

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held November 2, 19 70

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, November 2, 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 Zengel, John Davis, City Manager John Griffin, City Engineer Frank Williams, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of October 12, 1970 had been distributed prior to this Meeting. Mr. Zengel moved that the Minutes of the Meeting of October 12, 1970 as distributed, be approved. Mr. Green seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Stone and Mayor Hoy abstained.

Mrs. Larry Case, 592 East Whipp Road, appearing before Council suggested that legislation be considered to prohibit an applicant from refiling his same Rezoning Request within a year from it's denial by Council. Mr. Farquhar advised that this change in the Zoning Ordinance would have to be studied and initiated by the Planning Commission. Mr. Griffin will bring this matter before the Commission.

City Manager John Griffin reviewed the Planning Commission Meeting held October 26, 1970. He reviewed the Rezoning Request of Charles R. and Mary A. Rush for a change in zoning classification from R-2 to B-1 for their property located on East Spring Valley Road. The Planning Commission recommended to Council that this Request be denied. Mr. Davis moved that Council accept the recommendation of the Planning Commission. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin reviewed the Rezoning Request of American Modulars Corporation for a change in zoning classification from R-1 to R-3 for their property on Lyons Drive. The Planning Commission recommended that Council approve this request; the development as proposed makes provision for a portion of a street which would ultimately connect Lyons Drive and North Main Street; the Commission urged that this street be included on a thoroughfare plan. Mr. Green moved that Ordinance Number 49-70, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning 3.291 Acres, More or Less, From Centerville R-1 Classification To Centerville R-3 Classification, be set for Public Hearing on January 4, 1971. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin reviewed the Conditional Use Request of Myrna Ryan to operate and maintain a Day Nursery School at 132 South Main Street. The Planning Commission recommended approval of this Request to Council and waived the landscape screening requirement of the Zoning Ordinance provided that if additional screening is felt desirable in the future it would be installed. Mr. McIntire moved that the Conditional Use Request of Myrna Ryan to operate a Day Nursery on South Main Street, be set for Public Hearing on January 4, 1971. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The following Public Hearings have been set before the Planning Commission on November 30, 1970.

- a. Thomas G. Forsythe Rezoning Request for three lots on North Main Street. Requested change is from R-2 to R-3.
- b. George Campbell and James McConnaughey Rezoning Request for their property on East Whipp Road. Requested change is from R-land R-4 Washington Township to Centerville R-3.
- c. John Black, Stanley Swango, and P. Richard Brainard Rezoning Request for property located on the east side of Clyo Road. Requested change is from Washington Township Agricultural to R-1, B-2 and R-4 contingent upon a total Residential Development Plan. The development would be completed over a five year period.

Clerk of Council Marilyn McLaughlin advised that an Intent to Appeal the Planning Commission's decision rendered on October 26, 1970, has been received from Charles Rush concerning his Rezoning Request.

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Mayor Hoy read a letter received from Mike Taylor in which he asked that Council appoint a Council Member to be one of the trustees on the Centerville Area Development Corporation. This item will be on the agenda for the next Council Meeting.

Mayor Hoy read the following Mayor's Report for the month of October, 1970.

Mayor's Court		
Fines and Forfeitures	\$	889.00
Costs		272.00
		Total
		\$1,161.00

Zoning Permits

- 15 Single family residences
- 3 Additions to residences
- 2 Apartment Buildings (16 units)
- 1 Commercial Building - Post Office
- 2 Signs

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

Mr. Griffin gave his City Manager's Report. He reviewed the Refuse Collection routes and the service thus far. Mr. McIntire extended his congratulations and thanks to the various people involved in setting up this system in a short period of time. Mayor Hoy endorsed Mr. McIntire's comments.

Mr. Griffin advised that \$2,717.00 has been received to date from the 1% City Income Tax.

The Township rebate under the 1969 Police Contract was discussed by Council. Municipal Attorney Robert Farquhar advised that the motion made on this subject on June 15, 1970, by Council should be rescinded since the figure mentioned in the motion is inaccurate, due to additional costs incurred by the City. Mr. Stone moved that the motion of the June 15, 1970 Meeting, providing for a refund to the Washington Township Trustees of \$7,002.29 representing a rebate from the 1969 Police Contract which was to be deducted from the receipts from the .7 mill levy based on the 1970 tax duplicate which amounted to \$28,581.07 or a net to Centerville of \$21,578.78, be rescinded. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Griffin advised that he has advertised for bids on three police cruisers, bid opening to be November 6, 1970. These vehicles would be paid for in 1971. After discussing equipment, Mr. McIntire requested that the City Manager inquire as to the effect of air conditioning on the awareness of the officers and engine performance.

The Public Hearing concerning An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning .222 Acre, More Or Less, From Centerville R-3 Classification to Centerville B-1 Classification, was held. This concerns the Rezoning Request of Nevin Elliott for his property on East Franklin Street.

