

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held

May 5,

1969

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, May 5, 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 April 21, 1969 had been distributed prior to this Meeting. Discussion followed concerning paragraph sixteen. Mayor Hoy recommended that the number of parking spaces in the second sentence, "Seventeen" be changed to "maximum". Mr. Wells moved that the Minutes of the Meeting of April 21, 1969 as amended, be approved. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells reported for the Planning Board. Rezoning Request Z-1-69 was discussed. This is a request to rezone .293 acres of Lot 1, Poffwood Meadows Plat from R-3 to B-1. The objective of the rezoning is to allow the property to be used for offices. Discussion in Planning Board indicated that the intended use is desirable, but the B-1 zoning is not limiting enough for the property and as such would provide a wedge for future undesirable rezoning requests. This request was denied by the Planning Board. The Planning Board would like to consider the concept of other uses being allowed that would give Centerville some transitional uses; the B-1 zoning does not provide proper controls. Mr. Wells moved that Request for Rezoning Z-1-69 not be approved and that no Public Hearing be held. Mayor Hoy seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Preliminary Layout of Revere Village, a 243 unit apartment complex on South Main Street, was reviewed. The Preliminary Layout was given approval by the Planning Board. Engineer Frank Williams presented a Landscape Plan and a revision of the Preliminary Development Plan. Mr. Williams advised that there are no public streets through the apartment project, and that Virginia Avenue will be extended from Concept to Spring Valley Road with a sidewalk on the west side. Discussion followed concerning the extension of the service road from Concept south on Route 48 along this proposal, the necessity of sidewalks on both sides of Virginia Avenue, and the width of the extension of Virginia Avenue. Mr. McIntire moved that this matter be tabled for further study and to be brought up at the next Council Meeting. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells advised that the Rezoning Request Z-2-69 was reviewed by the Planning Board. This was the request of Mr. and Mrs. Puterbaugh to rezone .80 acres at 101 South Main Street from R-2 to B-1. The request was denied and recommended to Council as such based upon the fact that in the present Zoning Ordinance there are no provisions to govern Centerville to require plantings and the like in the development of Westerly Lane and based upon the recommendation of the Master Planner. The Master Planner had recommended that Westerly Lane be considered as a terminating point for B-1 zoning, but noted that Centerville should be careful on the rezoning and the development. Planning Board felt that Council should consider the addition of Conditional Uses to the R-3 District. Mr. Wells moved that Rezoning Request Z-2-69 be denied and no Public Hearing be held. Mayor Hoy seconded the motion. Mr. Wells advised that the Planning Board felt that the zoning of this entire area should be studied and changes made to the Zoning Ordinance as specified and that this is not to be considered as a closed matter. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells advised that in regards to the revisions to the Zoning Ordinance the Planning Board requested that a joint meeting be held between the Planning Commission and Council to review these changes. Mr. Wells requested that at the earliest possible time such a meeting be set.

The Record Plan for Red Coach South, Section One was discussed. Engineer Frank Williams reviewed the proposed plan. The Planning Commission recommended approval of this Plan. Mr. Wells moved that Council accept Red Coach South, Section One. Mayor Hoy seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Wells advised that, concerning the Residential Development Plan for Red Coach South, in accordance with the Centerville Zoning Ordinance, it is requested that the Conditional Use for this Development Plan be put to Public Notice and a Public Hearing be held thirty one days after the final notice. Mr. Wells moved that such notice be given and a Public Hearing be established for July 7, 1969. Mayor Hoy seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The deed to be held in escrow for the park in Red Coach South was discussed by Council. Mr. Wells moved that Council rescind it's previous motion accepting Red Coach South, Section One and that Council accept the platting of Red Coach South, Section One subject to receipt of a deed for the park held in escrow. Mayor Hoy seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells advised that a request for a Conditional Use or Residential Development Plan has been received for the Clark Property on North Main Street. Engineer Frank Williams reviewed this Preliminary Plan for Terrace Villa. The Planning Commission gave preliminary approval for this plan. Mr. Wells moved that Notice be given and a Public Hearing be held July 7, 1969 concerning this Conditional Use. Mayor Hoy seconded the motion. Mr. Miller advised that the disposition of the four acres donated for open space in this area should be determined before the Public Hearing is held. A roll call vote resulted in seven ayes in favor of the motion.

