

Village Views

Volume 15, Issue 9

Terrace Park, Ohio

September, 1983

Rival Proposals

Here are the texts of the proposed initiative ordinance and that offered by village council:

Initiative

Authorizing the continued use of a building at 406 Western Avenue for the practice of dentistry by Dr. Paul Pschesang, notwithstanding the limitations on use imposed by the "Residence A" use regulations of the Planning and Zoning Code of the Village of Terrace Park.

WHEREAS Dr. Paul Pschesang has practiced dentistry at 406 Western Avenue for the past twenty-three (23) years; and

WHEREAS the propriety of Dr. Pschesang's practice of dentistry at 406 Western Avenue was repeatedly confirmed over the years by responsible officials of the Village of Terrace Park; and

WHEREAS in a case involving the denial of an expansion proposal, the Planning and Zoning Code has recently been interpreted by the Ohio Supreme Court not to allow the practice of dentistry at 406 Western Avenue; and

WHEREAS it would be grossly unfair to Dr. Pschesang to force him to relocate his practice in light of 23 years of approved usage of 406 Western Avenue for the practice of dentistry; and

WHEREAS Dr. Pschesang's continued practice of dentistry at 406 Western Avenue is in the best interests of the Village of Terrace Park and the general public, would avoid manifest unfairness to Dr. Pschesang and would resolve an ongoing dispute between Dr. Pschesang and the Village of Terrace Park on an appropriate basis and without continued expense to the Village of Terrace Park or Dr. Pschesang, now, therefore,

BE IT ORDAINED by the Council of the Village of Terrace Park, State of Ohio:

Section 1. Notwithstanding the limitations of the permitted use provisions of the "Residence A" District of the Planning and Zoning Code of the Village of Terrace Park, and subject to the conditions and limitations set forth in Section 2 hereof, the building at 406 Western Avenue may continue to be used for

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Council Plan

BE IT ORDAINED by the Council of the Village of Terrace Park, State of Ohio:

Section 1. Notwithstanding the limitations of the permitted use provisions of the "Residence A" district of the planning and zoning code of the Village of Terrace Park, and subject to the conditions and limitations as set forth in Section 2 hereof, the building at 406 Western Avenue may be used by Dr. Paul Pschesang, for the practice of dentistry for so long as Dr. Paul Pschesang practices dentistry at that location.

Section 2. This authorization is conditioned upon the following:

(A) Dr. Paul Pschesang will not expand the size of the dwelling house located at 406 Western Avenue.

(B) No portion of the building at 406 Western Avenue may be used to render services, such as a dental lab, for the benefit of any person not a patient of Dr. Pschesang.

(C) Except in the case of vacation or sickness of Dr. Pschesang, no dentist other than Dr. Pschesang will engage in the practice of dentistry at the building at 406 Western Avenue.

(D) The parking area surrounding the building shall be suitably screened by evergreens to a height of at least 4½ feet on the east, south and west sides of the building at 406 Western Avenue.

(E) In the event of litigation arising out of the adoption of this Ordinance, all legal expenses against the Village will be borne by Dr. Paul Pschesang.

(F) That the said use shall comply in all other respects with other applicable codes, ordinances and regulations except that Dr. Pschesang shall not be required to live in the building at 406 Western Avenue.

(G) That Dr. Paul Pschesang shall cause a copy of this Ordinance to be recorded with the Deed Records of Hamilton County, Ohio, so that any other subsequent purchaser of the property will have notice of this Ordinance.

(H) In the event that Dr. Pschesang ceases the practice of dentistry at 406 Western Avenue, the authorization contained herein shall expire and the building shall revert to a pure residence without the right to practice any profession or business.

Section 3. This Ordinance shall go into effect thirty (30) days after its adoption.

Pschesang Rejects Offer Of Enabling Ordinance

There had been no decision, as *Village Views* went to press, as to whether there would be a vote on an initiated ordinance to allow Dr. Paul Pschesang to continue his Western Avenue dental practice.

The Board of Elections first ruled unanimously to put the issue on the November 8 ballot, but then called for a ruling from the prosecutor's office when a protest developed.

Meantime, Dr. Pschesang rejected a proposal advanced by village council in an ordinance which council members said would allow him to practice in accordance with a 1966 agreement.

He objected to provisions which would deny him the 10-foot addition he has sought to

his Western Avenue building, limit his employment of an assistant, call on him to bear the expense of any litigation arising out of the ordinance, and establish the building as a residence whenever he should leave it.

