

Held November 3,

1969

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, November 3, 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 Davis, John Zengel, City Manager John Griffin, Engineer Frank Williams, Municipal Attorney Robert Farquhar, and Clerk of Council Marilyn McLaughlin.

The Minutes of the Meeting of October 20, 1969 had been distributed prior to this Meeting. Mr. Davis moved that the Minutes of the Meeting of October 20, 1969 as distributed be approved. Mr. Wells seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Councilmen John McIntire and J.V. Stone entered the Meeting at this time.

Mr. Gary Maxton, 175 Bethel Road appeared before Council and advised that during the recent campaign, candidates espoused and a group has organized to secure a building for teen age activities for our area. The Chairman of this Committee is Gary Bauer.

Mr. Wells reported for the Planning Commission. He reviewed the Rezoning Request of Mr. & Mrs. Joseph Troyan for their property on South Main Street. The requested change is from R-2 to B-1 for approximately .643 acres on the West side of South Main immediately south of Westerly Lane. Engineer Frank Williams advised that Mr. Troyan has indicated that he would like to withdraw his application. The Planning Commission recommended to Council that this Rezoning Request be denied on the basis of it constituting spot zoning. Mr. Davis moved that Council accept the Planning Commission recommendation and that this request not go to Public Hearing. Mr. Stone seconded the motion. Mr. Wells advised that the Planning Commission has worked with adjacent property owners, they recognize that conditions in that area have changed, and the Planning Commission on it's own volition is proposing a change in zoning in that general area. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells reviewed a Variance Application submitted by Zengel Builders, Inc. requesting a variation in the set back requirement for an accessory building at 30 Poinciana Drive. The Zoning Ordinance requires a 75 foot set back, they are requesting a 40 foot set back. The Planning Commission will review the site and reach a decision on November 12.

Mr. Wells explained two Variance Applications received from Black Oak Development Company, variations from the Washington Township Zoning Resolution, for the erection of two directional signs. The Planning Commission stipulated that these requests be given an eighteen month time limit, and on this basis recommended that the variances be granted.

Mr. Wells explained an Ordinance which has been prepared to change four properties on South Main Street at Westerly Lane from R-2 Classification to R-3 Classification. A Public Hearing before the Planning Commission has been scheduled for November 12, 1969 concerning this Ordinance.

A Variance Application submitted by Richard and Beverly Kiser for their property at 335 Cedarleaf Court was explained by Mr. Wells. They are requesting partial use of their premise for a private nursery school. A Public Hearing has been set before the Planning Commission.

Mr. Wells reviewed plans submitted by the Edward J. DeBartolo Corporation for an extension to the Gold Circle Store, these plans contained a variation in the original design as previously approved by Council. He explained the layout for the indoor twin theatre. The Planning Commission recommended approval of the architecture but the theatre should be between 26 feet and 32 feet high. Mr. Wells moved for approval of the concept with the height of the theatre to be between 26 and 32 feet. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Wells explained a proposed twin sign and it's location for the theatre. The Planning Commission felt that the DeBartolo Corporation should design a sign

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to meet with the original concept as previously approved, and did not recommend approval for the erection of this sign.

An Application submitted by Loring Duff for his property at the dead end of West Von Dette Circle was reviewed by Mr. Wells. Mr. Duff is proposing a Special Use District under Washington Township Regulations which would permit varied lot sizes. This has been set for Public Hearing before the Planning Commission on December 10, 1969.

Mr. Wells advised that the Ordinance to amend the Zoning Ordinance has been set for Public Hearing on November 25, 1969.

Mayor Hoy gave the following Mayor's Report for the month of October, 1969:

## Mayor's Court

Fines and Forfeitures	\$ 824.00
Costs	528.00
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Total	\$1352.00

## Zoning Permits

13	one family residences
5	additions to residence
1	sign
1	addition to commercial

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.

