

## RECORD OF PROCEEDINGS

Minutes of

Regular

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

October 5,

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, October 5, 1970 at 7:30 P.M. at the Centerville High School, Magsig Building, with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, J.V. Stone, John Zengel, 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 September 21, 1970 had been distributed prior to this Meeting. Mr. Wells moved that the Minutes of the Meeting of September 21, 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 September 24, 1970 had been distributed prior to this Meeting. Mr. Green moved that the Minutes of the Meeting of September 24, 1970 as distributed, be approved. Mr. Stone seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Wells abstained.

Mr. Wells reported on the Planning Commission Meetings of September 24 and September 28, 1970. He reviewed the Public Hearing held on a Request from American Modulars Corporation for a variance to erect a 32 square foot double faced sign opposite 151 Lyons Drive to advertise the sale of lots in the Terrace Villa Plat. The Planning Commission approved the request for a period of eighteen months, with the stipulation that the sign will only be lighted during the hours between 5:00 P.M. and 10:00 P.M.

Mr. Wells explained the Rezoning Request of Charles and Mary Rush for their property located on the north side of East Spring Valley Road. The requested change is from R-2 to B-1. There were objections made by adjacent property owners at the Public Hearing; the Planning Commission will take action on said Request October 26, 1970.

Councilman John Davis entered the Meeting at this time.

Mr. Wells reviewed the Rezoning Request submitted by American Modulars Corporation for their property located along the east side of Lyons Drive. Requested is a change from R-1 to R-3; the purpose for the Request being to construct approximately 24 apartments units. The general neighborhood did object to this Request at the Public Hearing; the Planning Commission will act upon the request at their October 26, 1970 Meeting.

Mr. Wells explained the Rezoning Request of Mr. and Mrs. Nevin Elliott for their property on the south side of East Franklin Street. The requested change is for R-3 to B-1. This property is bounded on the east side by R-3 and the west by B-1 zoning. The Planning Commission felt that the office use, as proposed, would act as a good buffer between the two zones, but recommended denial of the Request because B-1 zoning as presently described in the Centerville Zoning Ordinance provides no guarantee that the property in question would be used as an office.

Mr. Wells advised that Zengel Construction Company and the Centerville-Washington Park Board are working together to resolve the matter of relocation of park area in a section of the Pleasant Hill Plat.

Mr. Wells reviewed the Curb Cut Application of Robert Ferguson for his property on Irongate Park Drive. One cut is proposed on Irongate Park Drive near the corner of State Route 48, and the second on State Route 48 adjacent to the curb cut for the T.V. Repair Shop. The Planning Commission recommended and Mr. Wells moved that the Curb Cuts on State Route 48 and on Irongate Park Drive immediately off of State Route 48 as shown on the parking lot plan for Robert B. Ferguson amended September 21, 1970, be approved subject to the receipt of an Application and Fee for the Curb Cut on North Main Street. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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Mr. Wells explained the Record Plan for Black Oak Estates II, Section 5. Because legal questions arose at the Planning Commission Meeting this matter has been referred to Municipal Attorney Robert Farquhar and Attorneys representing property owners on Bigger Lane. The Planning Commission had previously recommended approval of this Plan. Mr. Farquhar advised that a barricade between Black Oak Estates and the development to the north would be the responsibility of the property owners. Following discussion, Mr. Wells moved that Black Oak II, Section 5 be approved subject to the construction of a 40 foot pavement to the west of lot 363 on Bigger Road and subject to a resolution of the problem of right of way on the property owned by Brown Dillard and others. Mr. Davis seconded the motion. City Engineer Frank Williams advised that the amount of the Performance Bond needs revision; Mr. Wells then withdrew his motion, and Mr. Davis withdrew his second to the motion. This item will be on the agenda for the October 7, 1970 Council Meeting, to be considered with recommended Bond figures.

Mr. Wells explained the Record Plan for Red Coach South, Section 4. The Planning Commission recommended approval of this Plan subject to the inclusion of sidewalk on the north side of Fernshire Drive. Mr. Wells moved that the Record Plan and Construction Drawings for Red Coach South, Section 4 be approved with the inclusion of sidewalk on the north side of Fernshire Drive and the receipt of a Performance Bond in the amount of \$80,000.00. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Wells advised that two Public Hearings have been set before the Planning Commission for October 14, 1970: 1. Variance Request from the First National Bank to permit the erection of a 64.2 square foot sign at the south east corner of Zengel Drive and State Route 48; 2. Conditional Use Request from Myrna Ryan to operate a Day Nursery in a residential district, specifically 132 South Main Street.