He sought instead to have the property revert to the "resident physician" status provided for in the current zoning law.

Council's proposed ordinance was outlined by Councilman Bill Konold in a prepared statement opening a sometimes acrimonious two-hour hearing of citizen views at the September council meeting. (Texts of the ordinance and his statement are printed elsewhere in *Village Views*.)

Konold said the proposal

had been submitted to Dr. Pschesang's lawyer on September 8, and has been discussed since. There was no public disclosure, however, at Dr. Pschesang's request, he added.

In the often-heated discussion that followed, Pschesang supporters among the nearly one hundred residents present charged council with pursuing a vendetta against Dr. Pschesang and working to prevent a public vote on the issue. There were hoots of disbelief as Councilmen Les Overway, Bob Payne and Rich Gilchrist insisted they were anxious for Dr. Pschesang to continue in practice here, but questioned the legality of steps to put on the ballot a proposal they felt insufficiently protected village interests.

There was applause when former councilman Bolton Drackett urged council to "back up and give him the 10 feet or whatever" involved in Dr. Pschesang's bid to build an addition to his offices, a step which precipitated the whole controversy.

The acrimony brought from Connie Pannkuk the comment that "we elected these people and we ought to give them a fair shake," noting the constant difficulty in getting any range of candidates for village office.

Konold in his statement contended that the initiative ordinance would not prevent Dr. Pschesang from expanding either the building or his staff. He cited the business card of another dentist practicing in the building, and Dr. Pschesang's acquisition of some nearby properties.

But Dr. Pschesang charged that "you're misleading the public" in suggesting that under the petition "I can do what I please." Any expansion plans, he said, "would have to go to the board of appeals."

Council's ordinance, Konold said, would legalize a 1966 agreement under which Dr. Pschesang was permitted to continue practice on Western Avenue so long as he remained a resident of Terrace Park, even though the zoning code permits practice only by "a resident physician."

A particular point of contention concerned action by the Board of Elections, on a protest by Mrs. William Atchley, 409 Western, in reversing an earlier unanimous decision to put the petition on the ballot, and asking instead for a ruling from the prosecutor's office.

Mrs. Atchley was not pres-

(Continued on P. 2)

Only Three Entered In Race For Council

Les Overway will appear unopposed for mayor of Terrace Park on the ballot at the November election.

He was the only candidate to file for the office with the Board of Elections by the August 25 deadline. Since he is currently a councilman, his election would leave a vacancy on council to be filled by appointment at council's formal organization meeting next January 1.

Three persons met the deadline to have their names

appear on the ballot as candidates for council. They are Bob Payne, who is seeking to retain his seat, and Marijo B. Cundall, 904 Poplar St., and Jack H. Schmidt, 107 Marion Ln.

There have been reports of possible write-in candidates. According to the Board of Elections, any such prospective candidates, to have their votes counted, must file by September 29 petitions bearing the names of 25 qualified supporters.

Police Officer Fired, Suit Is Threatened

Village council, at its September meeting, confirmed the dismissal of Patrolman Gerald Rowe on charges of insubordination. Rowe said earlier he would take the case to court.

The hearing in executive session, following long discussion of the Pschesang dispute, contributed to one of the longest council meetings in years. Opened at 7:30 p.m., the meeting did not end until shortly before 1 a.m.

Rowe has been a member of the Terrace Park police force for almost eight years. He was promoted to lieutenant in May of 1982, but reduced in rank before his probationary period expired. He was dismissed by Mayor Charles Rockel last month after Police Chief Ron Pottorf cited a series of insubor-

minate actions.

The officer said that Councilman Bill Konold, chairman of the safety committee, offered to carry him on the payroll for eight weeks while he sought another post if he would resign. Rowe said, however, he elected to make an appeal to council and file suit if that failed.

He was represented by an attorney provided by the Fraternal Order of Police.

In an otherwise curtailed session, council authorized advertising for bids on garbage disposal and a new police cruiser.

Scout Paper Drive
Saturday, Oct. 1

Agreement Violated, Says Konold Statement

I'd like to update you briefly on where we are on the Pschesang situation. At the conclusion of this statement, I'll hand out copies of this statement and all the documents referred to in the statement.

On Friday, August 5, 1983, your mayor and council once again began negotiations with Paul Pschesang's new lawyer. This was the week before any petition began to be circulated in Terrace Park.

