

## Landfill Rules

### Is Landfill Illegal? County Warning Brings Restrictions on Use

Terrace Park Council's Public Works Committee Chairman Gene Desvernine told council March 9 that the Hamilton County Board of Health has notified him the village landfill is being operated illegally.

The landfill, he said he was told, is in violation of solid-waste disposal law.

The committee has posted a sign banning dumping of anything there but leaves, brush and wood chips. Desvernine said the committee will also take a closer look at the village landfill ordinance and may recommend revisions.

Desvernine noted that the village's "leaf machine" is not used in spring and that residents ought not rake leaves to the curb to be picked up.

## Council Tables Whole BBS Co. Zoning Issue; Next Step Left Up To Developers, It Seems

Terrace Park Council decided not to decide anything on the BBS Co. rezoning issue when they met before a gallery of about 100 residents March 9.

The rezoning request of BBS Co., as well as approval of the minutes of the February 17 public hearing on the request, were tabled.

This action was taken despite a state-law deadline for action on the request. Observers see the tabling as a challenge to BBS Co. to take the issue to court -- an option the developer has publicly threatened.

BBS Co. wants rezoning, from "office" to "multi-family residential," of the tract at the southeast corner of Wooster Pike and Elm Road at the western end of the village.

The firm proposes to build about 30 condominium units on that tract and on the smaller tract across Elm Road. The units would be planned for sale in the

\$50,000 - \$75,000 range. Almost all of the residents at the jam-packed February 17 hearing opposed them. (Some mistakenly regarding them as apartments).

The vote to table the matter was unanimous and seemed to be the upshot of a caucus of council prior to the vote.

The developer, E. Jack Brendamour, attended the March 9 meeting with his lawyer, but neither addressed council.

Brendamour had sent a 2200-word letter to council and others in Terrace Park on March 3, stating arguments in favor of his plan and contending that "less than 5% of the village attended the (Feb. 17) hearing in opposition" to his plans.

In his March 3 letter, developer Brendamour questioned the opposition to his plans by Paul Westerfield, a lawyer who lives on Princeton Drive. Brendamour noted that Westerfield

himself had once sued the village and overturned a Planning and Zoning Commission ruling. (Westerfield's response is included in a letter to the editor on Page 2.)

In his letter, Brendamour also said "the village has instituted a plan" to buy the BBS Co. property. Brendamour added he would take \$150,000 for it. Mayor Cadwallader has estimated its value at \$70,000 - \$100,000. The property is appraised at \$19,000 for taxes, according to a source in council.

A citizens' committee has urged the village to consider buying the land. The Village itself has taken no action to buy -- or even consider buying -- the property.

Only days before council voted to table the issue, the Ohio Environmental Protection Agency rejected BBS Co. plans to build a sewage treatment plant on the Kuntz Farm property, outside of the village, that would serve the proposed condominiums. Such plants are not allowed under Terrace Park ordi-

nance.

Brendamour has two options now in court. He could attack village council's inaction on the zoning request within the time set by state law, and he could attack the village's anti-sewage-plant law that keeps him from putting the plant on the Elm-Wooster tract itself.

At Council's March 9 meeting, Peter Minges, co-chairman of the citizens committee probing support of village ownership, handed council the results of a poll taken late in February.

It showed overwhelming support for Council's considering purchase of the BBS Co. land.

Councilman Donald Freis (the only member of the village Planning and Zoning Commission who opposed voted against the BBS Co. rezoning) moved that council not accept what he called "unfounded opinions and assertions" by Brendamour in the letter to council.

But Village Solicitor Robert Leming said this would be improper and Mayor Cadwallader ruled the motion dead without a vote.

## Survey Shows Residents Favor Considering Village Ownership

Amid the information available to Village Council in its deliberations on the BBS Co zoning were results of the village-wide survey conducted by an ad hoc citizens committee after the February 17 hearing.

The questionnaire was in three parts. The first question was whether or nor respondents want council to consider purchase by the village of the BBS Co. property at Wooster and Elm.

This question was answered by 682 village residents; 573 of them said "Yes" and 109 said "No." "No," an affirmative response of 84%.

