

RECORD OF PROCEEDINGS

Held April 21, 1969

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, April 21, 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, 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 April 7, 1969 had been distributed prior to this Meeting. Mr. Miller moved that the Minutes of the Meeting of April 7, 1969 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

John Long, 68 Goldengate Drive, appeared before Council stating his authorization by the Pastor and Parish Council of Incarnation, to make Council aware of the availability of the old frame church for it's removal. It will have to be removed by December of this year.

Russ Dustman, 64 Shadybrook Drive, representing the Washington Baseball League appeared before Council encouraging the passage of the proposed Ordinance which would allow for a 25 acre Community Park on East Whipp Road rather than a 20 acre Park. He advised that the Baseball League as well as the Football League need additional facilities.

John Zengel entered the Meeting at this time.

The Public Hearing concerning an Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning One Acre, More Or Less, From Washington Township R-4 Classification To Centerville I-1 Classification, was held. This change in Zoning Request was filed by Floyd Malott for property along the west side of Clyo Road approximately 2500 feet north of the intersection of Clyo Road with East Franklin Street. The Minutes of this Public Hearing will be recorded under separate title.

Mr. Wells reviewed the purpose of Ordinance Number 27-69. He advised that, concerning the 2,288 acres in Washington Township annexed by the Municipality of Centerville in 1967, this Ordinance will permit the City to continue to use the zoning map and zoning districts with the uses, accessory uses, conditions of use, height standards, lot area standards, district area standards, parking and loading regulations, and landscaped buffer strip requirements, of Washington Township Resolution and also use the good parts of Ordinance Number 15, 1961. The City will be able to use it's normal procedure of work in adopting land use plans. Municipal Attorney Robert Farquhar advised that Ordinance Number 21-68 adopted the entire Washington Township Resolution: zoning and procedures and Centerville does not have the boards as designated for procedures in the Resolution. Mr. McIntire questioned why this is an Emergency Ordinance. Mr. Farquhar advised that due to present conditions, land development in this area is at a standstill. Mr. Wells advised that the necessity of the Ordinance became apparent while reviewing a Preliminary Plan for Red Coach South. The Centerville Zoning Ordinance would permit a 25 acre Community Park in this area as apposed to a 20 acre Park according to the Township Resolution. William Yeck, speaking for the Park Board, advised that this 25 acre Park would be the first Community Park in the City, and this is the only area available to serve north east Centerville. A 20 acre Park would not be a Community Park and would not provide the complete facilities needed for the Baseball and Football Leagues. Mr. Yeck advised that this Park land will be donated to the Park District. Mr. Wells sponsored Ordinance Number 27-69: An Emergency Ordinance Amending Ordinance Number 21-68 Dated December 30, 1968 By Adopting The Centerville Zoning Ordinance, With Exceptions For The Approximate 2,288 Acres In Washington Township Annexed By The Municipality Of Centerville In The Year 1967, 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. Wells reported for the Planning Commission. All members were present at the April 16, 1969 meeting excepting John Butler. The minutes were read concerning the Preliminary Plan For Red Coach South. The Planning Commission unanimously approved this preliminary residential plan subject to enabling legislation by Council. Mr. Wells explained conditions with which this Pre-

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liminary Plan should be accepted. Mr. McIntire requested to see the entire plan, the land involved in the rezoning request and it's relationship to this land in question. Mr. Robert Archdeacon explained that the area of which a plan has been submitted is north of the highway, and west of the proposed EC District. This area would conform to Washington Township R-4 or Centerville R-1. Mr. Wells moved that the Preliminary Residential Plans as shown for Red Coach South dated April 16, 1969 with 25.1 acre of Park be adopted subject to the conditions for approval of Preliminary Plat for Residential Development Plan containing a Public Park:

1. That prior to the approval of the first section within said plat, a fee simple title to the Park Area or a guarantee of title, shall transfer, without compensation from the developer to the Washington Township Park District, and that certification of receipt of said title or guarantee of title shall be on file with the Planning Commission.
2. That the developer shall agree to protect the park area from dumping or disturbance of the ground by vehicles or other traffic during the development of the areas contiguous to the park. Further, if any disturbance takes place, the developer shall restore the area to the satisfaction of the Planning Commission and the Park District.
3. If grading of any part of the park is essential to the proper development of the plat, or if easements, rights-of-way or surface water drainage channels are proposed over the park, proposals for said work shall be submitted to the Planning Commission and the Park District before work is begun.

Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells advised that the Washington Township Park Board has asked for approval to release Park Land in the Wellington Park Sub-Division. The Planning Commission minutes concerning this matter were read. The Commission unanimously rescinded its action of September 29, 1964 pertaining to the approval of the Record Plan, Construction Drawings, and Cost Estimate for Section One, Wellington Park, to permit vacation of Park property. Engineer Frank Williams advised that this Section was also approved by Council but was never recorded. Municipal Attorney Robert Farquhar advised that since this was not recorded, Council can by motion rescind it's action taken in 1964. Ralph Sharp has advised that the plat is not going through, thus he requests that Council rescind its previous action in order to make the park land available to the School Board. The Planning Commission recommended that the total Preliminary approval be rescinded. Mr. Wells moved that the Centerville City Council hereby rescinds it's action of November 2, 1964, pertaining to approval of Wellington Park Subdivision, specifically the Record Plan, Sub-divider's Agreement, Performance Bond, and Inspection Fee of \$409.00. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells reviewed a preliminary sketch to extend Marshall and Millbank Roads. The Planning Commission recommended approval of this plan. Mr. Wells moved that Council adopt the Thoroughfare Plan as shown on the Preliminary Plan extension of Village South dated February, 1969. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 22-69 was held. Municipal Attorney Robert Farquhar reviewed the provisions of this Ordinance. Nat Arslanian urged Council to act favorably upon the Ordinance. Mr. McIntire feels its proper that Council being held with the ultimate responsibility toward Community Planning and not withstanding the importance of recommendations of the Planning Commission, and that Council being not a political body, would not have political attitudes concerning any type of Zoning recommendations, he feels that Council would be objective and be searching for a just end of a particular case. He feels its imperative that the Council just be required to have a majority vote for the passage of a Planning Commission recommendation. He believes zoning recommendations should occur at a Regular Council Meeting,