As a result of these negotiations, your council has made Dr. Pschesang an offer that will allow him to practice in his present building while, at the same time, return the residential character to that portion of Terrace Park. These conditions are:

1. There will be no expansion of the present building.
2. Dr. Pschesang will be the only dentist who can use this building.
3. There will be no other businesses, such as a dental lab, allowed to operate from the building.
4. Upon Dr. Pschesang's retirement, the property will revert to residential use.
5. Dr. Pschesang will screen his back yard parking lot with evergreens to provide more privacy and protection for his immediate neighbors.
6. Dr. Pschesang will assume responsibility for any law suits that result from this

agreement.

There are four important considerations to this offer which deserve explanation. These are: 1) The offer is consistent with the 1966 agreement between then Mayor Lindell and Dr. Pschesang; 2) The offer is consistent with the one made by council to Dr. Pschesang last year; 3) The neighbors to Dr. Pschesang's office do object to his expanded business; and 4) This offer provides some protection to the village which the petition does not. I'll expand briefly on each of these points, starting with the agreement made by Dr. Pschesang and Mayor Lindell in 1966.

Under that agreement, Dr. Pschesang was given permission to continue to practice at 406 Western Avenue, even though he no longer lived there. Four conditions were part of this agreement:

1. There would be no expansion of the present structure.
2. The property would be maintained in keeping with the residential nature of the balance of the street.
3. The property would not be used by any dentist not a resident of Terrace Park.
4. Use of the property was contingent upon Dr. Pschesang maintaining his residence in Terrace Park.

Mayor Lindell, with these four conditions, was clearly

protecting the immediate neighbors by preserving the residential character of their neighborhood.

I need to point out that Dr. Pschesang has **tried** to change the first of these conditions agreed to with Mayor Lindell by applying for expansion. That's why he took us to court.

He **has** violated the condition about the property not being used by any dentist not a resident of Terrace Park, since he has employed a second non-resident dentist.

In addition, it would appear that he has also violated the provision requiring that he maintain the office in context with the residential neighborhood, as he has constructed parking lots in both the front and rear of the office for parking approximately 10 cars.

The second point we want to make about our new offer is that it is also consistent with an offer that this council made to Dr. Pschesang in 1982. At that time, we agreed to grant a variance on the property at 406 Western, so long as it was not expanded.

Dr. Pschesang's lawyer replied to our offer as follows: "If the village can see fit to grant the 10 feet, the situation can be resolved. If not, he (Dr. Pschesang) wants to continue with the matter in the Supreme Court."

Again, this position of Dr. Pschesang is counter to the agreement he made in 1966 with Mayor Lindell.

Third, four of Dr. Pschesang's immediate neighbors on Western object to the heavy traffic throughout the day arising from Dr. Pschesang's expanded practice and many of them have objected for years.

I will be giving you a copy of a letter from Mrs. Achtleigh expressing her concerns about the dental practice. Mrs. Achtleigh has lived on Western far longer than Dr. Pschesang.

Finally, many citizens signed a petition to place on the ballot an ordinance supporting Dr. Pschesang. Our offer has major differences that are critically important to maintaining the residential nature of Terrace Park. Let me compare these important differences:

1. The petition is specifically written so that Dr. Pschesang can expand in the future — 10 feet, 20 feet or whatever. Dr. Pschesang has bought up surrounding property on Western and Cornell. We don't know his expansion plans. But he did take us to court over his desire to ex-

pand his office and he has not indicated a willingness to drop his expansion plans.

Our offer specifically prohibits expansion and guarantees that we don't risk having a large dental clinic operating in a residential neighborhood.

2. This petition is specifically written to allow Dr. Pschesang to hire additional dentists. Currently, he has one additional dentist working 56 hours a week. Under the petition, Dr. Pschesang could hire as many additional dentists as he desires.

Our offer limits the dental practice at 406 Western to Dr. Pschesang personally.

3. The petition does not protect the immediate neighbors in any way.

Our offer provides for evergreen screening of the parking area.

In conclusion, we've made Dr. Pschesang an offer which will return a residential character to that section of our community and, at the same time, allow Dr. Pschesang to continue to practice at 406 Western.

This is precisely what Mayor Lindell and Dr. Psche-

sang agreed to in 1966.

We believe the offer is fair to the neighbors and fair to Dr. Pschesang — particularly fair to Dr. Pschesang, since the Ohio State Supreme Court recently found that Dr. Pschesang's practice at 406 Western is illegal and always has been illegal.

