

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held October 6, 19 69

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, October 6, 1969, at 7:30 P.M. at the Municipal Building with Deputy Mayor John Davis presiding. Councilmen present were as follows: Harold Wells, Richard Miller, John Zengel, J.V. Stone, 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 September 8, 1969 had been distributed prior to this Meeting. Mr. Stone moved that the Minutes of the Meeting of September 8, 1969 as distributed, be approved. Mr. Miller seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Minutes of the Meeting of September 15, 1969 had been distributed prior to this Meeting. Mr. Zengel moved that the Minutes of the Meeting of September 15, 1969 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Minutes of the Meeting of September 22, 1969 had been distributed prior to this Meeting. Mr. Griffin advised that number 5 of paragraph five should read "This project to extend west to Route 48 and the safety aspect be stressed." Mr. Miller moved that the Minutes of the Meeting of September 22, 1969 as amended, be approved. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Fred Hyslop 204 Pleasant Hill Drive, and Richard Hecht 214 Pleasant Hill Drive appeared before Council and presented a letter and pictures concerning the condition of an open drainage ditch located at the rear of their properties. City Manager John Griffin gave a brief explanation of this ditch. John Zengel explained past experience and present situation concerning this matter. The City Manager and the Street Department will pursue construction of a pipe and determine the cost to the City to improve the condition of this open ditch. Mr. Zengel advised that Zengel Builders will work with the City to rectify this condition.

Victor Green 211 Whittington Drive, brought to the attention of Council two traffic problems existing in the City. He recommended that the access road into the Ponderosa Restaurant be marked entrance only off North Village Drive and the curb cut east of the Restaurant marked exit; this would prevent stacked traffic from blocking North Village Drive. He also recommended that traffic turning north on Main Street off West Franklin Street be permitted to turn on green light as well as on green arrow when there is no on-coming traffic; there are only a few cars making the turn per green arrow. Mr. Davis requested that City Manager John Griffin review Mr. Green's first request and report back to Council. Mr. Griffin will study the timing of the light at Main and Franklin to determine if this can rectify the present condition.

Loring Duff 7400 Pine Frost Lane, appeared before Council and questioned who is responsible for the accumulation of water run off from his property. He advised that the City dumps an eighteen inch storm sewer onto his land, he anticipates this water to run off his property and flood the properties in Black Oak Estates.

Mr. Wells reported for the Planning Commission. He reviewed the Record Plan for Terrace Villa. This includes a four acre open space to be deeded to the City of Centerville. The Planning Commission recommended approval of this plan subject to a sidewalk being constructed on the east side of Lyons Drive, a sidewalk constructed on the west side of Hampton Road, a curb cut being made on Lyons Drive for a street onto Route 48, and the park being graded and left in a good manner. The owners of the property east to Route 48 are agreeable to the construction of a street through their property. Discussion followed concerning the width of the proposed street out to Route 48. Council agreed that this should be a sixty foot right-of-way, forty feet of pavement. Engineer Frank Williams advised that the sidewalks have been included in the cost estimate. Mr. Wells moved that Council approve the final Plat Plan of Terrace Villa subject to a curb cut of forty feet and that the deed to the park be put in escrow at the Centerville Branch of the First National Bank of Miamisburg

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and that the park be graded and left in a good manner and subject to the receipt of a Bond in the amount of \$89,400.00 and an Inspection Fee of \$598.80. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Wells reviewed the Rezoning Request of Loring Duff for approximately 17.013 acres from Washington Township R-3 to Centerville R-1; the property is located at the dead end of West Von Dette Circle. After the Public Hearing was held before the Planning Commission, the Commission could see no reason for this change in zoning, so recommended that the request be denied. Mr. Wells moved that this Request for Rezoning be put to Public Hearing on December 1, 1969. Mr. Zengel seconded the motion.

Councilman John McIntire entered the Meeting at this time.

Discussion followed. A roll call vote resulted in five ayes in favor of the motion. Mr. Miller voted no.

Mr. Wells reviewed the Rezoning Request of Paul Moody and Ralph Woodley for approximately 100.54 acres from Washington Township R-3 to Centerville Entrance Corridor; the property is located on Alexandersville-Bellbrook Road and would be the continuation of Clys Road. The Planning Commission recommended approval of this request to Council but the motion received a three to two vote, Mr. Wells advised that an affirmative vote of five was needed for passage. A Notice of Intent to Appeal and an Appeal to Council has been filed within the required period of time with the Clerk of Council by Ralph Woodley concerning this Rezoning Request. A Public Hearing will be set by the Clerk.

Mr. McIntire made reference to a report which had been submitted to the Planning Commission by Bruce Baker concerning Apartments Completed and Soon To Be Completed in Centerville. He expressed concern over the anticipated increase in apartments, and the burden which the home owners will experience in the future.

Mr. Wells reviewed an application for a Conditional Use for a Day Nursery in the Jack Mitchell Apartment complex on Country Manor Lane. The Planning Commission recommended to Council that this Day Nursery be considered for Conditional Use, and be approved based upon the fact that the use compliments the apartments and will be used to provide a kindergarten service to the apartment dwellers. Mr. Wells moved that a Public Hearing be held on this Conditional Use on December 1, 1969 and proper notification be given. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Clerk of Council Marilyn McLaughlin advised that a notice has been received from the Ohio Department of Liquor Control that Maureen Harbison, DBA Carriage House has applied for a D-1 and D-2 license, which would permit the sale of 3.2 and 6% beer and wine at 101 West Franklin Street. Discussion followed because of the proximity of the Carriage House with the School. City Manager John Griffin will pursue this matter to determine whether there is any objection by the school board.