Engineer Frank Williams explained the plan for platting of Pleasant Hill Plat, Section Sixteen. Mr. Wells moved that ^{with} the recommendation of the City Engineer and the Planning Commission, Pleasant Hill Plat, Section Sixteen be approved. Mayor Hoy seconded the motion. Mr. Zengel advised that sidewalks will be on both sides of Cedar Leaf Drive, between Blackstone Drive and Alex-Bell Road. Mr. McIntire was concerned with the size of one lot in this Section in excess of nine acres. A roll call vote resulted in five ayes in favor of the motion. Mr. Miller voted no. Mr. Zengel abstained.

Mr. Wells advised that two rezoning requests have been received by the Planning Commission from the Olympian Club for part of their property on Bigger Road, one is a change from Washington Township R-4 to Centerville B-2, and one for a change from Washington Township R-4 to Centerville EC.

Mr. Wells reported that Mr. Clifford Purdin has resigned from membership on the Planning Commission effective May 1, 1969.

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

Mayor's Court

Fines and Forfeitures	\$ 582.00
Costs	424.00
Total	\$1,006.00

Zoning Permits

29 1 family residences
 4 Additions to residences
 1 Swimming Pool
 1 Sign
 1 12 unit apartment
 1 Fire Station

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

Mayor Hoy read correspondence received from Congressman Charles Whalen inviting Centerville Officials to attend a Workshop on Federal Housing Programs, to be held May 9, 1969 at the Statler-Dayton Inn.

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Clerk of Council Marilyn McLaughlin read a letter received from Joseph Mattingly, 175 Maple Avenue congratulating Council on the passage of the Fair Housing Ordinance.

The Public Hearing on Ordinance Number 25-69 was held. The Municipal Attorney explained the provisions of this Ordinance.

Harry Crooks, 372 Blackstone Drive, wondered what the Planning Commission will do after the Master Plan is complete.

Mr. Wells advised that the Commission will still be responsible for planning, for approval and disapproval of Development Plans, for zoning, and for variations.

Mr. McIntire questioned the underlined portion of Section 5 Paragraph 2. Discussion followed. Mr. McIntire advised that he cannot support this Section. He feels that this does not subscribe to the one man, one vote concept.

Nat Arslanian, 1430 Bimini Drive, feels this is an excellent Ordinance, but this Section is causing concern.

Municipal Attorney Robert Farquhar advised that Section Two, Paragraph F2 should read as follows "The Planning Commission shall have all powers now or hereafter conferred upon it, to perform all duties which may be imposed upon the Planning Commission, or Commissions in Cities, and Villages, under Sections 713.01 to 713.15 inclusive of the Revised Code of Ohio, except that any Ordinance recommended for passage by the Planning Commission shall be passed by the Council unless five (5) members of Council vote no. Council by a vote of five (5) of its members may amend any Ordinance recommended for passage by the Planning Commission."

Mr. McIntire felt that, "it should be passed by Council unless reputed by five members" is bad language. He advised it is inequitable and that it is disenfranchising Council, and therefore he cannot support this Ordinance.

Mr. Dale Bertsch advised that the Planning Commission is and should be much more concerned with zoning changes than Council.

Jim Peacock, 906 Queensview Court, wondered what the objections were to the simple majority vote.

Mr. Farquhar explained that Planning is more of a professional thing than a political thing and should be done by a body who is free from political pressures.

Charles Rush, 524 Duberry Place, felt that the vote of Council should be more than a simple majority since the Commission is appointed by Council.

Mr. Wells moved the passage of 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 as amended under Section 2 Paragraph F2 whereby the following be underlined and replace that which is underlined and comes after "Revised Code of Ohio," "except that any ordinance recommended for passage by the Planning Commission shall be passed by the Council unless five (5) members of Council vote no. Council by a vote of five (5) of its members may amend any ordinance recommended for passage by the Planning Commission." Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Miller and Mr. McIntire voted no.