We hope Dr. Pschesang will accept this offer.

This specific offer was provided to Dr. Pschesang's lawyer in writing on Thursday, September 8.

On Friday, September 9, three council members met with Dr. Pschesang's lawyer to discuss the offer.

Dr. Pschesang, through his lawyer, has requested that there be no public disclosure of his position while negotiations are underway. We have clearly stated council's offer. Again, we believe that our offer will maintain the residential character of Terrace Park while, at the same time, permitting Dr. Pschesang to continue his practice until he retires.

If you would like to know what Dr. Pschesang's position is, you will have to talk to him.

More On Petitions

(Continued from P. 1)

ent at that hearing, but was represented by David Parker, the village attorney in much of the Pschesang litigation.

William Graf called that "not appropriate" and Mrs. Pschesang cited it as part of council's "well-documented purpose" in seeking to prevent a vote. Konold replied that he had been asked by Mrs. Achley, an old friend, what could be done, and had called Parker to act without fee because of his familiarity with the issue.

Mary Malotke asked if council would, if the initiative was ruled off the ballot in November, delay action until a vote could be taken. There was no direct reply. It was pointed out, however, that such a vote would be delayed until November, 1984, and Councilmen Ken Bassett and others indicated that council expected to push its own ordinance if the initiative was ruled out or failed at the polls. That, it was said, would involve presentation to the Zoning Board and public hearings before council itself could act.

Figures cited by Bob Payne showed that litigation of the dispute has cost the village \$7,019 in legal fees since

November of 1979.

Commenting on contentions that Dr. Pschesang was being singled out, Al Duplace asked if council would seek to eliminate all businesses in village homes. Overway replied that council was considering action against blatant, "obvious to the public" violators of the zoning code.

The council hearing had been preceded by a gathering of Pschesang supporters at the Community Hall the night of August 25 after the Board of Elections initially voted to put the initiative on the ballot. Word spread that Mayor Charles Rockel had called a special council meeting reportedly to consider legal action. More than 50 residents attended, but Rodger Miller was the only councilman to appear, with word that the council meeting had been called off.

The petitions bore 181 signatures, of which 174 were held to be qualified by the Board of Elections. They needed only 103 valid signatures.

In its initial unanimous ruling, the elections board noted that the form of the proposed initiative ordinance had been posted on the Community House bulletin board on August 15, and that a sufficient number of signatures had been secured. It held that the technical requirement that the petitions be posted for 10 days before the August 25 filing date was insufficient to deny voters the right to express their views.

Widespread comments included criticism of Councilmen Les Overway and Bill Konold and Village Solicitor John Getgey for reported efforts to prevent the initiative ordinance from being put on the ballot.

Letters

TO THE EDITOR:

I feel that the compromise offer made by Terrace Park Village Council to Dr. Paul Pschesang is fair, especially in the light of the Ohio Supreme Court's decision. I am sorry that emotions have clouded the obvious legalities of the situation. He filed suit, he lost. Those of you who read real estate law should know that this decision should not have been a total surprise.

The compromise is consistent with the original letter of then mayor Lindell, in which he tried to protect all parties on Western Avenue (and really, in all of the village). The people on Western Avenue are not hard hearted. We do, however, have a right to be protected from the overstepping of that original agreement, especially the addition of a second, non-resident dentist on the premises.

I hope that Dr. Pschesang will accept the compromise offer. If not, and if the issue appears on the ballot in November, I hope you will all consider carefully and vote wisely, not in emotional reaction or counter reaction.

Mrs. Ruth A. Binkley
414 Western Ave.

TO THE EDITOR:

Back in the late '30s my family moved to the lovely village of Terrace Park. The influence of caring, Christian parents and the tranquil way of life here in the Park played an important role in forming my life pattern, and for this I will always be grateful.

Ten years ago, after the death of my beloved Father, I returned to live in the home of my youth. Many of the Park's unique physical features are still here, and an amazing number of her early residents are still in their homes. What bothers me though, is the spirit of the village.

The prolonged school strike divided our people and the scars are still evident. Now some of our own people, Dr. Pschesang and his family, are being subjected to undue stress, and for what? When outsiders question me about our problems that keep hitting the headlines, I am at a loss to give them an intelligent answer. Is there one?

I don't look forward to more headlines that show our village in an unfavorable light. Let's get our act together and start making our decisions based on justice and charity and get our neighborhood back to a peaceful place to live. What is going on is disturbing to our adults and unfair to our children. Let's turn things around before it's too late.

