

RECORD OF PROCEEDINGS

Minutes of REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held April 7,

19 69

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session, Monday, April 7, 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, Municipal Attorney Robert Farquhar, Engineer Frank Williams, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

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

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

Mr. Bruce Baker, a resident of Pleasant Hill Plat, appeared before Council and advised that several unanswered questions appear to be sound reasons for signing a Referendum Petition concerning the rezoning of an adjacent nine acre tract.

1. Why can a vote of one positive and five negative fail to overturn the decision of the Planning Commission?
2. Is the Planning Commission insensitive to the thinking of the community?
3. Has not the community been getting conflicting reports on the capability of the sanitary sewer system?
4. Does the Council approve of a Master Plan which will place most of the future apartment construction in Centerville rather than in Washington Township?
5. Since the homeowner has struggled annually to afford additional school construction for the last ten years in order to keep pace with the growth of the community, should not Council show more restraint prior to approving zoning changes which greatly increase density?

He advised that these questions are in the minds of many people in this community, and that the Planning Commission and Council should give these questions deep thought and consideration during present and future planning. Mr. Nat Arslanian, representing the Alliance of Centerville Civic Association stated that the Alliance is 100% in back of the two Referendum Petitions submitted with the Clerk of Council on March 28, and April 1, 1969, the Alliance is also in back of the issues cited by Mr. Baker, and requests that Council take into consideration the very recent events which have happened as they move on into the future.

Mr. Wells reported for the Planning Commission. All members were present at the Meeting on March 25, 1969 excepting Mr. Taylor. The two pending Rezoning Requests were reviewed and will be studied further for action on April 29.

The Kantor Corporation requested approval of a plan for 243 units, Townhouses and Garden Type Apartments in the EC District to be located on South Main Street just north of Spring Valley Road. This EC District has been extended west by the Board of Zoning Appeals to the proposed extension of Virginia Avenue. There were objections brought to the Planning Commission by people living in the area concerning the extension of Virginia Avenue to Spring Valley Road. The Master Planner advised that Virginia Avenue should not be extended through to Spring Valley Road. This proposal was referred back to the Kantor Corporation for further study. Engineer Frank Williams reviewed previous events relative to this proposal and presented three letters received from Chief of Police, the Fire Chief, and School Superintendent stating that for the safety of the people, Virginia Avenue should be extended to Spring Valley Road.

1. Police Chief James Smith advised that another through street connecting Spring Valley Road and West Franklin Street west of Main Street is desirable from the standpoint of police activities in that it would substantially shorten response time in the northwest area. A long street of this nature will lend itself to traffic violations but this can be controlled by increased patrolling and the use of radar.

RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held April 7, 1969 cont.

19

2. Fire Chief Robert Billett recommended the extension of Virginia Avenue and recommended that all streets be public and that cul-de-sacs and dead end streets be reduced to a minimum. He indicated that the proposed extension has been on thoroughfare plans for some time.

3. School Superintendent Richard Preston advised that the proposed extension would be beneficial to traffic flow of school buses in transporting students to and from the southwestern portion of the Township. It appears to him that this route would offer a less hazardous situation for the buses. Mr. Williams proposed that this go back to the Apartment Owners as well as the Ralph Woolpert Company to present a complete overhaul plan for the entire project (both farms) rather than a plan for just a small area, and put a public street down the middle. Mr. Williams advised that the Police and Fire Chief and School Superintendent should determine what goes on in the City rather than the Master Planner in Columbus.

Mr. Wells pointed out that according to zoning, apartments are permitted in this area and the Planning Commission can not stop their erection, but will provide that they are properly constructed, and the plans are properly laid out.

Mr. Wells reported that a request was received from Washington Township for a Contingent Use for the erection of a Fire Station at Irongate Park Drive and Maple Avenue. The proposal was reviewed by Mr. Wells. Due to the installation of sidewalks and the fact that this is a Fire Station with little in and out traffic, a deviation was permitted from the Curb Cut Ordinance. The Planning Commission requested that the Clerk of Council pass on to the Township Authorities, its recommendation that a Safety Signal be installed at Route 48 at Irongate Park Drive and some type of Emergency Signal be installed at Irongate Park Drive at Maple Avenue. The Planning Commission recommended to Council the approval of this proposal, and that the deviation from the Curb Cut Ordinance be granted. Mr. Wells moved that the Contingent Use be granted and that the Township Authorities be notified by the Clerk of the request of the Planning Commission to install the safety devices. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy read the following Mayor's Report for March, 1969:

Mayor's Court

Costs	\$ 312.00
Fines and Forfeitures	500.00
Kettering Court	50.00
	<hr/>
Total	\$ 862.00

Zoning Permits

28	1 family residences
6	additions to residences
1	8 family apartment
4	signs
4	swimming pools
3	commercial buildings

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

Clerk of Council Marilyn McLaughlin advised that two Referendum Petitions were received on March 28 and April 1, 1969: one, concerned Ordinance Number 22-68 containing 479 signatures, and one, concerned Ordinance Number 14-69 containing 477 signatures.