Mrs. McLaughlin distributed to Council copies of a letter sent to Dan Dreyer by Earl Cripe, 142 Cushwa Drive expressing his objection to a change in zoning for property in the Washington Park Plat. Deputy Mayor John Davis read the letter. Mr. Wells advised that the referred to Request has not yet been received by the Planning Commission.

Deputy Mayor John Davis read the following Mayor's Report for the Month of September, 1969:

Mayor's Court

Fines and Forefeitures	\$ 732.00
Costs	432.00
Total	<u>\$1,164.00</u>

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Zoning Permits

- 20 1-Family residences
- 3 Additions to residence
- 1 Apartment complex - 116 units
- 3 Signs
- 1 Commercial - Sports arena
- 1 Addition to commercial
- 1 School

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

Municipal Attorney Robert Farquhar advised Council of a zoning violation of Towne Properties existing at the Villager Apartments. He has sent a letter to Towne Properties advising them of the violation, that their storage shed is located too close to their rear property line; action has not been taken by them within the specified time. Mr. Davis moved that Council direct the Municipal Attorney to proceed with the necessary legal action against Towne Properties. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

City Manager John Griffin distributed a Survey of procedures on Cost Sharing of Improvements established in other Municipalities. Mr. Davis recommended that the City Manager continue with his study and make a firm recommendation to Council at the next Council Meeting as to what procedure would be best for Centerville.

Mr. Griffin advised that approval of a Grant for a portable closed circuit television camera and video taping unit has been received by the City. Discussion followed concerning whether the City would have to go to bid for this equipment. Mr. Davis requested that the Municipal Attorney review this and make a determination.

Mr. Griffin reviewed the proposed Winter Recreation Program. Mr. McIntire felt monies in this Department should have been spent on playground hardware. He objected to spending monies which have not been appropriated for this program. He felt that this money in excess of the appropriation for the Recreation Department perhaps should have been used in some other department. Mr. Davis thought it well to expand our monies in all Departments and on our children. Mr. Davis suggested that the Municipal Attorney, with the Finance Director, be directed to draw an ordinance to appropriate the necessary monies for the Recreation Department.

The Public Hearing concerning Ordinance Number 42-69 was held. Mr. Griffin explained the Ordinance. Mr. Davis moved that Ordinance Number 42-69: An Ordinance Authorizing And Directing The City Manager To Request Certification Of The Centerville Building Division, be accepted. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

* The Alley from East Drive eastwardly behind East Franklin Street was discussed by Council. Mr. Griffin advised that there is evidence that the City has maintained this alley and the public has used it for several years. Mr. Farquhar advised that if it can be established that the City has improved this alley then we have in effect, a common law dedication by the public use of the alley, and a common law acceptance of the dedication by the City's improving the alley. He advised that, concerning the alley running parallel to East Franklin Street, all the City has to do now is continue to maintain it. Mr. Davis requested that concerning the portion running from East Franklin Street south, further study be made and a report be brought back to Council.

The proposed improvement of Susan Drive was discussed by Council. Mr. Griffin reviewed the reaction of the property owners involved. Mr. Davis moved

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that Council direct the City Manager to proceed with this project. Mr. McIntire seconded the motion. A Resolution will be needed to proceed. Mr. Davis moved to table the previous motion until the Resolution is prepared. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

An Ordinance fixing the price which the Dayton Power and Light Company may charge for electric street lights in the City of Centerville was reviewed. The Agreement made in 1964 for a five year period was compared with the new proposed Agreement. Mr. McIntire would like to review on a map the light placements as the City now has them to determine whether they are adequate. Mr. Stone requested that a representative from Dayton Power and Light Company be present at the next Council Meeting to review this proposed Ordinance and Agreement with Council.

Director of Finance Ronald Budzik distributed and reviewed his Quarterly Financial Report through September, 1969. He indicated that all Departments are in good shape and necessary monies are available.

Mr. McIntire explained his desire for an Ordinance to regulate trash burning in Centerville. He distributed copies of a Kettering Ordinance for such control for Council's consideration. Council concurred that Municipal Attorney Robert Farquhar review Kettering's Ordinance and perhaps draw an Ordinance for Centerville along the same lines.

City Manager John Griffin explained a sketch prepared by Engineer Frank Williams for the parking area along Westerfield Drive. The layout of parking spaces was discussed. Mr. Griffin will proceed with this improvement.

Section Fifteen, Pleasant Hill Plat was reviewed by Council. Mr. Griffin advised that a Maintenance Bond for this Section has been received. Mr. Davis moved that Council accept Pleasant Hill Plat, Section Fifteen. Mr. McIntire seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel abstained.

Mr. Griffin advised it has been requested that Westpark Road be accepted by the City. Engineer Frank Williams reviewed this street's construction over the past years. This item was deferred until a Maintenance Bond is received.

The Meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk of Council

* Insertion - City Manager John Griffin advised that a Petition has been received from Mr. & Mrs. Bernard Roush 1247 East Centerville Station Road requesting that the name of Centerville Station Road be changed to East Franklin Street. Mr. Davis moved that Ordinance Number 43-69: An Ordinance Changing The Name Of Centerville Station Road To East Franklin Street, be set for Public Hearing on October 20, 1969. Mr. Stone seconded the motion. A roll call vote resulted in six ayes in favor of the motion.