

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held September 1,

19 70

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, Tuesday, September 1, 1970 at 7:30 P.M. at the Municipal Building with Deputy Mayor John Davis presiding. Councilmen present were as follows: Harold Wells, John Zengel, John McIntire, Victor Green, J.V. Stone, City Manager John Griffin, City Engineer Frank Williams, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of August 10, 1970 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of August 10, 1970 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Davis abstained.

The Minutes of the Meeting of August 17, 1970 had been distributed prior to this Meeting. Mr. McIntire advised that in the fifth paragraph "Mr. Herbert Ware" should read "Mr. Hubert Wear" wherever it appears. Mr. McIntire moved that the Minutes of the Meeting of August 17, 1970 as amended, be approved. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Davis and Mr. Wells abstained.

The Minutes of the Meeting of August 24, 1970 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of August 24, 1970 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Wells reported on the Planning Commission Meeting held August 31, 1970. He reviewed the Public Hearing held on a Variance Request submitted by Zengel Construction Company to relocate a sign from its present location on Route 48 to Alexandersville-Bellbrook Road at Cedarleaf Drive. The Planning Commission approved the location of the sign to be approximately 50 feet back from both the centerline of Route 725 and Cedarleaf Drive to be removed within 18 months.

Mr. Wells reviewed the Public Hearing held before the Commission concerning a Variance Request submitted by William Ahern. Requested is a variance in the set back requirement for a sign at 33 West Franklin Street. The Request was granted based upon the fact that many of the signs as well as homes on West Franklin Street are not in conformance with the 15 foot set back requirement.

Mr. Wells reviewed the Public Hearing held by the Planning Commission concerning a Rezoning Request filed by Nevin Elliott for property located on the south side of East Franklin Street adjacent to a public alley opposite Maple Avenue. No one spoke in favor of or in opposition to this requested change from R-3 to B-1. No action was taken by the Commission.

Mr. Wells explained the extension of Fireside Drive onto Route 48; no signed drawings are available but the intent for approval by the Planning Commission has been indicated in past records. The finding of the Planning Commission was that Fireside Drive should be constructed according to the drawing dated May, 1966. Mr. Wells moved that a Zoning Permit be issued to construct Fireside Drive (a private drive) and that the plan drawn by the Ralph L. Woolpert Company, Number 324-41 of May 1966 which shows Fireside Drive in its entirety, be approved. Mr. Green seconded the motion. Mr. Davis brought out the fact that this will be the only access onto Route 48 from this area other than the present North Village Drive. Mr. McIntire reviewed the previous report compiled by Mr. Griffin concerning this matter. City Engineer Frank Williams advised that Fireside Drive has been built according to Centerville street specifications; the curb was stopped short enough in order to swing a radius into a north-south access road. Mr. Wells advised that the owner of this Entrance Corridor land has again been requested by the Planning Commission to submit for approval a development plan containing the access road. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire voted no.

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Mr. Wells explained a Preliminary Plat Plan for Pleasant Hill Plat, Section 17. This Section includes a five acre park and is the extension of Silvertree Lane. Residents in the area endorsed the park as proposed in this Preliminary Plan, however, needed is an agreement between the Centerville-Washington Park District and Zengel Construction Company to provide for the land transfer. Action was deferred by the Planning Commission until such agreement is made.

Mr. Wells advised that Public Hearings have been set by the Planning Commission for September 28, 1970 for the following:

1. Rezoning Application submitted by Mr. & Mrs. Charles Rush for their property at the northeast corner of Spring Valley Road and Clareridge Lane. They have requested a change from R-2 to B-1.
2. Variance Request submitted by American Modulares Corporation to permit the erection of a 4' x 8' sign opposite 151 Lyons Drive in the Terrace Villa Plat.
3. Change in Zoning Request submitted by American Modulares Corporation for 3.291 acres along the east side of Lyons Drive north of the Lyons Drive, Sheldon Road intersection. Requested is a change from R-1 to R-3.

Mr. Wells reviewed the Record Plan for Black Oak Estates II, Section Five. Since some of the Plan is governed by the Washington Township Zoning Resolution and some by the Centerville Zoning Ordinance; the set back has been staggered to blend the areas together. The Planning Commission recommended approval of this Plan. Mr. Wells moved that the Record Plan for Black Oak Estates II, Section Five be approved subject to modification of the Construction Drawings in accordance with City Engineer Frank Williams and subject to receipt of a Performance Bond in the amount of \$38,000.00 and an Inspection Fee of \$253.80. Mr. Stone seconded the motion. Following discussion concerning the extension of Bigger Road, Mr. Davis recommended that information be secured concerning the Deed of the Dilliard Property before any approval of this Section is given. Mr. Wells withdrew his motion. Mr. Stone withdrew his second to the motion. The City Manager and City Engineer will further study this matter.

