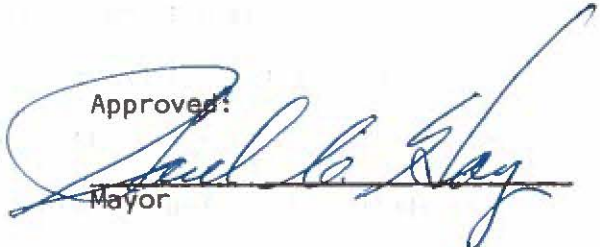


and 5 feet from the building. The temporary control box is 20 inches from the curb. Mr. Williams advised that the control box can be located on any other pole when installation is completed. Council agreed to leave the pole on the north side of Franklin Street and move the control box to another pole as soon as possible. It was decided that the location of the pole on the south side merits future investigation. Engineer Frank Williams was directed to put some alternatives, for the pole location on the southwest corner, on paper.

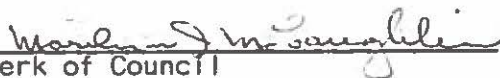
Mr. McIntire advised that he had been contacted by Mr. Robert Wenz, a resident of Village South concerning the Entrance Corridor district in Village South. Mr. McIntire wondered if Council had erred in approving the Preliminary Layout for this Entrance Corridor district since it contained a 24 foot street, not provided for in the Sub-Dividers Agreement. This matter was referred to Solicitor Fred Young for study.

Mayor Hoy announced that interviews will be held Saturday afternoon starting at 1:00 P.M. for the position of Village Manager.

The meeting was then adjourned.

Approved:

Mayor

Attest:


Clerk of Council

SPECIAL MEETING

The Council of the Municipality of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, September 23, 1968 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, John McIntire, J.V. Stone, Engineer Frank Williams, Solicitor Fred Young, Director of Finance Ronald Budzik and Clerk of Council Marilyn McLaughlin.

The minutes of the meeting of September 9, 1968 had been distributed prior to this meeting. Mr. McIntire advised that the last sentence in paragraph four should read "The representatives for the Restaurant agreed to submit various colors for the roof on the Jax Restaurant for Council's approval." Mr. Stone moved that the minutes of the meeting of September 9, 1968 as amended, be approved. Mr. McIntire seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The minutes of the meeting of September 12, 1968 had been distributed prior to this meeting. Mr. Davis moved that the minutes of the meeting of September 12, 1968 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Dickey, a resident on South Main Street, appeared before Council requesting some relief from the dust problem existing on South Main Street. Mayor Hoy advised that Council will look into the matter.

Mr. William Hunter of 7280 West Von Dette Circle appeared before Council concerning an industrial type warehouse which is located at 7400 Pine Frost Lane. This warehouse is housing heavy equipment, with equipment being moved in and out continuously. Mayor Hoy advised that if there is a zoning violation existing it will be prosecuted. This matter was referred to Solicitor Fred Young for investigation.

Mayor Hoy read a letter received from Mr. Christian Hogenbirk informing Council that he has resigned as Assistant Director of the Community Assistance Bureau for the Development Department, State of Ohio. Future correspondence should be with Mr. V.J. Sorg, who is Mr. Hogenbirk's successor.

Engineer Frank Williams informed Council that the controls for the traffic signals at Spring Valley Road and at Bradstreet Road have arrived. The signals should be operating at the end of this week.

Engineer Frank Williams recommended that the traffic signal pole located on the southwest corner of Main and Franklin remain in its present location, and that a guard rail be constructed along the highway in this location for pedestrian safety.

Mayor Hoy read a letter that was received from the Penn-Central Railroad Company granting the Village of Centerville authority to make necessary repairs to the railroad crossing on East Franklin Street at Clio Road.

Solicitor Fred Young advised Council of his correspondence concerning the railroad tracks on State Route 725. In a letter received September 11, 1968, Mr. L.C. Carpenter, Track Supervisor, advised that work would begin as soon as arrangements could be made for the labor to do the work.

Engineer Frank Williams advised that the Clareridge Lane improvement is progressing well. The Village Street Department is digging up the existing base and replacing it with a good gravel base. The Contractor will begin curb construction on Wednesday and will require five working days to complete the job. Solicitor Fred Young advised that a Resolution of Necessity is needed to assess abutting property owners if they do not pay for the improvement voluntarily.

Mr. McIntire sponsored and moved that Council accept Resolution Number 13-68 A Resolution Declaring It A Necessity To Improve Clareridge Lane In The Municipality Of Centerville, Ohio, By The Construction Of Curbs And Gutters On Both Sides Of Clareridge Lane From Susan Drive To The Beginning Of The Concept Plat.