The Planning Commission recommended to Council the adoption of the Centerville Planning Objectives which have been taken from the Planning Goals of the Joint Planning Committee of Centerville and Washington Township. Mr. Wells advised that from these Objectives, if approved by Council, the Planning Commission will take the necessary steps to review the Master Plan and start work on the construction of a Zoning Ordinance that will be consistent with the Objectives. Mr. Wells moved that the Centerville Planning Objectives recommended to Council, be approved by Council, in order to provide direction to the Planning Commission while the preparation of a Master Plan and an associated Zoning Ordinance. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Griffin read the Objectives to the people in attendance.

Roger Shearer, 1445 Taitwood Drive, asked Council to explain the status of the Master Plan.

Mayor Hoy advised that the Master Plan has been completed, it is in the hands of the Planning Commissions of Centerville and Washington Township, and various aspects will be approved as they come forth from the Planning Commission.

Fred Mayer, 5548 Knollcrest Court, wondered what the reaction of the Planning Commission was to the Zoning Regulation as recommended in the Master Plan.

Mr. Wells explained that the Zoning Regulations are not well enough worded and items were not included which should have been in the Plan.

Clerk of Council Marilyn McLaughlin advised that a Notice of Intent to Appeal and the Appeal were received from Nevin Elliott concerning the Planning Commission's decision rendered on September 28, 1970, in reference to his Rezoning Request. A Public Hearing has been set for November 2, 1970.

Mrs. McLaughlin also read a letter received from Councilman Harold M. Wells in which he tendered his resignation as a member of the Council of the City of Centerville to be effective at the close of this Meeting. Mayor Hoy directed the Municipal Attorney to prepare a Resolution in appreciation of Mr. Wells' outstanding service to Centerville during his three years on Council.

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

## Mayor's Court

Fines and Forfeitures	\$1,090.00
Costs	352.00
Total	\$1,442.00

## Zoning Permits

- 17 One family residences
- 5 Additions to residence
- 3 T.V. Towers
- 2 Signs
- 1 Commercial Building

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

Mr. Griffin gave his City Manager's Report. He reviewed the status of Municipal Waste Collection to date.

The individual questionnaires for Income Tax Collection are in the process of being mailed. The survey has indicated that there are 3928 residential units presently in the City of Centerville.

Mr. Griffin recommended that Council, jointly with Washington Township, oppose the southwardly extension of Kettering's boundary. Mr. Stone recommended that the Municipal Attorney prepare such a Resolution.

Mrs. David Striley, adjacent property owner of 174 Martha Avenue, asked Mr. Griffin for a review of what is being done concerning the condition existing at 174 Martha Avenue. Mr. Griffin explained the action currently being taken by the Montgomery County Board of Health.

Adrian Rose, 104 Cushwa Drive, wondered if there are any plans for a right-of-way from Route 48 onto Whipp Road. Mayor Hoy advised that improvements such as this will be pursued if the .25% Income Tax passes in November.

City Manager John Griffin reviewed the Rezoning Request of Jack D. Puterbaugh and others for property on the east and west side of South Main Street. The Planning Commission recommended that this Request be denied. Mr. Wells moved that Ordinance Number 33-70, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 7.065 Acres, More Or Less, From Centerville R-2 And R-3 Classification To Centerville B-1 Classification, be approved. Mr. Davis seconded the motion. A roll call vote resulted in five nays in favor of the motion. Mayor Hoy voted yes. Thus the change in zoning was not granted. Mr. Zengel advised that B-1 zoning is not the appropriate use for this area as it is presently outlined in the Zoning Ordinance; he hopes that the applicants will stay any action for a few months until an appropriate amendment to the Zoning Ordinance is adopted. Mr. Wells advised that this amendment will be drafted as soon as possible. Mr. Green based his vote on the inadequacy of the present Zoning Ordinance.

The resignation of Harry Burdick as Fire Chief for Centerville and Washington Township was discussed by Council. Mr. Green stressed the fact that Centerville does not intend to create their own Fire Department; this was claimed to be one of the reasons for Mr. Burdick's resignation. Mr. Wells suggested that Council take action in support of the activities of Harry Burdick as Fire Chief and that Council does not intend to disrupt the present Fire District. Further discussion indicated that Council should pass no judgment until they can meet with Mr. Burdick himself. Mayor Hoy requested that the Clerk of Council extend to Mr. Burdick an official invitation to attend the Special Council Meeting on October 12, 1970.