Mr. Wells reviewed previous events concerning a Rezoning Application submitted by James P. McConnaughey for property located on the south side of Whipp Road east of Village South. The Planning Commission recommended that this Request for Rezoning be denied. Residents in Village South and Red Coach have objected to this Request. Mr. Wells moved to accept the recommendation of the Planning Commission to reject this Request for Rezoning. Mr. Davis seconded the motion. Mr. George Campbell, representing the applicant, advised that records show that apartments increase tax dollars while there is a decrease in the number of children attending school.

The following property owners stated their objection to this proposed Apartment Complex and questioned the procedure being followed by the Planning Commission and Council:

Mr. Bob Zimmer, 5602 Chipplegate Drive
 Mr. Ray Doyle, 6110 Parkridge Drive
 Mr. Ken Meyers, 6111 Parkridge Drive
 Mr. & Mrs. Larry Case, 592 East Whipp Road
 Mr. Bob Crumrine, 531 Chipplegate Drive
 Mrs. Joyce McBride, 6300 Millbank Drive
 Mr. Bob Delay, 6179 Laurelhurst Lane

Municipal Attorney Robert Farquhar explained that the procedure followed, has been according to law.

Mr. Green advised that apartment zoning should be used in two areas: 1. as a buffer between business and residence and 2. in an area adjoining a non-developed single family area.

A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel voted no.

Mr. McIntire was concerned with the fact that the Ordinance was not presented throughout the procedure.

Mr. Zengel advised that, this being a trouble spot, he would like to have seen the case go to Public Hearing, he hopes that the developer can do something with his property that is in keeping with the sentiments and feelings of the people involved.

Mr. Davis hopes that something more compatible with the residents on the three sides of the property will be proposed.

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Mr. Wells explained two Curb Cut Applications submitted by Robert Ferguson for his property on the south side of Irongate Park Drive. One Application is for a 32 foot Curb Cut on Irongate Park Drive and the other for a 18 foot and a 28 foot Curb Cut on Irongate Park Drive near the corner of State Route 48. The Planning Commission recommended to Council that Curb Cut Number 1 on Application Number C-7-70 into the parking lot be approved. Mr. Wells moved that a Curb Cut Permit be issued in accordance with Application Number C-7-70. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion. In consideration of Application Number C-8-70, the Planning Commission recommended to Council that, at the present time, only the Curb Cut to the east be approved and approval of any further Curb Cut will be subject to further review by the Planning Commission along with a Curb Cut on State Route 48. Mr. Wells moved that the eastern Curb Cut, or Curb Cut Number 2, on Application C-8-70 be approved, width to be 18 feet. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Wells announced that Mr. Willis Creamer, a member of the Planning Commission, will be leaving Centerville and thus must resign. The Planning Commission and Council express their thanks to Mr. Creamer for his service on the Planning Commission, the Charter Commission, and all that he has contributed to our Community. Mr. Wells sponsored Resolution Number 16-70: A Resolution Of Appreciation For The Service Of Willis B. Creamer To The City Of Centerville And Its Citizens, and moved that it be adopted. Mr. Green seconded the motion.

WHEREAS, Willis B. Creamer has submitted his resignation as a member of the Centerville Planning Commission effective September 1, 1970, because of a transfer of assignment location by his employer; and

WHEREAS, Willis B. Creamer has served the City officially as a member of the Charter Commission from May 2, 1967 to March 5, 1968 and as a member of the Centerville Planning Commission from the date of its reorganization June 5, 1969 until the effective date of his resignation, September 1, 1970, during which time he gave unselfishly of his time and energy; and

WHEREAS, Willis B. Creamer has served the City unofficially as an interested citizen offering constructive suggestions and volunteering additional time and energy for the betterment of Centerville;

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

That the Citizens of Centerville acting by and through their Council hereby express their appreciation to Willis B. Creamer for his services and unselfish devotion of his time and energy for their welfare. A roll call vote resulted in six ayes in favor of the motion. Mr. Davis suggested that the need for a Planning Commission Member be publicized through the Press.

Copies of Ordinances regulating the storage and parking of recreational equipment from various Municipalities have been distributed to Council. Three out of seven neighboring Cities have adopted such an Ordinance.

Mr. Charles Pray, 211 South Village Drive, felt Centerville should consider such an Ordinance and perhaps bring the matter to Public Hearing.

Mr. Paul Burkhardt, 6411 Colchester Court, felt this will become a greater problem as time goes on.