The next question was whether or not residents wanted council to consider buying the land if it means selling existing village property to raise funds. Of the 646 who responded, 539 (or 83.4%) said "Yes" and 107 said "No."

Finally, when asked whether they favor village ownership of the BBS Co. land if it means a "negligible" property tax increase, 626 persons responded. Of these, 402 (or

64%) said "Yes" and 224 (or 36%) said "No."

Pete Minges, spokesman for the citizens' committee, in disclosing the results of the poll, said the committee checked all the questionnaires with names on them "to be sure there were no duplications."

He said the group feels "reasonably comfortable" the survey results are "a satisfactory cross-section of community feeling" on the BBS Co. property issue.

The committee, Minges added, feels that with completion of the survey and handing of the results to council, it has served the purpose for which it was formed and plans no further efforts.

Minges and citizens committee co-chairman Gus Smith, in their report to Village Council on the survey, said the "response far exceeded our expectations and is a tribute to the thoughtfulness and public-mindedness of a large number of our residents."

In a summary of written comments on the questionnaires, Minges and Smith

noted that the most frequent comment (despite apparent support for the idea of a mild tax increase to buy the BBS Co. land) was that "taxes are too high already." This sentiment was expressed on 45 questionnaires.

Other common sentiments expressed were that the village should pay only a fair market price for the BBS Co property and not "bail out" the owners, and that (among those favoring village purchase) the concept of village ownership ought to be acted on.



More Council News  
On Page 3

Village Council's next meeting is at 7:30 p.m., Tuesday, April 13.

## Fire Engine Green !!

### Fire-engine red out; Electric lime green in

Terrace Park's fire trucks are going to change color.

The new deisel-powered truck now being built -- delivery now is scheduled in early June -- will be a lime green shade instead of the traditional red or red-and-white. The remaining truck to be kept in service will be repainted to match.

Fire Chief Lee Stegemyer said the change is in keeping with new studies which show the lime green color provides greater visibility for fire equipment both day and night.

It's been found, he said, that the old colors were

hazardous on the highway because red showed up as black at night, while white blanked out in snowy conditions.

The chief said the new truck will not be placed officially in full service for several weeks after delivery so that all members of the fire department can become familiar with new driving techniques and new pump controls.

The oldest of the present trucks will ultimately be sold, still leaving the village in compliance with underwriter requirements that the community have two fully-rated trucks in service.

# Editorial

## A Classic Trade-off Issue

The big issues of the year to date in Terrace Park-- property taxes and the BBS Co. zoning -- are a classic case of how elected officials must constantly do their balancing act.

First came the startling tax bills, showing sharp jumps in property valuations and, consequently, in taxes. The public howled and the village officials (stung by the same needle) heard their voices very clearly.

Right on the heels of that came the BBS Co. zoning issue and the suggestion that the village consider buying BBS Co.'s land to settle the whole thing once and for all.

Ahh, but: Buying the land would mean money and money could well mean more taxes. What to do? (That council chose to do absolutely nothing may turn out the wisest nonmove of the decade; but time will have to provide proof of that.)

What it all will boil down to, in the end, is that you do, indeed, get what you're

willing to pay for. The straw-vote survey by a citizens committee showed nearly two-thirds of the 620-odd respondents would consider \$11.90 a year in taxes a fair price to pay for ending the hassle over what's to become of the Elm-Wooster land.

Whether council sees fit, now or in future, even to consider buying the land is a matter only council can decide (Village Views is already on record as favoring it).

But on the subject of getting one's money's worth, let us note the developer's "asking price" of \$150,000. If ever there were an inflated statement of value, that's it.

The same tax-appraisers who decided our property is worth 50% more than it was six years ago, also inspected BBS Co.'s land at Elm and Wooster and set a value on it. What did they decide there?

## US 50 Relocation

Several complex issues in recent months have confronted Terrace Park -- decisions that will determine the success of the fundamental goal of village residents, to preserve the environment and quality of life in our community.

One such proposal which would have adverse consequences on Terrace Park is the plan that has been suggested for relocation of US 50.

The harmful effects of proposed relocated US 50 far outweigh the benefits for the village.