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Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

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this allows the public a general knowledge of when Council meets to take action of this nature. He feels that it is important that Council be holding this responsibility to a simple majority for passage of these recommendations. Mr. Arslanian advised that he has talked with individuals concerning this Ordinance and all have been in favor of it's passage. Mr. Stone and Mr. Zengel questioned the Ordinance, they felt that this would put Council in a situation, which has risen out of a particular circumstance. Mr. McIntire sponsored Ordinance Number 22-69: 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 passed. Mr. Miller seconded the motion. Mr. Miller advised that this Ordinance is necessary, so that Council can make it's own decision, and not always go along with the Planning Commission. A roll call vote resulted in five nays in favor of the motion. Mr. Miller and Mr. McIntire voted yes.

The Public Hearing on Ordinance Number 23-69 was held. City Manager John Griffin gave a review of this Ordinance. 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 passed. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells reviewed proposed Ordinance Number 25-69, concerning the establishment of a City Planning Commission. Mr. Wells sponsored 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, and moved that it be set for Public Hearing on May 5, 1969. Mr. Davis seconded the motion. Mr. McIntire expressed disagreement with the vote in the Ordinance, he feels that a simple majority should be sufficient to handle zoning matters. A roll call vote resulted in six ayes in favor of the motion. Mr. Miller voted no.

City Manager John Griffin explained Resolution Number 4-1969 endorsing Limousine Service between Centerville and Cox Municipal Airport. Mr. David White, president of White Lines, advised that he needs Council's endorsement for this service, for the final hearing by PUCO on April 29, 1969. Mr. Wells sponsored Resolution Number 4-1969: A Resolution Endorsing Limousine Service Between Centerville and Cox Municipal Airport and moved that it be adopted.

WHEREAS, In the judgment of the City Council of Centerville, Ohio, that there is a need for public transportation in the City; and

WHEREAS, An opportunity is provided to furnish scheduled transportation to Cox Municipal Airport for Centerville residents desiring such service; and

WHEREAS, There is no such service provided at present, and, service could be expanded to include other forms of public transportation;

NOW, THEREFORE BE IT RESOLVED by the City Council of Centerville that limousine service between Centerville and Cox Municipal Airport be endorsed; and

RESOLVED, further that City Council urges the PUCO of the State of Ohio to approve such limousine service at its April 29, 1969, hearing in order that service may begin as soon as possible, for Centerville residents.

RESOLVED, further that a copy of this Resolution be sent to the PUCO for its April 29, 1969 hearing.

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

John Griffin read his City Manager's Report.

1. Mr. Griffin advised that concerning the East Franklin Street Project, he will meet with the County Engineer's staff on Friday, April 25. The Commissioners are disturbed by the size of the bid on East Franklin Street in relation to the original estimate. They are hesitating because the project has not been reviewed by T.C.C.. The County Auditor is upset because, by Centerville not being members of T.C.C., the County pays our membership fee. He advised that by Centerville joining the T.C.C. our request would hold about 40%

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more weight before the Commissioners. Mr. Wells advised that he would agree to join T.C.C. but with reservations. Mr. McIntire wanted the following questions asked of the County Commissioners:

1. Is the T.C.C. the agency charged with collecting the permissive tax?
2. Is it not the responsibility of the County Commission for the disbursement of the money from their Government to ours?
3. What date was the T.C.C. given prerogative and legal authority to dictate the disbursement of the funds they have collected from our license plates?

Mr. McIntire advised that Centerville was the first to apply for this money and at that time there were no set rules for procedure. Centerville entered in this project in good faith and have received verbal approval several times, and he is discusted with the creation of new conditions everytime we have to go back to them. He does not consider the permissive tax as any kind of assist program. Council agreed that joining T.C.C. and the East Franklin Street Project are two different items and should not be lumped together.

The parking problem for businesses in the center of town was discussed by Council. Mayor Hoy requested that a meeting be set immediately between Council, the major business tenants in the center of town, and several members of the Chamber of Commerce, to work out some parking facility in that area. Council agreed that the widening of the alley off South Main Street in back of Paul Will should be considered in an over all parking study.

Mr. McIntire advised that he is not satisfied with the development of the roadway into the Mitchell property on West Franklin Street. There were to be seventeen parking spaces provided on the west side of this roadway, and the curb is not built correctly to have "on pavement parking". Council agreed that Jack Mitchell should be informed that this street will not be accepted unless the curb is correct for these parking spaces.

City Manager John Griffin advised that a suit has been filed against the Clerk to enjoin her from certifying the referendum petition on the Edward Rose of Ohio request for rezoning. This has been filed by Estabrook, Finn and McKee in behalf of Edward Rose of Ohio.

The Meeting was then adjourned.

Approved:


 Mayor

Attest:


 Clerk of Council