

already constructed.

Mayor Hoy then announced that Council would act on the Ordinance at the next Council Meeting.

The meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk-Treasurer

REGULAR MEETING

The Council of the Village of Centerville, County of Montgomery, State of Ohio, met in Regular Session, November 7, 1966 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: K. C. McClellan, Harold Berry, John McIntire, John Davis, Richard Miller, Donald Lyons, Engineer Frank Williams, Solicitor Fred Young, and Clerk-Treasurer Ronald Budzik.

The minutes of the previous meetings had been distributed prior to this meeting.

Mr. McClellan moved that the minutes of the meeting of October 17, 1966 as distributed, be approved. Mr. Miller seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McClellan moved that the minutes of the meeting of October 28, 1966 as distributed, be approved. Mr. Berry seconded the motion. A roll call vote resulted in five ayes in favor of the motion; Mr. Miller abstained.

Mr. McClellan moved that the minutes of the Public Hearing of October 31, 1966 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Lyons reported for the Planning Board. Mr. Lyons reported that a Request for Change of Zoning of 6.85 acres of land on the East side of Rt. 48 from R-2 to R-3 was received from Zengel Builders; the purpose of rezoning being to construct two-four family apartment units. All necessary forms appeared to be correct. The Planning Board recommends approval of this request. Mr. Lyons moved that the Application for Rezoning of 6.85 acres of land of Zengel Builders from R-2 to R-3 be accepted as recommended by the Planning Board, and a Public Hearing be set. Mr. McClellan seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

A public hearing will be set on December 12, 1966 at 7:30 P.M.

Mr. Archdeacon appeared before the Planning Board seeking approval of a Preliminary Subdivision Layout of an extension of 24 lots of Black Oak Estates. Discussion was held concerning a large creek going through this section. The Planning Board recommends approval of this Preliminary Layout to Council. Mr. Lyons moved that Council accept the Preliminary Subdivision Layout of an Extension of Black Oak Estates. Mr. McClellan seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. McClellan then suggested that a member of Council look at the condition of this creek and report back to Council.

Mr. Wilks of Centerville Properties, Inc., appeared before the Planning Board seeking a Change in Zoning of 6.6 acres of land North of Joy Elizabeth Drive and 1000 feet west of Rt. 48 behind the bowling alley from R-1 to R-2 for the purpose of constructing houses under R-2 zoning. The Planning Board recommended acceptance of this Request.

Mr. Lyons moved to accept the Application for Rezoning of 6.6 acres of land North of Joy Elizabeth Drive, and 1000 feet west of Rt. 48 from R-1 to R-2, as owned by Centerville Properties, Inc., as recommended by the Planning Board, and that a Public Hearing be set. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion. A public hearing will be set on December 12, 1966 at 8:30 P.M.

Mr. Berry advised Council of Conditional Rezoning being used in surrounding communities, where a promise is made for land to be used in a specified manner under rezoning and this promise of the use of land as intended when rezoning is granted, should be kept. Council agreed that the Board of Zoning Appeals make a study on Conditional Rezoning and report back to Council.

Plans to build a Garden Apartment Complex in front of Village South, east of Rt. 48, by Towne Properties, Inc. was presented to the Planning Board. This application is pending for the construction of 275 apartments on land Zoned EC. Designs were presented to Council. Certain families in Village South oppose the project.

Discussion indicated four areas of problem: 1) design; 2) two open ditches; 3) density; 4) traffic.

Because of the nature of this application; because it is the first opportunity which the Village has had for real EC Zoning Development, and in order that the problem be studied as carefully as possible; subsequent meetings were held at which further background and statistical data on the number of children per unit was presented.

The Planning Board stated the following conclusions:

1. Density isn't a legal consideration since it is correct and reasonable under EC zoning.
2. Design can be worked out between said parties involved. EC zoning allows Council a measure of control over design.
3. The Police Department says traffic isn't a problem because of only one entrance from Rt. 48.
4. One open ditch is too big to tile. These ditches will receive constant care and landscaping will be maintained. The best solution seems to be to allow them.

Mr. McIntire stated his objection to open ditches as being against public health and safety. He stated that allowing these ditches will compound a problem already existing in the Village. The Planning Board was told that the ditches met County Standards and therefore approved them.

Towne Apartments Inc. requests a Zoning Permit under EC zoning for the construction of these apartments. The Planning Board recommends approval of a Zoning Permit.

Mr. Lyons moved that Council Authorize the Issuance of a Zoning Certificate under Entrance Corridor Zoning for the use of the Garden Apartment Complex based on the report of the Planning Board Report and it's recommended approval to Council. Mr. Davis seconded the motion.

