

Held March 10, 1969

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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Special Session, Monday, March 10, 1969 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, Richard Miller, 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 March 3, 1969 had been distributed prior to this Meeting. The following changes were made to the thirty-seventh paragraph: Mr. McIntire advised that "on tape" should be included in the first sentence. Mr. Zengel advised that the same sentence should read "to build a better community." The first sentence should now read: John, Zengel, 226 Pleasant Hill Drive, speaking on tape, as a Centerville citizen and business man feels that the apartment project in question is an effort to build a better community." Mr. Farquhar advised that the last sentence in paragraph forty should be deleted from the minutes: "One yes vote would uphold the Planning Commission." Mr. Davis moved that the Minutes of the Meeting of March 3, 1969 as amended, be approved. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Miller abstained.

Mr. Davis sponsored Ordinance Number 16-69: An Emergency Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State of Ohio, During The Fiscal Year Ending December 31, 1969, and moved that it be approved. Mr. Wells seconded the motion. Mr. Griffin advised that the corrections have been made as requested by Council in this Ordinance. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire referred to paragraph "106 General Government", he objected to number "235 Maintenance of Facilities" in this paragraph, he advised that this is not clear as to what facilities it includes and could include maintenance other than street. Mr. Griffin advised that this is in conformity with the State's bookkeeping.

Knowing that the good faith of Council is to use the said fund on streets, Mr. McIntire sponsored Ordinance Number 17-69: An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1969, and moved that it be set for Public Hearing on March 24, 1969. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Williams reviewed the bids received for the improvement of East Franklin Street. Five bids were received:

	Asphalt Street	Concrete Street
Urbana Tar And Asphalt Company	\$ 79,380.00	\$ 79,380.00
Finke Construction Company	89,330.00	8.25 sq.yd.
Carey Paving Company	64,655.00	76,595.00
Wimsatt-Horvath Construction Company	78,087.00	76,420.00
S.K. Construction Company	57,686.00	No Bid

Mr. Williams advised that, as far as he knows, there is no rock on East Franklin Street involved in this project. Mr. McIntire asked what funding would Centerville have available for some unforeseen situations, since the money received from the County would be based on the price of the bid accepted. Mr. Griffin advised that Mr. George Barrett from the County Engineer's Office advised that the County will pay 80% of the cost of contingencies that may arise. Mr. McIntire requested that Centerville obtain a letter from the County concerning contingency costs which might be encountered in this project.

Mr. Wells moved that on the East Franklin Street project that we accept the bid for a concrete street. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire moved that an Ordinance be prepared for presentation on March 11, 1969 for the acceptance of lowest and best bid of that type construction which we have agreed upon on the East Franklin Street project. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mayor Hoy read Ordinance Number 14-69: An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 9 Acres, More Or Less, From R-2 Classification To R-3 Classification. Mr. Nat Arslanian, representing the Alliance of Centerville Civic Associations made a statement strongly urging Council to reject the Planning Commission's recommendation to rezone. Mr. Wells sponsored and moved that Ordinance Number 14-69: An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 9 Acres, More Or Less, From R-2 Classification To R-3 Classification, be approved. Mayor Hoy seconded the motion. Discussion followed. Mr. Wells advised that deed restrictions will be entered into concerning this project limiting the number of units to 58, and allowing no multi-family apartments to be erected along Blackstone Drive.

Mr. Farquhar advised that the Deed Restrictions should be on hand before Council action in order to be enforceable.

Mr. Harry Crooks requested that Council vote and no wait on the Deed Restrictions.

Mr. Stone advised that he is opposed to the requested change at the present time, because he feels this could change the whole area surrounding it, and cause it to go commercial.

Mr. Davis feels that with this change the likelihood of the north going commercial is much greater, he opposes this in consideration of the concern of adjacent property owners.

Mr. Zengel advised that only four or five of the adjacent property owners out of thirty-five have been heard from.

Mr. Crooks advised that a petition was presented to the Planning Commission containing thirty-three signatures opposing this request. This petition will be incorporated in the records of this rezoning request.

The roll call vote on the motion resulted in five nays in favor of the motion. Mr. Wells voted yes. Mr. Zengel abstained.

Mr. McIntire requested information concerning the Planning Commission's recommendation: the members present and absent at the meeting; and the vote, in favor of and against the recommendation. Mr. Wells advised that in attendance at the Planning Commission Meeting on December 17, 1968 were Mayor Paul Hoy, Harold Wells, Cliff Purdin, and Charles Taylor. John Butler was absent. The vote resulted in Mayor Paul Hoy, Cliff Purdin, and Harold Wells voting yes, Charles Taylor voting no.

Mr. McIntire requested that, concerning a recommendation from the Planning Commission, the actual names in the vote at the Planning Commission Meeting, be inserted in the Council Meeting Minutes.

Mr. McIntire advised that this Council as far as the legislative body, is being disenfranchised by the Planning Commission as far as voting is concerned, and wondered what can be done to more appropriately represent the citizenry of Centerville.

Mr. Farquhar recommended that the Zoning Ordinance be changed to set the number of votes required to over ride the Planning Commission.

Mr. McIntire moved that Council direct the Municipal Attorney to draw an Ordinance as an amendment to the Zoning Ordinance requiring that a simple majority of the members of Council, be the only necessary vote to approve or disapprove a Planning Commission recommendation and to be presented at the first Regular Meeting in the month of April. Mr. Stone seconded the motion. Discussion followed. Mr. Farquhar advised that, due to the fact that the Planning Commission is a fact finding group, he recommended the vote be set at two thirds rather than a simple majority.

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Mr. Zengel and Mr. Davis both felt that this matter should be further studied. Mayor Hoy felt that more items should be included in this Ordinance.

The roll call vote on the motion resulted in five ayes in favor of the motion. Mr. Davis and Mr. Zengel voted no.

Mr. Wells sponsored and moved that Ordinance Number 18-69: An Ordinance Providing For The Number, Width And Location Of Curb Cuts In B-1 And B-2 Districts For Lots Or Parcels Joined Into A Single Use, Including The Number, Width, And Location Of Curb Cuts On Lot Frontage, The Distance From Intersections, The Frequency And Interval Of Curb Cuts On Lot Frontage, Location, And, Prescribing The Procedure And Fees For Curb Cuts, be posted in accordance with law and a Public Hearing be set for March 24, 1969. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Griffin gave his City Manager's Report.

The south side of Centerville Station Road has been improved east to the first street in Black Oak Estates subdivision, so far, by the Street Department.

The Traffic Signal Work at Main and Franklin Street will be completed by March 31, 1969.

The possibility of hiring a dog catcher for the City was discussed by Council. Council agreed that an Ordinance be prepared creating this position and be presented at the April 7, 1969 Council Meeting.

Mr. Griffin advised that he will oppose the Annexation Bill in Columbus on Wednesday, March 12, 1969. Council endorsed this opposition.

The Meeting was then adjourned.

Approved:



Mayor

Attest:



Clerk of Council