

The Solicitor advised Council that the Bowsher Case was ordered to be dismissed from the Supreme Court, therefore the case is a dead issue and the Village has lost the case. The Solicitor advised that although the rezoning has been effected by this court case, Council should pass an Ordinance to rezone the land to clear up the record. Mr. Berry advised he was against passage of any Ordinance. The other members of Council were in favor of passage of such an Ordinance. Council advised the Solicitor to prepare an Ordinance for the next meeting.

The request of the Rod and Reel Club to Council that a buffer strip be placed between their residential property and the Industrial Park was discussed. The Solicitor recommended that the Village either waive such a requirement or enforce it.

Mr. Robert Miller of the Industrial Park stated that something will be provided, but not a one hundred foot buffer strip. Council suggested that they be currently advised of all negotiations with the Rod and Reel Club until a satisfactory solution is obtained.

A letter was received from Chief Smith recommending that traffic should move from East to West to a point 265 feet West of South Main Street in the alley off South Main Street. Council agreed that the Solicitor prepare an Ordinance to designate the alley as one-way per Chief Smith's suggestions.

Mr. McClellan stated that he would like to hear some expression from Council concerning the increase in salaries for the Mayor and Clerk-Treasurer to be effective January 1, 1968. He felt that the salaries should be between \$1800.00 and \$2000.00, and that this item be placed on the agenda of a future meeting after Council has had time to consider it. Mr. Lyons and Mr. Davis expressed their agreement in this matter.

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, Monday May 15, 1967 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: John Davis, Richard Miller, Donald Lyons, John McIntire, Solicitor Fred Young, Engineer Frank Williams, and Clerk-Treasurer Ronald

Budzik.

The minutes of the meeting of May 1, 1967 were distributed prior to this meeting. Mr. Davis moved that the minutes of the meeting of May 1, 1967, as previously distributed, be approved. Mr. Miller seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

The Solicitor advised Council that Mr. Miller is attempting to get bids for the landscaping between the Industrial Park and the Rod and Reel Club and that further meetings on this matter were to be held with Mr. Miller and representatives of the Rod and Reel Club later this week.

The Solicitor presented three types of Green River Ordinances to Council for study; two of which have been upheld by the Common Pleas Court; and one which has been upheld by the Ohio Supreme Court.

The Solicitor advised Council that he had heard from a reliable source that the judge has upheld for the plaintiffs in their injunction against Council on the Heritage Mall case. In view of this decision, the Solicitor recommends that the Council set a date for another public hearing and advised, that in order to meet the Ohio statute to the letter of law, that the meets and bounds of the property in question be included in the legal advertising. The Solicitor presented Council with the Ordinance on Rezoning which must be on file in the Clerk's office for a period of thirty days prior to the public hearing.

Mr. Davis moved that a public hearing on the Heritage Mall, i.e., the Davis Tract at State Route 48 and Alexandersville-Bellbrook Road, be set for June 19, 1967 at 7:30 P.M. at the Municipal Building of the Village of Centerville, Ohio. Mr. McIntire seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Harold Wells appeared before Council and advised that the officers for the Charter Writing Commission have been elected and that work will start progressing in future meetings. The officers are: Mr. Wells, Chairman; Mr. Snyder, Vice-Chairman; Mrs. Elliott, Secretary; Mr. McLaughlin, Assistant Secretary.

The change in zoning request on land behind the Bargain Barn was discussed. Mr. Lyons felt that since the Village was paying a planner to plan future Village zoning, his recommendations be followed. Mr. Ventura of Geer Associates made the following recommendations in a letter read by Mayor Hoy:

1. A multiple-family use between the Discount Store property on Route 48 and the single-family area to the east would provide a desirable transition:

- a. If the proposed single-family area along the east side of Clareridge Lane wouldn't have to look into the parking areas and wouldn't be exposed to the traffic that would be generated by the apartments. It would help to have the site plan orient the fronts of the proposed apartment buildings to Clareridge Lane with sufficiently landscaped front yards. The site plan should also strive to place the parking areas and drives along the west side of the parcel in question.
 - b. If the density of the proposed apartment development could be reduced. The proposed 72 units on two-thirds of the 5-1/2 acre site would result in approximately twenty units per acre. I have found that a density in excess of 12 to 14 units per acre could result in a "crowded" development.
 - c. If Clareridge Lane were 80 to 86 feet wide along this site and possibly improved into a boulevard.
2. I would prefer multiple-family development in place of the proposed commercial development on the front one-third of the parcel in question for the following reasons:
 - a. There appears to be ample undeveloped land already zoned for business in the general area.
 - b. Commercial development, where proposed, would result in a single-family area looking into commercial development.
 - c. The proposed 18,400 square feet of office and neighborhood business appears to be excessive for one-third of the 5-1/2 acre site, particularly if the proposed development is to be spacious and in character with the community.
 3. The site plan should propose an additional 30 feet of right-of-way along the north side of Spring Valley Road, for a total of 60 feet from the centerline of the thoroughfare. Spring Valley Road should ultimately have a total of 100 to 120 feet of right-of-way.