Mr. Joe Daher, 200 South Village Drive, felt that Council should strongly consider bringing such an Ordinance to Public Hearing.

After considerable discussion, City Manager John Griffin was directed to prepare a sample Ordinance for Centerville using the Ordinance drafted by the Ohio Mobile Home and Recreational Vehicle Association and those received from neighboring Municipalities. He will have it prepared for the September 21, 1970 Council Meeting.

Mr. McIntire expressed his concern with the safety of the storage of such equipment more than the aesthetic value.

Deputy-Mayor John Davis read the Mayor's Report for the month of August, 1970.

Mayor's Court	
Fines and Forfeitures	\$1,073.00
Cost	388.00
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Total	\$1,461.00

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Zoning Permits

- 12 One family residences
- 2 Additions to residence
- 2 Swimming pools
- 1 T.V. Tower
- 1 Commercial Building

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

Mr. Griffin reviewed what has been done thus far in reference to the collection of the 1% Income Tax. He advised that a survey of the City is needed and Roger Eckert has offered to conduct said survey for a charge of \$.50 per housing unit with a guaranteed minimum payment of \$1700.00. Mr. Green sponsored Resolution Number 17-70: A Resolution Authorizing The City Manager To Enter Into A Contract For A Survey To Be Conducted To Gather Information Necessary To Administer The Income Tax Ordinance, and moved that it be adopted. Mr. Wells seconded the motion.

WHEREAS, the Council of the City of Centerville has passed an ordinance imposing a 1% "income tax" on various people and businesses; and

WHEREAS, in order to properly administer said ordinance and assure the collection of maximum tax revenue a survey of the City should be made; and

WHEREAS, Roger Eckert has offered to conduct said survey for a charge of \$.50 per housing unit with a guaranteed minimum payment to him of \$1700.00; and

WHEREAS, the said offer appears fair to the City in all respects;

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

That the City Manager is hereby authorized and directed to enter into a contract with said Roger Eckert for him to undertake said survey at a rate of \$.50 per housing unit with a guaranteed minimum payment to him of \$1700.00, said contract to be in a form approved by the Municipal Attorney.

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

Mr. Griffin advised that Bids are being received for the Waste Collection Trucks until noon September 11, 1970. Various aspects relative to waste collection by the City were discussed by Council. The program should be ready to go October 26, 1970 which is one week prior to the target date.

Mr. Griffin reviewed the Meeting held on August 30, 1970 by the Montgomery County Commissioners concerning waste collection throughout the County. The County is not interested in going into the business but does intend to find out the conditions throughout the County. Another Meeting will be scheduled to discuss the projected 1971 incineration costs. Mr. McIntire emphasized the fact that the County is regulating the cost of waste collection through the Board of Health and the Incinerator.

Mr. Davis reviewed a Meeting held on August 31, 1970 between the Centerville Council, the Washington Township Trustees and the Centerville Board of Education. One of the items discussed was a joint campaign for issues on the November ballot. Mr. McIntire was not in favor of a complete joint campaign, but felt that the distribution of information should be a joint effort. Mr. Green suggested that the campaign workers from the recent Income Tax campaign be contacted for their services. Another Meeting between the three governmental bodies has been set for September 16, 1970 at the Washington Township Hall. Mr. Green requested that the letter received from the Board of Education requesting an appointment to the Social Conscience Committee by the City be available at the next Council Meeting.

City Engineer Frank Williams explained a request for a 90% Performance Bond reduction for Black Oak Estates II, Section 2. He advised that two catch basins have not been installed upon his request. Mr. McIntire expressed his concern with the condition of Glenbrier Place. Mr. Williams will pursue repair of this cul-de-sac before the Maintenance Bond expires. The Bond as requested was not reduced pending information concerning repair of the cul-de-sac of Glenbrier Place at the next Council Meeting. Mr. Green recommended that a representative from the Black Oak Development Company be present at the next Council Meeting to discuss the construction of the concrete streets in Black Oak Estates.

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City Engineer Frank Williams advised that a 90% reduction of the Performance Bond for Village South, Section 14 has been requested. There remains to be done approximately \$500.00 worth of work in this Section. Mr. Green moved that the Performance Bond for Village South, Section 14 be reduced by 90%. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Wells, as Centerville's representative on the Miami Valley Regional Planning Commission requested the feelings of Council relative to his vote concerning the Housing Plan for the Miami Valley Region. The Vote will be cast on September 23, 1970.

The Meeting was then adjourned.

Approved:

[Handwritten Signature]
Mayor

Attest:

[Handwritten Signature]
Clerk of Council