Mary Ann Kipp Flynn
709 Myrtle Avenue

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Initiative

(Continued from P. 1)

the practice of dentistry for so long as Dr. Paul Pschesang practices dentistry at that location.

Section 2. This authorization is conditioned upon the following:

a. That the said use complies in all other respects with other applicable codes and regulations; and

b. that the owner of said location cause a copy of this Ordinance to be recorded with the deed records of Hamilton County, Ohio.

Section 3. In the event that Dr. Pschesang ceases the practice of dentistry at said location, the authorization contained herein shall then expire.

Section 4. This Ordinance shall go into effect thirty (30) days after its adoption.

Water — Don't Take It For Granted

By Mel Aichholz

Water, water everywhere and not a drop to drink. That was the situation in Cincinnati, when the 1937 flood inundated the water works.

Terrace Park suddenly became an oasis with a connection to the Milford water system. Indian Hill was supplied from Milford by pumping into its mains with an old steam fire engine, borrowed from the Loveland Fire Department. It was located at Park Road and Wooster Pike, with Frank Twombly as the engineer-in-charge.

Prior to 1910, the water supply in Terrace Park came from wells and cisterns, but starting in 1909, Council initiated a program designed to bring circulating water to the village. On June 11, 1909, Ordinance 146 brought a 6 inch main from Milford to Terrace Park.

On July 16, 1909 Ordinance 149 provided circulating mains in all streets in the village. It had one omission. The mains ran dead into all of the cul-de-sacs. This required periodic clean out of silt by the fire department, by opening the fire hydrants at the end of the streets.

On August 11, 1909, Ordinance 151 apportioned the cost of the system to be shared 30% by the village and 70% by the property owners.

On August 11, 1909, Ordinance 162 authorized the issuance of \$7,500 in bonds to be issued and sold to pay for the village portion of the project.

On August 15, 1910, Ordinance 163 authorized an assessment of \$13,760 at 4½% interest to be assessed property owners receiving benefit from the water system on a front-foot basis. But the story doesn't end here.

In the mid 20's, Indian Hill began to change from an agricultural community to residential and water became a prime necessity. Water was obtained from Madisonville, by individuals who paid for the mains and extensions. The water was supplied by Cincinnati.

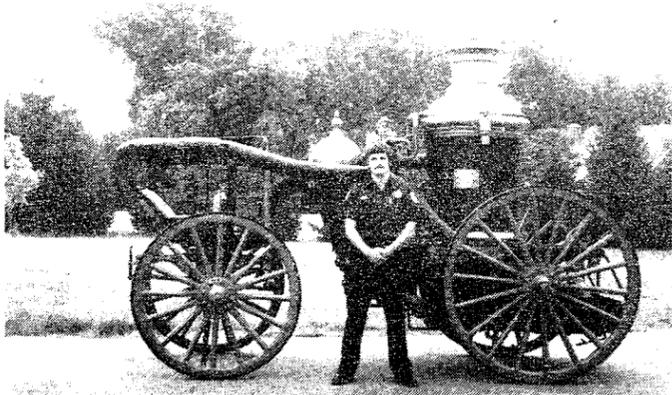
In 1936, a water tank, French Provincial in style, was completed on Miami Road near Brill Road. This was a WPA project and water mains were installed on all roads. Water was supplied by Cincinnati. The system was extended to Terrace Park, but the pressure was so great that it was necessary to use pressure reducers.

In 1941, Indian Hill became an incorporated village and in 1948, decided to build its own water works.

This was brought about by an Ohio Supreme Court decision which upheld the refusal of Cincinnati to furnish water to the new Indian Hill-Acres Subdivision unless Indian Hill agreed to annexation by Cincinnati.

Since Terrace Park received water via the mains on Indian Hill, this decision became a bonanza for Terrace Park. Deep wells were drilled along the river on the road to Camp Dennison.

The new system was dedicated in 1950 and the writer remembers attending the



This old steam pumper, owned by the Loveland Fire Department, saw service in Terrace Park in the record 1937 flood.

ceremonies as Clerk of the Village of Terrace Park.

The quality of drinking water was much improved and residents from other communities brought bottles to Terrace Park for sampling. It was proclaimed as pure as a mountain stream and its qual-

ity may have had some influence on real estate values in the village.