Mr. Riordan had not seen this letter previously and at first glance, seemed to feel that some of Mr. Ventura's recommendations were apposed to each other. Mr. Lyons recommended that since Mr. Riordan has not seen Mr. Ventura's letter, he be given time to study the planner's suggestions and maybe modify his request. Mr. McIntire felt that Council should vote on this matter tonight because this request has dragged on long enough.

Mr. McIntire moved that Council accept Senate Builders, Inc. application for a change in zoning from R-2 to B-1; being the land that lies on the North Side of Spring Valley Road starting at a point approximately

600 feet east of the intersection of State Route 48 and Spring Valley Road, thence running generally northwardly along the east line of property of Goldman for approximately 870 feet, thence generally eastwardly for approximately 312 feet, along the south line of Concept Development Company property, thence generally southwardly for approximately 875 feet to Spring Valley Road, thence generally westwardly for approximately 300 feet to the starting point, and, containing 5.497 acres, more or less, that request being described in application Z-1-66.

Mr. Miller seconded the motion. A roll call vote resulted in four no votes against the motion.

Mr. Davis sponsored Ordinance #9-67. An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-zoning _____ Acres More Or Less From R-1 And R-2 Classifications To B-1 Classification.

Mr. Davis moved that Ordinance #9-67 be given the first reading. Mr. McIntire seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mayor Hoy gave Ordinance #9-67 its first reading.

Mr. Davis moved to accept the first reading of Ordinance #9-67. Mr. Miller seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mr. Miller sponsored Ordinance #10-67. An Ordinance To Restrict Traffic To One Direction-West Bound Only-On A Portion Of The Alley Located Parallel To And Immediately South Of Franklin Street And Running West From South Main Street-In The Village Of Centerville, Ohio.

Mr. Miller moved that Ordinance #10-67 be given the first reading. Mr. Lyons seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mayor Hoy gave Ordinance #10-67 its first reading.

Mr. Miller moved to accept the first reading of Ordinance #10-67. Mr. Lyons seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mayor Hoy presented an Ordinance on the parking of trailers and boats to Council. Council agreed to study the matter further.

A special meeting was set for May 22, 1967 to discuss the Asphalt Concrete Resurfacing at State Route 725 and Alexandersville-Bellbrook Road.

Mr. Davis reported of the residents of Village South complaining of the mud problem caused by apartment developers and requested that the compulsory cleaning of the streets be enforced. Mr. Miller suggested that

in the future, cash bonds for street cleaning be obtained from the builders before construction begins. Council agreed with this idea.

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, Monday May 22, 1967 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Berry, K. C. McClellan, John Davis, Richard Miller, John McIntire, Solicitor Fred Young, Engineer Frank Williams, and Clerk-Treasurer Ronald Budzik.

Solicitor Fred Young informed Council of his receipt of a communication from Mr. Wood on another possible injunction against the Village rezoning for Heritage Mall on grounds that the public hearing be held 30 days after publication of the second notice of public hearing as advertised instead of 30 days after the first publication. The Solicitor made the following recommendations: 1. Give the Mayor the authority to change the public hearing if it becomes necessary as a matter of law, 2. Give the Solicitor the authority to appeal the first case on Heritage Mall injunction which the Village had lost. Discussion was held by Council.

Mr. McClellan moved that Council appeal the decision from cases 129646 and 129647. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. McClellan moved that the Mayor be given authority to extend the date of the public hearing of June 19, 1967, if necessary, to insure compliance with the laws of the state of Ohio. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The widening of Franklin Street west of Route 48 was discussed. Mayor Hoy presented a petition signed by 37 citizens who live on Franklin Street which stated that they were in favor of parking on Franklin Street after the road is widened. Further discussion revealed that if the road was widened, parking would be required to be prohibited completely.

Mr. McIntire advised Council that he received information from Mr. Cooke of the State Highway Department that the Franklin Street project would not be funded or let to contract until 1968. The original starting date on