

RECORD OF PROCEEDINGS

Minutes of

Regular Meeting

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held March 3,

1968

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, Monday, March 3, 1969 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, John McIntire, John Davis, J.V. Stone, John Zengel, City Manager John Griffin, Engineer Frank Williams, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of February 17, 1969 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of February 17, 1969 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mayor Hoy abstained.

The Minutes of the Meeting of February 20, 1969 had been distributed prior to this Meeting. Mr. McIntire advised that Dan Dreyer was present in the audience at this Meeting and this should be indicated in the minutes. Mr. Wells moved that the Minutes of the Meeting of February 20, 1969 as amended, be approved. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the Meeting of February 24, 1969 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of February 24, 1969 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Several people in the audience appeared before Council concerning open housing legislation.

1. Stanley Weissman, 337 Pleasant Hill Drive, stated that Council promised on May 22, 1968 to pass an open housing ordinance in three months. He requested that Council pass this ordinance as soon as possible. He feels this ordinance is needed: to protect the seller as well as buyers of property, because local legislation can be enforced much quicker than federal legislation, it would create urban harmony in a lawful and orderly manner, and it would co-operate with companies striving to create fair employment practices.
2. Mrs. Frank Eiben, 186 Goldengate Drive, representing the Incarnation Parish Council, wants Council action as soon as possible.
3. Robert Lange, 250 Bethel Road, asked why an ordinance has not been passed by Council.
4. Madeline Breslin, 178 Poinciana Drive, speaking for herself and Witness Social Action Group made this statement. "This statement is to serve notice on the members of this council that we expect you to go on record for an Open Housing Ordinance in Centerville tonite and to start the city solicitor writing up same. It was many months ago that you promised us this ordinance. We have been very, very patient citizens, voters, taxpayers and property owners and have been persuaded by more conservative Centervillians that you gentlemen are concerned, elected officials who are willing to take a stand here and now. We have allowed ourselves to believe you are sincere and now is the moment of truth. We would like to inform you of our total commitment to democracy and the constitution and will do whatever is necessary to see that Centerville, our home and community, reflects these principles. If it takes marches ala Gropi in Milwaukee... or whatever..we think you should know of our intent to follow through. You may term this statement as a threat - - or you could call us truly patriotic citizens ready and able to live what we say. We are certainly counting on the integrity of you gentlemen tonite and do hope that the battle lines will not have to be drawn.
5. Louis Imes, 28 Edenhurst Drive, does not like to see any City body threatened by anyone.
6. Adam Zengel, 71 West Alexandersville-Bellbrook Road, let's help ourselves before others, we need to educate these people instead of this type of action.

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7. Ted Shroyer, 2615 Walford Drive, offered support for the open housing ordinance.
8. Arthur Davis, 6140 Marshall Road, feels that the white people need to be educated, not the black in this matter.
9. Connie Eckstein, a resident of Washington Township, feels people should think about the problem facing us, rather than close our eyes to it.

Mayor Hoy advised that Council has discussed an open housing ordinance in several meetings. He requested that five or six of the advocates of an open housing ordinance prepare a brief and meet with Council Tuesday, March 11, 1969. Mr. Weissman agreed to prepare such a brief.

10. Phil Donahue, 209 Pleasant Hill Court, does not understand why action has not been taken on the local level. He requested comments from Councilmen and Mayor Hoy.

11. Mr. Wallace, not of Centerville, suggested putting the subject to a referendum.

Mr. McIntire advised he did not make a promise to pass an open housing ordinance last year, and sees no need for legislation since all people are free to live in Centerville.

Mr. Wells supports open housing and federal law, but advised that it is difficult to write an ordinance for all people.

Mr. Davis feels there is no problem in Centerville. When the need arises, he will look favorable upon such an ordinance.

Mr. Stone advised that the form of the ordinance would determine whether he would support an open housing ordinance.

Mr. Zengel is in favor of natural integration.

Mayor Hoy advised that he has confidence in the people in Centerville and Washington Township. This is an open community; and he does not presently see the need for such an ordinance.