The Notice of Public Hearing was read by the Clerk of Council.

City Manager John Griffin located the property on a map and explained the zoning of adjacent property.

Mr. Ronald Fobes, representing the Applicant, explained the Rezoning Request; B-1 has been requested to develop several office suites in the present structure. The Planning Commission voted 3 to 2 to deny this Request, however no one appeared in opposition to the Request at the Public Hearing before the Commission.

Mr. Elliott presented to Council a Petition containing six signatures of adjacent property owners requesting approval of the Rezoning.

No property owners appeared in opposition to the Rezoning Request.

Mr. Zengel sponsored Ordinance Number 50-70, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning

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.222 Acre, More Or Less, From Centerville R-3 Classification To Centerville B-1 Classification, and moved that it be passed. Mr. Green seconded the motion. Mr. Zengel advised that since the present use of the property has been business as a non-conforming use it is a good basis for the extension of B-1 zoning, and is in keeping with the surrounding neighborhood. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 41-70 was held. Mr. Davis sponsored Ordinance Number 41-70, An Ordinance Amending Ordinance No. 39-69 By Deleting The Name Of Willis B. Creamer As A Member Of The Planning Commission, And Appointing Harold M. Wells, Jr. To The Term Vacated By Willis B. Creamer, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire voted no.

The Public Hearing concerning Ordinance Number 45-70 was held. Mr. Griffin reviewed the various Sections in the proposed Ordinance. Mr. Green sponsored Ordinance Number 45-70, An Ordinance Establishing A Refuse Collection System For The City, Setting A Fee For The Collection And Disposal Of Garbage And Trash, Adopting Proper Sanitation And Collection Procedures And Providing Penalties, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 46-70 was held. City Manager John Griffin reviewed the subject Ordinance. Mr. Davis sponsored Ordinance Number 46-70, An Ordinance Amending Ordinance No. 11-70 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. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 47-70, An Ordinance To Amend Ordinance Number 2-70 Of January 19, 1970 And 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, was held. A substance change was necessary in Section 2 of this Ordinance, thus the Ordinance was not passed.

Mr. Griffin reviewed Ordinance Number 51-70, an emergency Ordinance replacing Ordinance Number 47-70, changing the effective date for compensation of the Refuse Collection Employees to October 26, 1970. Mr. Stone sponsored Ordinance Number 51-70, An Emergency Ordinance To Amend Ordinance Number 2-70 Of January 19, 1970 And 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. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Stone sponsored Ordinance Number 52-70, An Ordinance To Amend Ordinance Number 2-70 Of January 19, 1970 And 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 November 16, 1970. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Davis moved that Council direct the Municipal Attorney to file for an injunction against Thomas G. Forsythe for violation of Ordinance Number 15-61, The Zoning Ordinance. Mr. Green seconded the motion. Attorney William Wolff, representing Mr. Forsythe, wondered if the City can show just harm to acquire such an injunction, and should the City proceed with such action at this time. Mr. Griffin explained the City's past experience with Mr. Wolff's client. Mr. Zengel did not feel that City funds should be expended presently on this case since an Ordinance establishing an OR zone district is being drafted. Mr. Green advised that zoning requirements must be enforced. Municipal Attorney Robert Farquhar explained the Injunction procedure. A roll call vote on the motion resulted in five ayes in favor of the motion. Mr. Zengel voted no.

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Mr. Farquhar reviewed the requirements for filling a vacant seat on Council as prescribed in the Centerville Charter. Ten applications had been received for filling the one existing vacancy. Mr. Peter E. Swartzel, 55 Tuxworth Road, withdrew his application; due to his short residency in the City he was not a qualified elector of the Municipality of Centerville. The following eight Applicants were interviewed by Council:

Russel E. Sweetman, 41 Glencroft Place
 Leonard E. Stubbs, 440 Sunnyclyff Place
 Gary L. Maxton, 175 Bethel Road
 Richard C. Tyson, Jr., 2725 Walford Drive
 Glenn Edward Aidt, 311 East Franklin Street
 Joseph M. Davidson, 248 South Main Street
 Larry W. Moore, 113 C North Village Drive
 William F. Murphy, 7830 Rain Tree Road

Mr. J. Roy Smith, 238 South Main Street, explained why he is not currently a qualified elector of Centerville. Mayor Hoy complimented all Applicants for their interest and desire to serve their City. Mr. Stone moved that Council adjourn into an executive session for the purpose of selecting a Member for the Centerville Council. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Upon Council's return from executive session, Mr. Stone moved that Russell E. Sweetman be appointed to the unexpired term on Council of Harold M. Wells, Jr. Mr. Green seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Municipal Attorney Robert Farquhar administered the Oath to Russell Sweetman.

The Meeting was then adjourned.

Approved:


 Mayor

Attest:


 Clerk of Council