Water can be an exciting subject in sports, but drinking water — it is taken for granted, unless it is as good as "Perrier."

18 Village Trees Fall This Year

Eighteen trees have fallen in Terrace Park thus far in 1983, seven of them within the last month, according to Councilman Rich Gilchrist, chairman of village council's tree committee.

Although council has shifted \$1,425 from other funds into the tree program, Gilchrist said the record of falling trees emphasizes the need for the special five-year 1.6 mill levy to be submitted to the voters at the November elections. The levy would provide about \$35,000 a year for an intensive program of tree removal, corrective pruning, and replanting.

Gilchrist said he was especially concerned because, although nearly 50 obviously-dead trees have been removed, those which have fallen did so because of hidden defects. Of the five trees that fell in a storm on September 11, only one had been targeted for removal.

In the past two years, he said, falling trees have narrowly missed two residents, including one small child, and several homes have been damaged.

Wildlife Art Exhibition Set

An exhibition of the wildlife art works of Dino Costanzo, 736 Wooster Pike, will be held at the Community House on Friday, September 31, and Saturday, October 1. Hours will be 7-10 p.m. on Friday and 1 to 6 p.m. on Saturday.

Some 40 pieces of original art and a variety of limited edition prints will be shown in Dino's most comprehensive individual show to date.

Storm Downs Village Trees

Four street trees went down and others were damaged in the violent rainstorm which hit Terrace Park the afternoon of Sunday, September 11.

The rain dumped 1.6 inches of rain on the community in little over a half-hour, although some other areas recorded only .15 inches.

Volunteer firemen initially responded to what proved to be a false alarm on Oxford Avenue, and then became involved with down trees on Terrace Place, Park, Floral and Elm Avenues.

Garden Club Plans Spring In Winter

Terrace Park Garden Club will meet on October 4 at 12:00 p.m. at the Community House. A workshop concerning forcing tulips and daffodils for winter bloom will be conducted by Ruth Rugh, Bev Smith and Jane Peterson. All materials will be supplied except seven inch bulb pots which will be available at 35 cents per pot.

Artistic special for the day will be a door wreath. Fall Flowers are to be brought as horticultural specimens.

Hostesses for the day are Virginia Alter, Jayne Herrmann and Jean Zumsteg.

Receives Degree

Betsy Martin Harvey (nee Betsy L. Martin) received her master's degree in education at Ohio State University at its summer commencement exercises. She was a 1974 graduate of Mariemont High School and received a B.S. degree from Otterbein College in 1978.

Betsy's parents, Bob and Marian Martin, live at 743 Park Ave.



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Child Safety Begins At Home

By Sgt. Jeff C. Harlan
Terrace Park Police Dept.

Life has really become routine. It seems that just a week or so ago I was writing about the end of school and the dangers of summer play.

Now, here we are in September, the weather is getting cooler, I hope, and we are now faced with a new school year.

It seems that each year at this time the Police Departments and the other public agencies begin to yell and scream a lot about safety for the kiddies going to school. It is this time of the year for the annual emergence of that famous bumper sticker:

"School's Open/Drive Safely."

Well, I think it is high time that someone break with tradition and go a new direction. I think a new slogan should be born: say, "Parents' Safety with the Kids."

When all the dust settles from these School Safety Programs we are left with the

fact that some adult must take the responsibility to teach our children the ways of safety. There has long been a small war over the responsibilities of the parents versus the school versus the church regarding who must lead that teaching effort. This new cry will bridge that gap and simply say that we all are responsible parties.

If Dad gets in the car and 'forgets' to buckle up, then how can we expect his kids to learn that to buckle up is the smart thing to do. If Mom crosses the street without looking then how can we expect Johnny to always look before he leaps.

If the other hundreds of adults our children come into contact with daily fail to act with courtesy and safety, then how can we expect these children to act differently than their trusted mentors?

Each year thousands of

children are injured in what appear to be senseless accidents. These are the accidents that we as parents shiver over because we know that with a little thoughtful learning the child would not have been hurt.

It is not the responsibility of a church or a school or any other institution to teach our youngsters how to be safe. It is the responsibility of each adult to provide all the children of the world with a responsible and safe example on which to base their learning experiences.

We are what our kids will be. Think about that the next time you do or say something that in the back of your head you are saying: "If my child would ever do that I'll spank the little twerp senseless!"