Mr. Wells reported for the Planning Board. Two Rezoning Requests have been received: Charles Rush, for 0.293 acres situated along the north side of East Spring Valley Road at Clareridge Lane for a change in zoning from R-2 to B-1 classification; and Jack Puterbaugh for .8 acres situated along the west side of South Main Street at Westerly Lane for a change in zoning from R-2 to B-1 classification. Both applications are under review by the Planning Board.

The proposed Heritage Shopping Center at the north east corner of Alexandersville-Bellbrook Road and Route 48 was discussed. This Shopping Center will include a Gold Circle Federated Store (low mark up store, similar to Rike's Kettering) a theater, and small retail shops. The Planning Board will work with the developer to obtain what is best for Centerville.

The Application for a Zoning Permit submitted by Mr. Beerman was discussed. This is to erect a Food Fare Super Market and an Auto Diagnostic Center (no auto repairs) at the north west corner of Route 48 and Sheehan Road. The buildings will blend with the present Elder-Beerman Store. The Planning Board approved the development plan provided it contained illustration of screen planting. Engineer Frank Williams advised that planting is indicated on the plan. The Planning Board recommended and Mr. Wells moved that Council approve the issuance of this Zoning Certificate. Mayor Hoy seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Rezoning Request submitted by Floyd Malott for property on the west side of Clio Road north of Centerville Station Road was reviewed. Engineer Frank Williams advised that the revised layout for this land as requested has

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been received. Mr. Wells moved that a Public Hearing be set for April 21, 1969 for this Rezoning Request and that it be published in accordance with law. Mayor Hoy seconded the motion. Discussion followed. Mr. McIntire felt that due to the fact that this land is surrounded by residential, this would create spot zoning. Mr. Zengel advised that the Master Plan shows this area as proposed industrial. A roll call vote resulted in six ayes in favor of the motion.

The Planning Board recommended that a Resolution be passed by Council and forwarded to the State, stating that Bigger Road and Wilmington Pike be at least two operating lanes in each direction north of Centerville Station Road to the coporation limit. Mr. Wells advised that such a Resolution will be prepared for the next meeting.

Mayor Hoy read the following Mayor's Report for the month of February, 1969:

Mayor's Court

Costs	\$320.50
Fines & Forfeitures	537.00
	Total
	\$857.50

Zoning Permits

- 12 1 Family residences
- 4 Additions to residences

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

City Manager John Griffin reported that one Street Cut Permit was issued during the month of February, 1969: #69-2 to Anderson Brothers, Inc.

City Manager John Griffin reviewed Ordinance Number 11-69: An Ordinance For A Table Of Organization, Personnel Classifications, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, And Repealing Ordinance Numbers 3-68, 5-68, 8-68, 12-68, And 24-68 And Any Other Prior Ordinances In Conflict Herewith. Mr. Zengel moved that Ordinance Number 11-69 be posted and a Public Hearing be set for March 17, 1969. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Ordinance Number 12-69: An Ordinance defining acceptance of subdivision plats, reduction or release of Performance Bonds, and acceptance of Maintenance Bonds was reviewed by City Manager John Griffin. Mr. McIntire questioned the dialogue of B. under Section XIII. He advised that after "release of performance bond", this should read the initiation of the maintenance bond and only upon release of the performance bond will a maintenance bond be initiated". Council agreed to the redrafting of this ordinance and referred it to a future meeting.

City Manager John Griffin reviewed Ordinance Number 13-69: An ordinance defining the procedure for competitive bidding. Mr. Wells advised that the ordinance should state that the bids will be opened in the Municipal Building. Mr. Davis and Mr. McIntire agreed that Section Five should include "or parts of bids", to provide flexibility, and not bind the City to the full amount. Council agreed that under Section 4 "of not less than 5% of the amount of the bid" should be added after "or certified check on a solvent bank". The ordinance will be redrafted and resubmitted to Council.

