

1. The 100 foot buffer strip would remain.
2. No open air theater, drive in, or curb service restaurants would be permitted in the north tract.
3. That if proper action is taken by the Village to obtain Federal and State participation no funds would be expected form the Village of Centerville for construction or improvement of roads to handle the traffic generated by the development.

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 August 28, 1967 at 10:00 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: John Davis, Donald Lyons, K. C. McClellan, Richard Miller, John McIntire, Solicitor Fred Young, and Clerk-Treasurer Ronald Budzik.

Mr. McClellan raised the question as to whether the Edward J. DeBartolo Company knows if the national major tenants of the Center favor the Centerville or Miami Township location. Mr. Schreiber answered that he didn't know which site they would favor, but that the chances of Council getting the Center built in the Village, were almost none, without rezoning.

Mr. McClellan questioned whether a Community Center would contain all specialty shops or any major tenants. Mr. Schreiber indicated that the Center would have at least one major tenant.

Mr. McIntire questioned whether that in event that approval is granted, would the developer be willing to provide an extended maintenance bond on the road or delay the construction of the final surface of the road until the development is complete. Mr. J. S. Davis stated that he would be willing to cooperate with the Village to effect this agreement.

Mr. Davis sponsored Ordinance Number 15-67, An Ordinance Amending Ordinance No. 15 Dated December 11, 1961, The Zoning Ordinance, By Re-zoning 160.558 Acres More Or Less From R-1 And E-C Classification To B-2 And B-3 Classifications.

Mr. Davis moved that Ordinance 15-67 be given the first reading. Mr. McClellan seconded the motion.

Mr. McIntire thought that the vote was premature in that Council is not necessarily dealing with the original concept which was rendered to the Village and that it could be wise to digest the new material which has been supplied at the Public Hearing. Mr. McIntire stated that he would like to see the matter delayed until new plans could be studied.

Mr. Schreiber answered that a further delay could open the possibility of further injunctions.

Mr. McIntire questioned whether Ordinance 15-67 could stand up in a court case as an emergency ordinance. The solicitor advised that it would.

Mr. Lyons stated that Mr. McIntire's concern is understandable but that since the public wants the development and the Edward J. DeBartolo Company has shown a willingness to cooperate with the Village in any possible manner, only one principle is involved, i. e. the decision as to the best use of the land for the present and future. Mr. Lyons favored immediate Council action.

A roll call vote resulted in five ayes in favor of Mr. Davis' motion. Mayor Hoy gave Ordinance #15-67 its first reading.

Mr. Davis moved to accept the first reading of Ordinance #15-67. Mr. Lyons seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Davis moved that the statutory rules and regulations for reading ordinances on three separate and distinct days be suspended and that Ordinance #15-67 be given its second and third readings by title only. Mr. Miller seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Hoy gave Ordinance #15-67 its second reading by title only.

Mr. Davis moved that the second reading of Ordinance #15-67 by title only be accepted. Mr. McClellan seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Hoy gave Ordinance #15-67 its third reading by title only.

Mr. Davis moved that the third reading of Ordinance #15-67 by title only be accepted and the Ordinance be passed. Mr. Miller seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk-Treasurer