Fence Dispute Goes to Court

Terrace Park's long-standing fence controversy entered another phase after the Zoning Board of Appeals granted Al Duplace, 800 Elm, a zoning variance on a fence between his property and that of George Eveland at 707 Stanton.

Eveland's attorney filed suit in Common Pleas court to overturn the ruling. Meantime, Eveland applied for a permit to build a similar fence between the Community House and Eveland property at 430 Elm "for privacy from 24-hour-a-day activity" at the Community House. He did not, however, contest denial of the permit by Bob Corey,

village building inspector.

Appeals board members Judd Gale, Roger Belanger and William Abernethy held that the Duplace fence does violate the zoning code. They allowed the structure to remain on the ground that it, "with certain conditions, would comply with the spirit of the zoning requirements and would be beneficial to the Village of Terrace Park."

The conditions require Duplace to paint the Eveland side of the fence in a mutually-agreeable color or one matching the color of his house, and to plant, train and maintain an evergreen vine on it.

Abernethy said the board was not as much concerned with the height of the fence as with improving its appearance on the reverse side.

At issue is a six-foot-high section of lattice work atop railroad ties which raise the overall height to six feet, eight inches. Village zoning laws limit side and rear fences to six feet in height. Eveland's permit application specified similar construction.

At the appeals board hearing, attorneys for Duplace argued that the lattice is a screen, rather than a fence, while Eveland's lawyers called it an eyesore depreciating property value.

Lynn Carden Readies Her First Solo Show

Hammers are swinging and mat knives slicing in the old hay loft at 111 Terrace Place as Lynn Carden prepares her work for exhibition in mid-October. The Row House Gallery of Milford is hosting Lynn's first solo show. Recent oil and watercolor paintings along with several charcoal drawings will be exhibited October 15 through October 29. Opening receptions will be held Saturday, October 15 from 7 to 10 p.m. and on Sunday, October 16, from 1 to 5 p.m.

Lynn received her Bachelor of Fine Arts degree from Ohio State University in 1964. Since that time she has studied at various art institutions, entered shows and continued to paint while managing family life, remodeling projects and several moves. Four years ago transformation of the loft above the Carden's 100 year old barn/garage into a working studio gave Lynn the opportunity to really focus on her career.

Currently a number of local art groups share Lynn's attention. She is president-elect of the Cincinnati Art Academy's Alumni Association and mon-

itor of its life drawing sessions, a member of the Artists' Exchange, and was organizer of an artists' retreat this past summer.



New Swim Club Plans Activities

The newly-formed Cincinnati Aquatic Club will begin activities on October 17 at Levinson Pool, Cincinnati Country Day School.

Practice and competition will be offered for boys and girls from age six through high school, under the leadership of head coach David Abineri. The second of two open houses will be held at the pool on October 10 at 7 p.m.

Band To Perform

A newly-formed senior citizens band, the Settle Street Syncopaters, will entertain at the October 10 meeting of Terrace Park Chapter, American Association of Retired Persons. The program will follow a covered dish luncheon at noon in the undercroft of St. Thomas Church.

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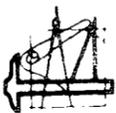
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Pumpkin Fete Again Heralds Halloween

Terrace Park's PTA again will celebrate Halloween with a Pumpkin Festival at the elementary school on Thursday, October 20, from 5 to 7 p.m. Note that the date in the school calendar is incorrect.

The popular event will include the sale of pumpkins, craft items, treats, hot dogs and drinks, and baked goods, and there will be a variety of games in which prizes will be given.

The famed Haunted House will be in a new location, with new thrills and excitement.

For further information, call Connie Wilson, 831-8288, or Nonie Ward, 831-5252,

Village Hall, Fire Station, Protected Now

Terrace Park's Community House and the adjoining fire station are now under the protection of the Warner Amex security system. The service is being provided without cost as part of a community relations program.

Fire detectors are located at various points in the Community House and the firehouse, and connected to the cable firm's central security office. The police station has burglar alarms additionally.

Both Police Chief Ron Pottorf and Fire Chief Pierce Matthews voiced pleasure at installation of the system, especially that for fire protection although Matthews said his annual inspections had disclosed no evident hazards in the old building.

Coed Volleyball Play Scheduled

Adult co-ed volleyball will begin on Thursday, September 29, at the Terrace Park elementary school gymnasium. Play, just for the fun of it, will go on from 7:30 to 9 p.m.

For further information, call Ann Gilchrist, 831-9109, or Diane Shraffenberger, 831-3876.

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