The Public Hearing on Ordinance Number 12-69 was held. City Manager John Griffin reviewed the proposed Ordinance. Mr. McIntire sponsored Ordinance Number 12-69: An Ordinance Defining Acceptance Of Subdivision Plats, Reduction Or Release Of Performance Bonds, Acceptance Of Maintenance Bonds, And Amending Ordinance 12-66, for approval. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held April 7, 1969 cont.

19

The Public Hearing on Ordinance Number 13-69 was held. City Manager John Griffin gave a brief resume of the proposed Ordinance. Mr. Davis sponsored Ordinance Number 13-69: An Ordinance Defining The Procedure For Competitive Bidding Under Section 7.07 City Charter, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Stone sponsored Ordinance Number 21-69: An Ordinance Prohibiting Discrimination Because Of Race, Color, Religion, National Origin, Or Ancestry Of Any Person In The Sale, Purchase, Transfer, Lease, Rental, Occupancy, And Financing Of Real Property, and moved that a Public Hearing be set for April 28, 1969 at 8:00 P.M.. Mayor Hoy seconded the motion. Mr. Miller wondered if the Ordinance should indicate that the complainant would be a bonified home seeker. Mr. Farquhar advised that this has been implied in the Ordinance. Mr. Farquhar reviewed the text of the Ordinance. Mrs. Arlene Jenkins, Mrs. Rita Williams and Mrs. Maureen Harbison raised questions concerning the procedure for passage of this Ordinance. The procedure was reviewed by Municipal Attorney Robert Farquhar. Mayor Hoy advised that the Ordinance can be passed at the Public Hearing or at some future date.

Ordinance Number 22-69 was discussed by Council. Mr. McIntire advised that the underlined portion of this Ordinance should include "at a Regular Council Meeting". Mr. McIntire sponsored Ordinance Number 22-69 as amended to include after the last sentence in Section One, "at a Regular Council Meeting" An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Changing Certain Portion Of The Procedure For Acting On Recommendations, Findings And Actions Of The Planning Commission, and moved that it be set for Public Hearing on April 21, 1969. Mr. Stone seconded the motion. Mr. Davis advised that he is against this proposed Ordinance; the Planning Commission is the only body in Centerville that can independently review something from an objective standpoint and make a recommendation to the Council as to their true feeling without public pressure. Mr. Zengel feels the Ordinance lacks proper study. Mayor Hoy requested that comments be reserved for the Public Hearing. A roll call vote resulted in seven ayes in favor of the motion.

Ordinance Number 23-69 was reviewed by City Manager John Griffin. Blanks in the Ordinance were completed and minor changes made. Mr. Stone sponsored Ordinance Number 23-69: An Ordinance Providing For A City Animal Warden, Prohibiting Animals From Running At Large Within The Corporate Limits Of Centerville; Authorizing The Impounding Of Animals And Providing A Penalty, and moved that it be set for Public Hearing on April 21, 1969. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Ordinance Number 24-69: An Ordinance Amending The Zoning Ordinance Of The Municipality of Centerville, Ohio, was discussed by Council. Mr. Wells advised that this Ordinance should go back to the Planning Commission for review; there are some changes that need to be made. The Ordinance has picked up additions and corrections as it has passed through various stages. The original Committee intended to reduce the Ordinance to a simple form and to amend only those things which require immediate attention. Mr. Wells moved that Ordinance Number 24-69 be referred to the Planning Commission for their review and revisions and be presented to Council for their further review at the Planning Commission's earliest possible time. Mr. Davis seconded the motion. Mr. Nat Arslanian requested information as to the basic intent of this Ordinance. Mr. Wells advised that the basic intent is to correct those glaring deficiencies which Council has found over a period of years in the Zoning Ordinance of 1961. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin recommended that Leo Orlando, 6045 Oak Hill Lane be appointed to fill the vacancy on the Board of Zoning Appeals. Mayor Hoy moved that Leo Orlando be appointed to fill the vacancy on the Board of Zoning Appeals. Mr. Davis seconded the motion. Mr. Griffin advised that he has counseled with candidates for this appointment and that Mr. Orlando appeared most enthusiastic and willing to serve the City. Mr. Miller favored Harold Berry because of his ability to express his feelings and because of his past experience. Past experience was discussed concerning the three candidates to fill this vacancy. A roll call vote resulted in seven ayes in favor of the motion. An Ordinance will be prepared to provide for this appointment.

RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held April 7, 1969 cont.

19

Mr. Charles Hetrick from the Council of Governments was in the audience and was introduced at this time. He advised that the Council of Governments is to serve individual Governments and for this reason he must move around and see what is going on: to offer criticism, to answer questions and make suggestions.

Ordinance Number 25-69: An Ordinance To Amend Ordinance Number 6-1960: For The Purpose of Establishing A City Planning Commission, The Terms Of, The Removal Of, Vacancies Created By, And The Duties And Powers Of Its Members, was reviewed by Mr. Wells. He advised that this Ordinance is the result of a study by the Charter Advisory Committee to provide more completely the Commissions which the City of Centerville should have according to the Charter. Relative to the powers of the Planning Commission, Mr. McIntire made reference to Article 9 "Boards and Commissions", and advised that the final responsibility in the Charter is the Council of the Municipality of Centerville and if Council's position is demeaned by unreasonable or inequitable voting rights, then Centerville is in a bad situation. He cited the fact that this Ordinance requires a vote of five members of Council either way. Mr. Wells advised that this Ordinance is an attempt to establish a City Planning Commission, enlarge it's membership, to set forth procedures in rezoning cases, and also, to cover exactly what it can do. He advised that the administration of the Zoning Ordinance should be conducted by the Planning Commission since they have knowledge of the Planning of the entire City, and for this reason the Ordinance abolishes the Board of Zoning Appeals. This Ordinance will provide that all matters can go before Council, for final approval.

Councilman John Zengel left the Meeting at this time.

A summary on procedures of Planning Commissions in various Municipalities was distributed by City Manager John Griffin. Discussion followed concerning the membership of the Planning Commission. Mayor Hoy suggested that the Mayor be dropped as a member of the Planning Commission. Mr. McIntire objected to the City Manager being a member, since the Charter establishes Boards and Commissions to assist the City Manager. Mr. McIntire requested that the Board of Zoning Appeals have the opportunity to discuss this Ordinance as far as BZA problems are concerned, and how they could be better handled. He further requested of Mr. Wells information concerning the emanation of this Ordinance. Mr. Wells advised it emanated from the Charter Advisory Committee, and they recommended it to Council for study. Mr. McIntire pressed determinately that the Commission assist the City Manager as an ex-officio member of the Planning Commission. He felt concerning voting, as far as Council is concerned, that it should be a majority of Council at a Regular Council Meeting. Mayor Hoy advised and Council agreed to set a work session concerning this Ordinance.

Mr. Wells sponsored Ordinance Number 26-69: An Emergency 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 Intersection, The Frequency And Interval Of Curb Cuts On Lot Frontage, Location, And Prescribing The Procedure And Fees For Curb Cuts, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

City Manager John Griffin advised that a request has been received to change East Village Road to Rolling Oak Drive in Black Oak II, Section One. An Ordinance is being prepared to provide such a change.

Mayor Hoy left the Meeting at this time.

Deputy-Mayor John Davis presided for the remainder of the meeting.

Mr. Griffin gave his City Manager's Report:

1. Relative to the West Franklin Street Tree Planting Project, Mr. Griffin will write a plan for beautification programs in the future. Council agreed that the City should go ahead and pay for half of the trees planted on West Franklin Street.
2. No parking and limited parking on Main Street and Franklin Street was reviewed. Mr. Davis suggested that the signs indicate the hours that parking is prohibited, rather than when it is permitted.

Held April 7, 1969 cont.

19

Councilman John McIntire left the Meeting at this time.

The Public Hearing on Ordinance Number 20-69 was held. Mr. Wells sponsored Ordinance Number 20-69: An Ordinance Granting The Dayton Power And Light Company, Its Successors And Assigns, An Electric Franchise In The City Of Centerville, State Of Ohio, For A Period Of Twenty-Five (25) Years, Commencing On The 10th Day Of May, 1969, and moved that it be approved. Mr. Davis seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

The Meeting was then adjourned.

Approved:

David L. Ray

Mayor

Attest:

Wanda M. Soule

Clerk of Council