About five years ago the Ohio Department of Transportation (ODOT) proposed to relocate US 50 through the flood plain of the Little Miami River, closely paralleling the river for miles and rechanneling both the Little Miami and the East Fork into Terrace Park. As a result, 800 Terrace Park residents signed a petition opposing the plan; council passed a resolution unanimously, also opposing rechanneling of either river.

Subsequently a public hearing was held and the plan was modified slightly. But it would still rechannel the East Fork toward the village and denude the hillside opposite Terrace Park. Council then passed another resolution opposing the section of relocated US 50 because of environmental damage and because the proposed new expressway along Route 32 (Batavia Pike) would remove traffic from existing Route 50. Later the Department of Transportation rejected the environmental impact statement for relocated US 50 and it also

was severely criticized by the General Accounting Office.

Council has now been asked to endorse the relocation of US 50 without knowing precisely what is to be endorsed. Space limits an adequate discussion here of all the factors involved, but consider the following:

The ODOT has not taken a traffic count on Wooster Pike (present US 50) for two years, during which time the opening of I-71 and I-275 have drastically altered travel patterns. Any hydraulic manipulation of the Little Miami River would seriously aggravate erosion along Miami Avenue, similar to Mound Street in Milford. The journalized plan for relocated US 50 still would rechannel the East Fork.

Air pollution in Terrace Park could reach a serious level as thousands of vehicles that now use I-71 and I-275 would be diverted into the Little Miami valley on the southern edge of Terrace Park, and noise levels would drastically increase because the thousands of cars and trucks diverted from these routes would be traveling at higher rates of speed.

How can any plan for relocating US 50 be evaluated by Terrace Park until the ODOT makes specific proposals documented by:

Accurate traffic counts and projections; hydraulic, soil and other engineering studies; and a competent thorough and objective analysis of all social, economic and environmental factors and alternatives?

Donald E. Franke  
Miami Avenue



### VILLAGE VIEWS STAFF

Editor:  
Graydon De Camp  
Business Manager:  
Betsy Holloway  
Makeup:  
Jane Peterson  
Mailing:  
Bonnie Rawnsley  
Distribution:  
Stan Miller

### Goods Sought Garage Sale

Merchandise is being sought now for the 1976 Labor Day Festival "garage sale corner." All items are welcome except clothes. Donors are asked to call Edna Stites at 831-1944 or Ann Gilchrist at 831-9109.

### Daffodil Walk Plan Needs Your Bulbs

Adelaide and Vera Dietrich of the Wilderness Committee are seeking daffodil and narcissus bulbs for planting along a new "daffodil walk" in the Wilderness Preserve, paralleling the river between Ford Road and the picnic table.

They ask residents to save bulbs they dig out, and call them at 831-2192; they will pick up the bulbs.



### Want Ads

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## LETTERS

TO THE EDITOR:

The proposal now pending before the Terrace Park Village Council to re-zone the "elephant hole" and the triangular parcel lying to the South of it along Wooster Pike for the construction of Condominiums appears to meet with disapproval of a substantial majority of the residents of the Village. There appear to be many sound reasons for this disapproval, a number of which were stated at the public hearing recently held by the Village Council on the application.

At that public hearing, in response to a question from the floor which was then referred to me by the Mayor, I expressed my opinion that the present zoning ordinance probably could be defended relative to the pending application but that should the pending application be approved and should the zoning be changed on the parcel in question then there would be little likelihood of further successful defense of the present zoning ordinance upon an application for the re-zoning of property adjacent to and nearby the subject parcel. This question possibly should properly have been directed to the Village Solicitor, who may very well be of another opinion.

The obvious fact remains that for Council to surrender in the face of possible threatened litigation would be supine behavior. If the mere threat of litigation is sufficient to obtain the acquiescence of Council to any proposal, whether desirable or not, then we really don't need either a zoning ordinance or anybody charged with its enforcement.

A number of citizens, who were present at the Hearing, told me that they have approached members of Council relative to this problem and have mentioned my remarks. Some of those citizens have told me that certain un-named members of the Village Government have expressed the feeling that my position on the point should not be taken seriously

because a year or so ago I "broke the zoning ordinance" in Terrace Park. The logic and the truth of such statements, if they were in fact made, are questionable.

Even were a statement of this kind true, then one might draw the conclusion that I have some understanding of the zoning ordinance in Terrace Park and that in forming an opinion that the zoning ordinance is probably defensible against the present attack I have some basis of understanding for that opinion.