BE IT RESOLVED by the Council of the Municipality of Centerville, Montgomery County, Ohio;

Section 1. That it is necessary to improve Clareridge Lane between Susan Drive and the beginning of the Concept Plat in the Municipality of Centerville, Ohio as shown on the plans hereinafter referred to, by the construction of curbs and gutters in accordance with the plans and specifications hereinafter referred to.

Section 2. The plans, profiles, specifications and the estimate of costs for said improvements heretofore prepared by the Engineer and placed on file in the office of the Clerk of this Council be and the same hereby are approved.

Section 3. That the grade of said Clareridge Lane after said improvement has been completed shall be as shown on said plans and profiles.

Section 4. It is hereby determined that a petition requesting said improvement has been regularly presented to this Council, and that said petition has been subscribed to by the owners of at least sixty percent (60%) of the front footage abutting upon said improvement. Said petition is hereby accepted by this Council.

Section 5. That the entire cost of said improvement shall be assessed upon the following described lots and lands, to wit: all lots and lands bounding and abutting upon said improvement, which said lots and lands are hereby determined to be specially benefited by said improvement. Said assessments shall be levied by the following method, to wit: by the front footage of the property bounding and abutting upon the improvement; and shall be paid, when levied, in five (5) annual installments, with interest on unpaid installments at the rate of 6%; provided, however, that the owner of any property assessed may, at its option, pay such assessment in cash within thirty (30) days after passage of the ordinance levying such assessment.

Section 6. The Municipality of Centerville shall not issue bonds in anticipation of the collection of said assessment.

Section 7. The Village Engineer of the Municipality of Centerville be and he hereby is, authorized, and directed to prepare an estimated assessment of the cost of said improvement based on the estimated cost heretofore filed in the office of the Clerk of this Council in accordance with the method of assessment set forth in this Resolution, showing thereon the amount of the assessment against each lot or parcel of land to be assessed. Said estimated assessment shall be filed in the office of said Clerk and shall be available for public inspection.

Section 8. Upon the filing of said estimated assessment as hereinbefore provided, the Clerk of this Council is authorized and directed to cause notice of the passage of this Resolution and the filing of said estimated assessment to be served upon the owners of all lots and lands to be assessed who did not waive the service of such notice, in the manner provided by law.

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

Mr. Davis moved to accept Ordinance Number 13-68: An Ordinance Determining Five (5) Of The Most Public Places In The Municipality For Purpose Of Publishing Notices, Ordinances, Resolutions, Proclamations And Reports. The Public Hearing for Ordinance Number 13-68 was held. Mr. McIntire second the motion. A roll call vote resulted in seven ayes in favor of the motion.

Engineer Frank Williams advised that the Washington Township Trustees are getting more favorable towards signing an agreement for the placing of asphalt on Maple Avenue. A meeting at the site will be held in the near future.

Mayor Hoy advised that an application for a license to operate a taxicab service within the Corporate Limits of the Village of Centerville has been received from George W. Powell. The License Fee has been deposited with the Clerk. Mayor Hoy set a Public Hearing concerning this application for October 7, 1968 at 7:30 P.M. in the Municipal Building.

The 24 foot street contained in the Preliminary Layout for the Entrance Corridor District in Village South was discussed by Council. Mr. McIntire questioned it's compliance with the Village's Street Specifications. Solicitor Fred Young advised that he has not found it's compliance so far. Mr. Wells advised that Mr. Archdeacon will be requested to be present at the Planning Board Meeting of September 24, 1968 to discuss this matter. Solicitor Fred Young will meet with Engineer Frank Williams and the Engineer for the Developer to resolve this street width problem.

The proposed Sign Ordinance was discussed. Solicitor Fred Young advised that he would like to discuss alternatives with a Committee. The matter was referred to the Chairman of the Planning Board for study.

Mr. Davis sponsored Ordinance Number 14-68: An Ordinance To Establish A Recreation Board For The Municipality Of Centerville. Mr. Davis moved that Council direct the Clerk to set a Public Hearing for Ordinance Number 14-68. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion. Mr. McIntire did not favor Section 2 of this Ordinance, the inclusion of members of other public entities. Mr. Stone questioned the term of five years. Solicitor Fred Young advised that these are Ohio Revised Code provisions.

At this time in the Meeting a ten minute recess was called by Mayor Hoy.