Mr. Wells sponsored Ordinance Number 28-69: An 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 published and a Public Hearing be held on May 19, 1969. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

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Mr. Wells sponsored Ordinance Number 29-69: An Ordinance Changing The Name Of East Village Road To Rolling Oak Drive, and moved that it be published and a Public Hearing be held on May 19, 1969. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin explained that the motion made by Council on March 10, 1969 to accept the bid for a concrete street concerning the East Franklin Street Project should be rescinded in order to reject this bid and accept a bid for asphalt pavement. The motion on March 11, 1969, pertaining to Ordinance Number 19-69 should also be rescinded. Mr. Wells moved that Council rescind it's action of March 10, 1969, "that on the East Franklin Street Project, that we accept the bid for a concrete street;" and, "that an Ordinance be prepared for presentation on March 11, 1969 for the acceptance of the lowest and best bid for that type construction which we have agreed upon on the East Franklin Street Project." Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. Wells moved that Council rescind its action of March 11, 1969, pertaining to Ordinance 19-69: An Ordinance Authorizing The City Manager To Enter Into A Written Contract With Wimsatt-Harvath Construction, Incorporated For Road Work To Be Performed On East Franklin Street In The City, "that it be set for Public Hearing on March 24, 1969." Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin reviewed Ordinance Number 30-69: He advised that S-K Construction Company will honor their original bid price of \$57,686.00 with possibly an extra, not to exceed \$2,000.00. The County Commissioners have approved this project. Mr. Griffin recommended that the bid of S-K Construction Company be accepted. Mr. McIntire sponsored Ordinance Number 30-69: An Emergency Ordinance Authorizing the City Manager To Enter Into A Written Contract With S-K Construction Company For Road Work To Be Performed On East Franklin Street in the City. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. McIntire sponsored Ordinance Number 31-69: An Ordinance Authorizing The City Manager To Enter Into A Written Contract With S-K Construction Company For Road Work To Be Performed On East Franklin Street In The City, and moved that a Public Hearing be set for May 19, 1969. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin explained the proposed program for the Recreation Department. Mr. McIntire expressed the desire that the City eventually take over the Recreation facilities and responsibilities. Mr. Stone questioned the per child cost in this program, he requested Mr. Griffin to secure information concerning per capita cost in comparative programs. Mr. Wells suggested that the program be split into two programs, that Centerville begin with a summer program and gradually work into a winter program. Mr. Griffin will have the Ordinance prepared to approve the program, for the next Council Meeting. Mr. Davis suggested that the next presentation include a summer program to see what cost is involved, before moving on to the winter program.

Ordinance Number 32-69: An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 41.843 Acres, More Or Less From Washington Township R-4 Classification To Centerville R-2, R-3, And B-2 Classifications, was discussed by Council.

Mr. Wells advised that a Preliminary Land Use Plan has been published, but the Joint Planning Committee passed a Resolution that the Township and City Authorities not use the Preliminary Land Use Map as a primary source for making decisions on Rezoning.

Mr. Archdeacon explained the location and nature of this request for rezoning.

Gary Maxton, 175 Bethel Road, advised that residents in this area only ask for some protection from the proposed business center, as has been provided for the people in Kettering. He is concerned with the B-2 zoning permitting less desirable businesses.

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Mr. Wells pointed out that B-2 zoning is Roadside Business so this would be proper for this area bordering the interstate.

Mr. Stone advised that it is Council's intent to provide the best possible protection for people as changes occur.

Mr. Zengel sponsored Ordinance Number 32-69: An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Re-Zoning 41.843 Acres More Or Less, From Washington Township R-4 Classification To Centerville R-2, R-3, And B-2 Classifications, and moved that it be adopted. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Miller and Mr. McIntire voted no.

Council scheduled a Meeting for Thursday, May 8, 1969, at 8:00 P.M. for Council to meet with downtown businessmen to discuss the parking situation in the center of town. Mr. Griffin will send notification to the businessmen.

The Meeting was then adjourned.

Approved:

Paul C. Key
Mayor

Attest:

Martha J. McLaughlin
Clerk of Council