As a matter of simple fact, however, I did not break the zoning ordinance in Terrace Park. Actually, I enforced the zoning ordinance in the face of an effort by the Council and the zoning commission to alter its terms in accordance with their own desires. The Village refused to perform certain functions plainly resting upon it under the zoning ordinance and under the Statutes of Ohio, and I was required to file an action in equity to obtain the compliance of the Village to the zoning ordinance and to the statutes. Upon hearing, the Court of Common Pleas of Hamilton County agreed with my position and ordered compliance with the law. In that case the Village vigorously opposed my application and made the usual Court appearances for that purpose.

There is some inconsistency apparent in refusing to honor the zoning ordinance itself and in requiring a Court Order to enforce that performance, as opposed to fearing to contest and actual external attack upon the zoning ordinance.

Aside from any personal offense I might feel from untrue and unwarranted statements relative to my personal activities, I decry the possibility of an unsupportable failure of our elected and appointed officials vigorously to oppose a proposal which is almost unanimously opposed by our citizens.

PAUL L. WESTERFIELD

TO THE EDITOR:

The Citizens' Committee wishes publicly to express their gratitude to all the residents of Terrace Park who took time to respond to our questionnaire concerning the BBS Co. property. The results were both impressive and gratifying.

Our thanks also go to those residents who served on our committee, and to Judi Minges and Phyllis McAllister who enlisted the members of the committee.

Our special thanks go to those young people of Terrace Park who took time during a beautiful weekend to pick up the questionnaires

(many of whom are the people regularly responsible for delivering Village Views. Those involved were Bob Caswell, Kathy Caswell, Andy Dumford, Tom Nelson, Carol Halley, Doug DeCamp, Doug Cherry, Densie Baker, Chris Lilley, Doug Beerman, Jamie Allison, Robin Smith, Chris Nason, Rob Gundlach, Linda Franke and Jay Johnson.

Last, but certainly not least, we are deeply grateful to the Village Views for providing the vehicle for distribution of the questionnaire.

Gus Smith, Pete Minges  
Co-chairmen

# Terrace Park Students 'Down Under' One Departs, One Returns After Year

Terrace Park has made a trade with the folks "down under;" In January, one local student returned from a year's international scholarship in New Zealand and one departed for a similar year in Tasmania.

## Mariemont Warrior Boosters Kick Off 1976 Fund Drive

The Mariemont Warrior Boosters will begin their annual fund drive Saturday, April 10, it was announced by Dick DeCamp, 1976 campaign chairman.

Many Mariemont, Terrace Park, Fairfax, and Plainville residents are not aware, he said, that Ohio law limits tax funds that can be spent on school athletics. This is the main reason such organizations as the Boosters exist. They help defray the cost of such items as uniforms, insurance, awards, and equipment, which cannot be provided by public funds.

The goal is up again this year (to almost \$10,000), not only due to inflation, but due to the need to support the many new programs in interscholastic competition for girls.

The Boosters are looking forward to continued support of the community. In Mariemont, campaign co-chairmen are Bob Bowman and Karl Davis and in Terrace Park the chairman is Peter Stites. The co-chairmen for Fairfax are Bob Hamlin and



Dick DeCamp

Don Seymour.

The Mariemont Warrior Boosters are proud of their contributions to a successful sports program, particularly the 1974 varsity Class AA football state championship semi-finalists, and the 1975 and 1976 girls' district championship swimming teams.

The returnee is Amy Washburn, daughter of Mr. and Mrs. Lewis Washburn, Wrenwood Lane. She returned home January 20 -- the day Beth Gilchrist, a junior at Mariemont High, left.

Both are in the American Field Service international scholarship program.

Amy Washburn returned from Waimate, New Zealand, a year older, a few pounds happier, and somewhat wiser. She left behind the New Zealand family she'd stayed with, the Kevin Ashleys, while she spent her senior year at Waimate High School.

She also left behind the New Zealand's midsummer weather.

Amy's mother confessed soon after her return: "I think we were the homesick ones."