Mr. Griffin explained the Rezoning Request of Thomas Forsythe and others for property located on the east side of North Main Street. Mr. Zengel advised that the same facts exist with this Request as did on the Puterbaugh Requests.

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Mr. Green felt that granting this Request would be poor planning. Mr. Griffin recommended denying this request on the basis of poor planning and zoning. Mr. Green moved that Ordinance Number 37-70, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning Lots 3350, 3351, 3352, 3355, 3356 and 3357 Of Herbert C. Huber Plat No. 25 From Centerville R-2 Classification, To Centerville B-1 Classification, be approved. Mr. Stone seconded the motion. A roll call vote resulted in six nays in favor of the motion. Thus the requested change in Zoning was not granted.

City Manager John Griffin explained his report on borrowing for traffic signal construction to alleviate three trouble spots in the City. Following discussion, Mayor Hoy suggested reviewing a complete traffic signal program including all intersections before any action is taken on this matter. Mayor Hoy requested that the City Manager invite the Traffic Engineer with TCC to the October 19, 1970 Council Meeting to discuss a traffic management study for the City of Centerville.

Municipal Attorney Robert Farquhar reviewed Resolution Number 20-70. He advised that he will review this matter further with the Director of Finance before the actual appeal is filed. Mr. Green sponsored Resolution Number 20-70, A Resolution Authorizing An Appeal To The Board Of Tax Appeals, Department Of Taxation Of Ohio, From The Allocation Of Local Government Funds To The City Made By The Budget Commission Of Montgomery County, Ohio Which Allocation Was Certified To The City And Received By It On September 15, 1970 And Authorizing The Fiscal Officer Of The City Of Centerville To File And Prosecute Said appeal, and moved that it be adopted. Mr. Wells seconded the motion.

WHEREAS, on September 14, 1970, the Montgomery County Budget Commission certified to the City of Centerville, Ohio, an allocation of Local Government Funds to said City in the amount of \$11,090.00 based on a total Local Government Fund for 1971 of \$5,024,906.00 in accordance with Section 5739.23 Ohio Revised Code; and

WHEREAS, said certification was received by the Fiscal Officer of the City of Centerville on September 15, 1970; and

WHEREAS, the City of Centerville is dissatisfied with the said action of the Budget Commission for the reason that it should be entitled to receive more funds as requested by it; and

WHEREAS, by virtue of Section 7.08 of the Centerville Charter, the Director of Finance is designated as the Fiscal Officer of the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the Municipality of Centerville:

That the Director of Finance, the fiscal officer of the municipality, is hereby authorized and directed to file and prosecute an appeal to the Board of Tax Appeals, Department of Taxation of Ohio, from the allocation of Local Government Funds for 1971 to said municipality, which allocation was certified to said municipality on September 14, 1970 and received by it on September 15, 1970 and to do all things necessary and incidental therewith.

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

Mr. Griffin explained Resolution Number 21-70, which would provide for an Income Tax Account for transfer purposes. Mr. Stone sponsored Resolution Number 21-70, A Resolution Appointing The Winters National Bank And Trust Company Of Dayton, Ohio, As Depository For Funds Collected By Virtue Of The Centerville Income Tax, Authorizing Deposits And Authorizing Withdrawals In Connection Therewith, and moved that it be adopted. Mr. Davis seconded the motion.

WHEREAS, funds are being collected on behalf of the City of Centerville by the Income Tax Department of the City of West Carrollton, and

WHEREAS, it will be necessary to designate a depository for said funds and provide for the deposit and withdrawal of said funds; and

WHEREAS, the Winters National Bank and Trust Company of Dayton, Ohio, is considered by the Council of the City of Centerville to be a proper depository, therefore;

NOW, THEREFORE, be it resolved by the Municipality of Centerville:

RESOLVED, that The Winters National Bank and Trust Company of Dayton, Ohio, (hereinafter referred to as the "bank") be and hereby is designated as a depository of the City of Centerville, a municipal corporation authorized and existing under the laws of the State of Ohio, and that the City Manager

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and Director of Finance of said corporation be and hereby are, and each of them is, authorized to withdraw any of the funds of this municipal corporation in said bank, either at its main office or at any of its branches;

RESOLVED, that the City of West Carrollton, Ohio, a municipal corporation authorized and existing under the laws of the State of Ohio be and hereby is, and any officer of said municipal corporation hereby is, authorized to deposit any funds of the City of Centerville, Ohio, in said bank, either at its main office or at any of its branches.