Mr. Griffin gave his City Manager's Report. The widening of State Route 725, Alexandersville-Bellbrook Road was discussed. Mr. McIntire felt that the City should take this matter to Mr. Masheter's Office in Columbus, and submit copies to our State Representatives and the Governor's Office. He felt Centerville should take a positive strong stand on this State Highway Improvement.

Mr. Griffin explained his draft of paragraphs C and D contained in his Public Improvement Policy. Discussion followed. Mr. Miller recommended that the sentence "New plats would come under current subdivision regulations" be contained in both paragraphs. Mr. McIntire felt that the policy should include a policy for undedicated streets and alleys. Mayor Hoy recommended that Council adopt a policy for streets and give a policy for drainage more consideration.

Mr. Griffin explained the 250 Million Dollar Highway Bond Funds Program. He explained the procedure Centerville now has to take concerning projects to T.C.C. because membership dues is being paid by the County Commissioners. Mr. Davis requested to know what Centerville's dues would be in T.C.C.. Mr. Griffin advised \$1792.00 for 1970. Mr. Wells felt that Centerville, as a City should participate in the T.C.C.. Mr. McIntire requested that Mr. Griffin bring to Council a representative from T.C.C. to present their budget for the past year and proposed budget for 1970 and present a review of the conditions with which this Highway Bond Issue can be made available showing that the T.C.C. is stated specifically as a review agency.

Mr. Griffin advised that the City will proceed with the Railroad Crossing Project on Rahn Road.

Mayor Hoy left the Meeting at this time. Deputy-Mayor John Davis presided.

The Public Hearing concerning Ordinance Number 44-69 was held. Mr. Griffin gave a brief explanation of the proposed Ordinance. Mr. Wells sponsored Ordinance Number 44-69: An Ordinance Fixing The Price Which The Dayton Power And Light Company, Its Successors And Assigns, May Charge For Electric Light Furnished To The Public Grounds, Streets, Lanes, Alleys And Avenues In The City Of Centerville, State Of Ohio, For A Period Of Five Years, Commencing On The 29th Day Of December, 1969, And Determining The Manner In Which Said Lighting

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May Be Furnished, Provided And Paid For, and moved that it be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy returned to the Meeting at this time.

The Public Hearing concerning Ordinance Number 45-69 was held.

Karl Zengel questioned the time period for burning wastes as provided for in the Ordinance. He wondered if the time for burning wastes during the week could be the same as on Saturdays. He explained his need for burning such material during the week at times not permitted in the Ordinance.

John Zengel reviewed procedures in neighboring municipalities.

Council agreed that the first sentence of (a) under Section 3 "Hours For Burning Wastes" should read as follows: "No person shall burn any burnable wastes within the City, except between the hours of 8:00 A.M. and 7:00P.M.." Mr. McIntire sponsored Ordinance Number 45-69, as amended: An Ordinance Prohibiting The Burning Of Garbage, The Negligent Spreading Of Fires And Regulating The Burning Of Wastes, and moved that it be approved. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 47-69 was held. Mr. Davis sponsored Ordinance Number 47-69: An Ordinance Amending Section 20.100 Unnecessary Noises Of The Code Of Ordinances, Village Of Centerville, and moved that it be accepted. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing on Ordinance Number 48-69 was held. Mr. Davis sponsored Ordinance Number 48-69: An Ordinance To Amend Ordinance Number 17-69 Of March 24, 1969 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 accepted. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

City Manager John Griffin advised that the City has the Performance Bond and a Maintenance Bond in the amount \$1,871.00 for Compark, Section VII. Said Section has been inspected by Engineer Frank Williams and all work has been done. Mr. Davis moved that Council release the Performance Bond on Compark, Section VII, and accept the Maintenance Bond in the amount of \$1,871.00. Mr. Wells second the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Meeting was then adjourned.

Approved:

  
Mayor

ATTEST:

  
Clerk of Council