Representatives for the Thornton Oil Company appeared before Council concerning their proposed Gas Station on North Main Street. The representatives were Mr. Paul Fleischauer, Mr. Jack Watkins and Mr. Pete Morman. Colored pictures were shown of other PayLess Gas Stations. Mr. Morman advised that there are over 120 Stations in fifteen different States. Engineer Frank Williams advised that this construction will require much fill and that two retaining walls will be required. The residents in attendance at the meeting expressed great dissatisfaction in the erection of another gas station. This application for a Zoning Permit has been referred to the Village Solicitor for further study.

Solicitor Fred Young advised that the Codification of Village Ordinances is well under way, it will be ready by the end of the year.

The agreement containing restrictions to accompany the Rezoning Request of Paul E. Lacouture was discussed by Council; various additions and corrections were made. Mr. McIntire read a letter received from Mr. James Gilvary, the Attorney for the Applicant. Mr. McIntire requested that this letter become a part of these minutes. Mr. McIntire felt that Council should act on this Rezoning Request without further delay. Mr. Stone agreed. Solicitor Fred Young was requested to rewrite the agreement and supply a copy to Paul Lacouture, James Gilvary, Hill-Smith Company, and Councilmen

SEP 20 1968

SMITH & SCHNACKE

FRANCIS DEAN SCHNACKE
W. WALKER LEWIS, JR.
SAMUEL A. MCCRAY
FORD W. EKEY
LLOYD H. O'HARA
RODNEY M. LOVE
ALBERT H. SEALY
PAUL E. LACOUTURE
JOSEPH A. WILLIAMS
JAMES J. MULLIGAN
STANLEY A. FREEDMAN
WALTER A. PORTER
THEODORE J. VRADELIS
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CINCINNATI 721-8268

CABLE "SMITHLAW"

ANTHONY J. VRADELIS
HOWARD N. THIELE, JR.
RALPH E. HEYMAN
GERALD D. RAPP
JAMES J. GILVARY
LEE M. MODJESKA
JAMES S. OLDHAM
PETER J. DONAHUE
ROBERT J. HADLEY
ARTHUR L. ROSSIO
JON M. SEBALY
JAMES R. MILES
JOHN G. SLAUSON
RICHARD J. CHERNESKY

September 19, 1968

Council
Village of Centerville
100 West Spring Valley Road
Centerville, Ohio 45459

Re: Zoning Application of
Paul E. Lacouture

Gentlemen:

We are not in receipt of the list of suggested modifications to the agreement submitted to your Village Solicitor on August 15, 1968 and discussed by Council on September 12, 1968. We deem this as just another instance of the continuing delay to which my clients have been subjected in this case.

For the record, let us review for you the torturous route this rezoning application has taken:

On August 1, 1967 a rezoning application was filed seeking rezoning of the 40-acre tract to 31.545 acres of industrial on the north and of 8.455 acres on the south.

The Planning Commission recommended refusal of this proposal and suggested buffering between the business and commercial tracts on the west and the residential tract on the east.

The original application was withdrawn and the present one filed in December of 1967.

The Planning Commission recommended approval of this application on January 29, 1968.

Council held a public hearing on April 2, 1968. This hearing could better be described as a public pillaring of the Mayor, the Planning Commission, myself, Hillsmith Corporation, Vulcan Tool Company and Realtor, Robert C. Gray, all of whom were accused by various and sundry "citizens" of Black Oak Estates of being liars, cheats, scoundrels, etc.

Following the public hearing, council took the matter under advisement.

In response to inquiries submitted at the public hearing, we submitted detailed answers to Mayor Hoy on April 22, 1968.

Council
Village of Centerville

September 19, 1968

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A "working session" was called by the Mayor for April 29, 1968 at which meeting I and my clients were once again subjected to public ridicule and abuse from the "citizens" of Black Oak Estates, who made it quite clear that no compromise was acceptable to them. Despite this fact, Council urged us to meet with representatives of the Regional Planning Commission to determine whether an agreement in the nature of covenants to run with the land could be formulated to satisfy the many complaints raised at the public hearings.

Pursuant to Council's urging we spent part of the spring and all summer meeting with and/or trying to meet with Village and Regional Planning Commission representatives.

Three meetings were held with Mr. Burch of the Regional Planning Commission on May 6, 1968, June 14, 1968 and July 2, 1968. Another workshop session was held with Council late in July of 1968 at which time we were referred to the Village Engineer with whom we met on August 8, 1968.

The agreement under consideration was submitted to Fred Young and Mayor Hoy on August 15, 1968 and the meeting of September 12th followed.