Mr. Berry moved to further amend the motion on condition that submission be made to Council in writing by said developers to provide a satisfactory base and attractive landscaping in respect to the two ditches passing through this development. Mr. Miller seconded the amendment to the motion. A roll call vote resulted in five ayes in favor of the amendment to the motion. Mr. McIntire voted no. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire voted no.

The Mayor advised Council that Federal Funds for the 701 program have been approved. Further meetings with the trustees will be held on this matter.

Mayor Hoy gave the following Mayor's Report:

Zoning Permits	\$ 380.00
Zoning Ordinance Books	10.00
Change in Zoning Applications	50.00
Variance Applications	40.00
Kettering Court	950.00
Accident Reports	66.00
Court	377.00
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Total	\$1,873.00

Mr. McClellan 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.

Mr. Wilks, representing Arthur Beerman appeared before Council and advised that a survey of land east of the Municipal Building upon which the Village has a option to buy, has been certified. The survey shows 2.882 acres which is less land than the original 3.55 acres. Mr. Wilks stated that an error was found in the County Auditor's Public Records. The original option was for 3.55 acres, more or less, at the price of \$35,150.00. Mr. Wilks stated that Mr. Beerman is willing to sell the 2.882 acres of land at a price of \$30,000.00.

Mr. Berry moved to accept the offer of Mr. Beerman for 2.882 acres of land east of the Municipal Building at a Cost to the Village of \$30,000.00. Mr. McClellan seconded the motion. Mr. McIntire questioned the legality of paying more dollars per acre of land than was originally agreed upon. Mr. McClellan moved to table this motion until the Solicitor could confer with Mr. Wilks. Mr. Davis seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mayor Hoy advised Council that the location of State Highway 777 has been changed and will require another Public Hearing.

Mr. Davis reported for the Finance Committee. Mr. Davis moved that vouchers No. 720 - 803 as approved by the Finance Committee be paid. Mr. McIntire seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Davis also moved that \$1,526.38 be transferred from the General Fund to the Building Fund. Mr. McClellan seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McClellan reported for the Safety Committee. Mr. McClellan advised Council that 1967 Police Contract Negotiations with Washington Township are in process.

Mr. McIntire reported for the Street Committee. Mr. McIntire reported the following street cuts:

1. #66-11 to Zengel Construction Company at the end of Blackstone Drive. Checks for \$120.00 were given to the Clerk-Treasurer.
2. #66-12, 66-13, 66-14, were issued to the Dayton Power & Light Company. The cash in the amount of \$60.00 was given to the Clerk-Treasurer for the permits, and a Surety Bond is on file in the Mayor's Office.

Mr. McIntire advised Council of the two Garage Bids received but that further word is forthcoming from the Street Committee.

Mr. Lyons reported for the Community Development Committee. The Centerville Boosters Club reported on a proposed stadium and gymnasium in the Village, but this study is in it's infancy stage.


The Solicitor then advised Council that in his opinion, he foresaw no legal problem on purchasing land since the option was not tied to any specific acreage. The previous motion of Mr. Berry's to accept Mr. Beerman's offer of \$30,000.00 for 2.882 acres of land, and the second to the motion by Mr. McClellan was brought back to the floor. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire voted no.

The meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk-Treasurer

SPECIAL MEETING

The Council of the Village of Centerville, County of Montgomery, State of Ohio, met in Special Session, November 21, 1966 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: K. C. McClellan, Donald Lyons, Harold Berry, John McIntire, John Davis, Richard Miller, Engineer Frank Williams, and Solicitor Fred Young.

The minutes of the previous meeting had been distributed prior to this meeting.

Mr. McClellan moved that the minutes of the meeting of November 7, 1966 as distributed, be approved. Mr. Lyons seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. J. Vernon Insley appeared before Council informing Councilmen of the mud on the road condition in Village South between Whittington Drive and Marshall Road. Some improvements have been made, but much still remains to be done.

Mr. Joseph Peck appeared before Council concerning the same mud on the road condition. Mr. McClellan stated that Council and the Centerville Police Department were very dilatory in not filing suit in this instance. Council recommended to step up enforcement of the Ordinance concerning this mud on the road condition.

Mayor Hoy advised Council of a letter received from Bill Yeck, All County Neighborhood Park School Program. Letter was turned over to the Planning Board for review.

Mr. McIntire reported for the Street Committee. The Street Committee has rejected the two Bids received for the Street Department Garage, and