RESOLVED, that the bank be and it hereby is authorized to accept in accordance with the rules and regulations of the bank for credit to the account of the City of Centerville, or for collection, any and all checks, drafts, notes and other negotiable instruments endorsed in the name of the City of West Carrollton, Ohio, in writing, by rubber stamp, or otherwise, with or without the designation of the party making such endorsements; ~~and that any such endorsements;~~ and that any such items deposited with said bank without such endorsement of said corporation appearing thereon may be so endorsed by the depository and that the City of Centerville, Ohio, hereby guarantees their payment;

RESOLVED, that until the further order or resolution of the Council of the City of Centerville, any funds of the municipal corporation of the City of Centerville deposited in said bank be subject to withdrawal or charge at any time and from time to time upon checks, notes, drafts, bills of exchange, acceptances or other instruments or orders for the payment of money when made, signed, drawn or accepted on behalf of this corporation by the City Manager of the City of Centerville, or the Director of Finance of the City of Centerville, any one signature being sufficient;

RESOLVED, that the bank hereby is authorized to pay any such instrument or make any such charge and also to receive the same from the payee or any other holder without inquiry as to the circumstances of issue or disposition of the proceeds.

RESOLVED, that the Clerk of The Council of the City of Centerville be, and hereby is, authorized to certify to the bank the names of the City Manager and Director of Finance together with specimens of their signatures, and in case of any change of any holder of any such office or holders of any such ~~office of any change of any holder of any such office or holders of any such office,~~ the fact of such change and the names of any new officers, together with specimens of their signatures; and that the bank be, and hereby is, authorized to honor any instruments signed by any new officer or officers in respect of whom it is received any such certificate or certificates with the same force and effect as if said officer or officers were named in the foregoing Resolutions in the place of any person or persons with the same title or titles;

RESOLVED, that the bank be notified promptly in writing by the Clerk of Council or any other authorized officer of the City of Centerville, Ohio, of any change in these Resolutions and that until it has actually received such notice in writing it is authorized to act in pursuance of these Resolutions, and that until it actually so has received such notice, it shall be indemnified and saved harmless from any loss suffered or liability incurred by it in continuing to act in pursuance of these Resolutions, even though these Resolutions may have been changed.

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

Mr. Griffin explained Ordinance Number 38-70; this Ordinance is necessary to replace the current Emergency Ordinance which will expire in October. Mr. Wells sponsored Ordinance Number 38-70, An Emergency Ordinance To Amend Ordinance Number 7-70 Of February 16, 1970, For A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be adopted. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Wells sponsored Ordinance Number 39-70, An Ordinance To Amend Ordinance Number 7-70 Of February 16, 1970, For A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved that it be set for Public Hearing on October 19, 1970. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

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Director of Finance Ronald Budzik reviewed his Financial Quarterly Report; all bills have been paid and the various accounts are in good order.

Mr. Griffin reviewed his correspondance with the Montgomery County Administrator concerning the acquisition of additional motor Vehicle registration funds form the Bureau of Motor Vehicles in Columbus. Additional information will be forth coming on this matter.

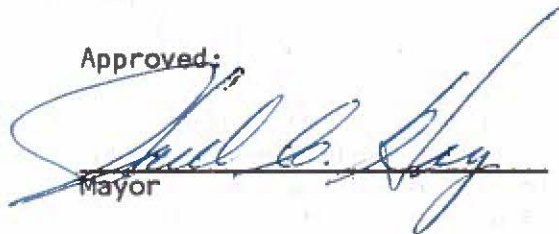
City Manager John Griffin explained to Council a letter which he received from the Clerk of the Washington Township Trustees stating that the rebate on the 1969 Police Contract is in no way related to the .7 of a mill which Centerville residents are paying to Washington Township, thus the Trustees are again requesting payment of the rebate from Centerville.

Mayor Hoy extended an invitation to qualified residents of Centerville to apply for the vacant seat on Council. Applications will be available at the Municipal Building and should be filed as soon as possible.

Following discussion concerning an appointment on the Planning Commission, Municipal Attorney Robert Farquhar was requested to prepare an Ordinance establishing Harold M. Wells as Willis B. Creamer's replacement on the Commission. This will be prepared for the October 12, 1970 Council Meeting. Council concurred with Mr. Davis that Centerville is certainly losing a well rounded Councilman by Mr. Wells' resignation on Council.

The Meeting was then adjourned.

Approved:



Mayor

Attest:



Clerk of Council