It was quite apparent to me and my clients at the conclusion of the September 12, 1968 meeting that an entire summer has been wasted. Questions submitted to us by Council members in September of 1968 were the same as those asked and answered back in April of 1968. The Village Engineer to whom we were referred to work out dedication of land for right of way purposes apparently was not aware of Village requirements or Council's desires along these lines. The Regional Planning Commissioner with whom we were directed to consult apparently had no authority from Council nor was he in touch with Council's desires in the matter. We were once again subjected to the taunts (and so were you) of the "citizens" of Black Oak Estates.

The variety of suggestions and questions emanating from Council at the September 12th meeting as to how the agreement should be changed clearly indicates that there is no consensus of opinion within Council as to how every detail of this project can be carried out in a manner acceptable to everyone. The roar from the Black Oak Estates crowd reaffirms that no amount of detailed "protection" is acceptable to them.

The suggestion that we develop a single family residence tract along the eastern boundary of the tract sought to be rezoned is totally unacceptable to my clients. To require

SMITH & SCHNACKE

Council
Village of Centerville

September 19, 1968

Page -3-

development of this tract which isn't even the subject of a rezoning application as a predicate to rezoning is, of course, ridiculous and illegal.

Gentlemen, your indecision in this matter will not be alleviated by further concessions and agreements by my clients. You must decide whether or not the health, safety and welfare of the entire Centerville community will benefit by the proposed zoning amendment. If your answer is in the affirmative, then you should follow your Planning Commission's recommendation and rezone the tract. Further delay and meetings such as the one held on September 12, 1968 will serve no other purpose than to strengthen our legal position should court action become necessary. In any event, I will not subject myself or my clients to any more diatribe from the "citizens" of Black Oak at workshop sessions.

We respectfully request that you approve the rezoning application without further delay.

Sincerely,

SMITH & SCHNACKE

By: [Signature]
Attorneys for the Applicant

JJG:vc

as soon as possible. A vote concerning this Rezoning Request will be taken at the next Council Meeting.

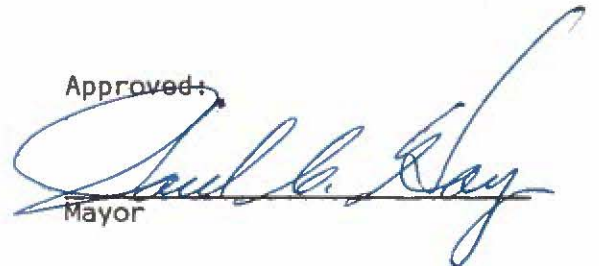
Mr. McIntire advised that the Village Engineer and the Street Committee has submitted several projects for street improvement to Mr. Carl Bauer, County Engineer, in order for Centerville to become recipients of the monies collected by the County through an additional \$5.00 on the purchase of License Plates. Council agreed to pursue this matter with a lot of vigor. Mayor Hoy directed the Clerk of Council to write to the proper people and ask for a progress report on the allocation of these funds.

Mayor Hoy moved to appoint Mr. Stone to the Safety Committee to replace Mr. Wells, who has been removed from this Committee due to his appointment as Chairman of the Planning Board.

Mr. Wells introduced Ordinance Number 15-68: An Ordinance To Amend The Zoning Ordinance of 1961 Of Centerville, Ohio To Reclassify The Uses Permitted In Local And Roadside Business Districts. Mr. Wells moved that Ordinance Number 15-68 be passed as an emergency Ordinance. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

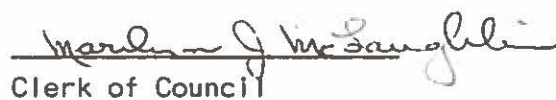
The meeting was then adjourned.

Approved:



Mayor

Attest


Clerk of Council

REGULAR MEETING

The Council of the Municipality of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, October 7, 1968 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, Richard Miller, John Zengel, John McIntire, J.V. Stone, Engineer Frank Williams, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The minutes of the meeting of September 23, 1968 had been distributed prior to this meeting. Mr. McIntire advised that the following should be inserted between the third last and fourth last paragraph: "Mr. McIntire questioned Solicitor Fred Young concerning the General Foods Complex, that of the Steak House and the Sandwich Shop, with reference to the legality of the Village Council's action; he does not feel the developer is on safe ground to proceed since the Preliminary Plan included a street width not included in the Centerville Street Specifications. The general consensus of Council was Solicitor Fred Young should study this matter and come forth with a legal opinion." Mr. McIntire