained a request of the Shell Oil Company for a deviation from the previous approval of the Board of Zoning Appeals, said approval required that a retaining wall be erected at the south edge of their property. Engineer Frank Williams recommended that the curb and gutter on Franklin Street in front of the proposed station be moved to the south 3 to 5 feet. The Planning Commission approved omission of the retaining wall as requested, and Mr. Williams recommendation.

An application to erect a temporary sign submitted by the National Industrial Development Corporation for the Heritage Square Shopping Center was explained by Mr. Wells. The Planning Commission approved the request, limiting the height of the sign to 15 feet.

Mr. Wells reviewed a Variance Request submitted by Black Oak Development Company to permit a private swim club in Black Oak Estates II, Section Two, and reviewed the Public Hearing held on May 1, 1970. The Planning Commission approved the Request subject to receipt of financial statements from the lenders to indicate to the City that this project is going to be properly financed. The Commission also requested that a 4 1/2 foot high fence, double faced cedar, be placed along the east side of the property.

Clerk of Council Marilyn McLaughlin advised that a letter has been received from Mr. Walter McNeill, Westerly Lane, requesting that any extension of the B-1 zone southward on the west side of South Main Street be made to include a depth (east/west) to a point of alignment with the B-1 zone now established from Franklin Street to his north property line. Mr. Wells advised that the Planning Commission has been made aware of this letter and have indicated that they would entertain a formal request for rezoning should Mr. McNeill submit one.

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

Mayor's Court

Fines and Forfeitures	\$ 557.00
Costs	224.00
Total	<u>\$ 781.00</u>

Zoning Permits

- 25 One family residences
- 2 Additions to residence
- 4 Signs
- 3 Swimming Pools
- 3 Commercial buildings

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

Mr. Griffin gave his City Manager's Report. Engineer Frank Williams reviewed six drainage problems existing in the City of Centerville.

1. Mr. Williams recommended that one 8 foot section of 36 inch pipe be added to the stub existing in the field of the Steller's Property at the rear of 5601 King Arthur Drive in Red Coach. This would enable the property owner to restore his rear yard and rectify a dangerous condition to neighborhood children. The cost has been estimated at \$120.00. Mayor Hoy suggested that the cost of this project to the property owners be figured and given to them to determine their intent.

2. The property at the south end of Oak Hill Lane is about 30 feet higher than the north line of lots on Edgebrook Court, thus causing water to run off onto lots on the Edgebrook Court. Mr. Williams recommended that the developer be required to properly grade and terrace the slope, plant grass or ground cover, and do whatever else is necessary to rectify this problem. Mayor

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Hoy and Mr. McIntire suggested that the City study the Bond on this Section to determine whether this work would be covered by the Bond. Mr. McIntire further suggested that Council pass necessary legislation to give policing of changing grades on properties. Municipal Attorney Robert Farquhar advised that this could be contained in the subdivision Regulations, he will review the Regulations as prepared by Parkins, Rogers & Associates, Inc. and the City's Subdivision Regulations and report his findings to Council at their next Meeting.

3. Mr. Williams reported on the Petition to improve Whipp Road which was received from property owners a few weeks ago. He has checked the elevation and a storm sewer, as requested, is feasible. He estimated the cost to be \$4,500.00. Mr. Williams will advise the property owners of their cost and determine their intention.

4. The ditch in the Concept Plat at 50 South Johanna Drive was discussed by Council. Mr. Williams recommended either containing the water in a pipe or paving the bottom of the ditch. There are three property owners involved in this project. Estimated cost are: containing water in pipe = \$4,920.00, paving bottom of ditch = \$1,000.00. Mayor Hoy suggested that after the City reviews it's policy, the property owners be advised of their estimated cost in this project.

5. This drainage problem had been discussed earlier in the Meeting; it being in the Concept Plat at 190 Bethel Road.

6. Mr. Williams explained a drainage problem existing behind the Bargain Bar. The water from the parking lot and roof drains flows onto the property now being developed into apartments. He recommended that an asphalt gutter be provided at a cost of \$1,000.00 to control the flow of water. Mr. Griffin will contact Mr. Goldman and seek his cooperation in constructing this asphalt curb. Both property owners will be approached concerning a screening between their properties.

An Offer to convey an Open Space Lot to the City of Centerville from American Modulars Corporation was discussed by Council. Mr. Griffin advised that adequate Bond and Inspection Fee have been received. The conditions as previously requested by Council have been met:

1. Park and recreation structures are permitted on the open space.
2. The drainage ditch will be enclosed.
3. The open space will be graded and cleaned.

Mr. Wells sponsored Resolution Number 6-70, and moved that it be adopted. Mr. Stone seconded the motion. Mr. McIntire suggested that the Resolution have a title "A Resolution To Accept An Offer To Convey An Open Space Lot To The City Of Centerville, Ohio". Said title was added to the Resolution.

WHEREAS, American Modulars Corp. has presented a written offer to convey an open space lot; and

WHEREAS, the terms and conditions as contained therein and attached hereto are acceptable to the City;

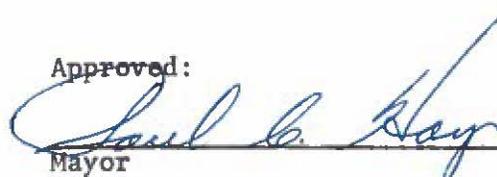
NOW, THEREFORE, be it resolved that the "Offer to Convey An Open Space Lot to the City of Centerville, Ohio" attached hereto and marked Exhibit "A" and incorporated herein is hereby accepted.

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

The proposed 911 Emergency System was discussed by Council. Mr. McIntire would like to hear from the Chief of Police whether or not we currently have a problem with emergency calls, and wondered what the continuing revenues would be. A Council Work Session was set for Thursday, May 14, to consider this matter.

The Meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk of Council