The Rezoning Request of Edward Rose of Ohio, Inc. for property on East Whipp Road was discussed by Council. The requested change is from Washington Township R-4 to Centerville R-1, R-3 and Entrance Corridor classifications. Mr. Charles Abromovitz presented to Council a letter from Gene Cronk, Sanitary Engineer for Montgomery County Sanitary Department stating that the sanitary trunks system and plant will be adequate to collect and process sanitary sewage from the projected Entrance Corridor, R-3, and R-1 uses on the Hewitt farm when construction takes place.

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A letter from Albert McGee president, Edward Rose of Ohio, Inc. stating that it would be uneconomical to devote the entire Entrance Corridor area to apartments, and that the most profitable use of this area dictates that a portion of it be used for other purposes permitted under Entrance Corridor zoning, was also presented by Mr. Abromivitz.

Mr. Zengel and Mr. McIntire felt that the density for apartments in the Entrance Corridor district is excessive to the community.

Mr. Davis advised that this proposal has not shown evidence that the area could not be developed residential.

Russell Miller, Washington Township Park Director stated that in this development there will be a 22 acre community park which would provide the park facilities needed to serve this area.

Mr. Abromivitz advised that the storm sewers in the development area will be enclosed.

Mr. Wells sponsored and moved that Ordinance Number 22-68: An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 227 Acres, More Or Less, From Washington Township R-4 Classifications To Centerville R-1 And R-3 And Entrance Corridor Classifications, be approved. Mayor Hoy seconded the motion. Mr. McIntire requested information concerning the Planning Board Meeting: their recommendation, attendance, and the vote. ; Mr. Wells read the Minutes of that Meeting. A roll call vote resulted in three ayes in favor of the motion. Mr. Davis, Mr. Zengel, and Mr. McIntire voted no.

The Rezoning Request by Zengel Builders, Inc. for a change from R-2 to R-3 classification for property on East Alexandersville-Bellbrook Road was reviewed by Mr. Wells.

Vivian Crooks, 372 Blackstone Drive, elaborated on items presented at the Public Hearing concerning this request.

Roger Shearer, 1445 Taitwood Drive, stated opposition to this type of spot zoning, he asked when will something be done with the Master Plan?

James Nutter, 388 Silvertree Court, questioned when is Centerville going to get confirmation on the capacity of our sewers.

Mayor Hoy advised that a meeting will be arranged with Gene Cronk to study the sewer facilities.

Phil Durosco, 7796 Rain Tree Road, advised that the completion of the Master Plan will end all this argumentation which he feels is causing a split in our community. He urged the completion of the Master Plan as soon as possible.

Mr. Wells advised that the joint study group has approved the preliminary Master Plan and directed the Planner to prepare the final preliminary plan.

John Zengel, 226 Pleasant Hill Drive, speaking as a Centerville citizen and business man feels that the apartment project in question is an effort to a better community. This will provide a density of 7 units per acre, less than most apartment projects today.

Mayor Hoy called for a confirmation from the Municipal Attorney concerning the number of Council votes required for approval or rejection of the Planning Board's recommendation concerning this Rezoning Request. Mr. Stone moved that this matter be tabled until an opinion from the Municipal Attorney is received. Mayor Hoy seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel abstained.

Mrs. William Walsh, 372 Silver Tree Lane advised that residents in Centerville are not opposed to apartments and industry, but are opposed to Council making hasty decisions which could provide spot zoning.

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Municipal Attorney Robert Farquhar returned with his legal opinion. He advised that it takes three fourths of the entire legislative body to over ride the decision of the Planning Commission. One yes vote would uphold the Planning Commission.

Mr. Stone moved that this rezoning request be tabled until the first meeting at which full Council is present, to vote. Mayor Hoy seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel abstained.

Ordinance Number 15-69: An Ordinance To Ratify And Confirm A Contract Between The City And Paul E. Swartzel Insurance Service Agent For The Buckeye Union Insurance Company To Purchase A General Liability Automobile Policy, was reviewed by City Manager John Griffin. Mr. Davis moved that Ordinance Number 15-69 be set for Public Hearing on March 17, 1969. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy advised that a Council Meeting will be held Monday, March 10, 1969.

The Meeting was then adjourned.

Approved

Saul B. Hoy

Mayor

Attest

Marie J. McLaughlin

Clerk of Council