Amy's luggage bulged with gifts, color slides and photos, and woollens (which she had helped shear, card weave and knit into sweaters and caps.) Sheep, of course, are a vital part of New

Zealand's economy. "I used to flip," Amy said, "when I saw those lambs, sometimes as many as four or five hundred, on a hillside."

In her slide talks to other students at Mariemont High School, where she is now finishing her last year, Amy tells of skiing trips in the central mountains, summer camping and boating in the Lake Country, a visit to a Maori village, and to the French-speaking island of New Caledonia.

As Amy returned, Beth Gilchrist was setting off. She will spend her AFS year abroad with the W.S. Burnie family in Tasmania, Australia's southernmost state, where the season now is autumn.

Her father, Jim, reports she recently sent a tape-recording "letter" home. "It's great to hear her voice on the tape and to meet the new family that way."

Beth is a student at Helyer College, a secondary school in Tasmania, and is studying Australian history and ecological science.



AMY WASHBURN



BETH GILCHRIST

## Other Council Business in March

Councilman Donald Frei advised council that his committee is pursuing its study of the relocation of Route 50. They plan a meeting, to which representatives of Little Miami Inc. will be invited along with interested Mariemont and Terrace Park residents. The Planning and Zoning, Rules and Laws Committee is also continuing its study of an updating of the new flood plain ordinance.

A motion failed for approval on first-reading of an ordinance adopting codification of village ordinances. Councilwoman Pat Henley voiced several objections to laws belatedly included in the codification, stating she believes the matter demands still further study. Council agreed to take another look before their next meeting.

Finance chairman Dick Bowman reported that nothing concrete has developed in the way of village backing for support of the Cincinnati Board of Education's Court challenge of the county property tax reappraisal issue.

Building and Grounds committee chairwoman, Pat Henley advised council that her committee continues review of possible uses (or demolition) of the old stucco "Colony" building on the elementary school grounds, east of the school.

Council passed an ordinance which will permit the state to clean and paint guard rails along Wooster Pike within the village. Cost to the village will be \$749.

Safety committee chairman Dick Griffith reported his committee has explored alternate options to village tie-in with the Hamilton County Communications Center for police and fire dispatching and found none to be viable. "We can either be shot or hung," Griffith said, regarding payment of the \$5000 bill recently received from the County Center. He recommended payment. Griffith also said firehouse remodeling should be finished this month and added: "My best guess now on delivery of the new pumper is May."

The long-standing village dog-and-cat problem was discussed. Mayor Ray Cadwallader said Mayor's Court dockets have reflected an increase in fines against owners whose pets are running unattended.

Chuck Rockel summarized discussion he had had with Walt Kuntz about the

feasibility of the village's purchasing Kuntz's land adjacent to the Swim Club. Rockel said Kuntz said he is interested in exploring this matter, but that he must await commitment from the state regarding state plans for his property. Part of Kuntz's land is likely to be used for part of a new state park.

Mayor Cadwallader referred two proposals to the Parks and Recreation Committee received from Marie Gerwin, chairwoman of the Bicentennial program. One is a plan to sponsor a contest, open to all TP residents, for best design of a symbol for Terrace Park. The second is a proposed sponsorship of a November turkey shoot, perhaps held on the Lindell property. Rockel reported community interest in use of the log cabin for Bicentennial events.

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# Cambodian Oum Family Finds Terrace Park Hospitable

By Betsy Gale

Oum's cousin, Salinet.

The Oums are sponsored by St. Thomas Church through a committee led by Robert Jenkins and aided by generous Terrace Parkers. Their hosts during the winter were Pat and Ken Krnach, Western Avenue. All five Oums enjoyed their first Christmas in the U.S. and

appreciated the concern of total strangers.

Kan was employed by Christian Smith at Industrial Air Corp., Amelia, and now the Oum family lives at 97 Miami Avenue.

Through the efforts of Jane Dalglish, Beth Kaufman, Robert Jenkins and others, the Oums have made

great strides with their English (and with the American idiom). A Sanith is becoming proficient in typing. Sangoun is a capable housekeeper, and Kan is acquiring skills in gardening, house care and repair. All are looking for work.



KAN OUM



SANITH OUM & SON



SALINET



The OUM FAMILY

## Open Letter From Kan Oum

Before you read this, in the name of my refugee family, let me give my best wishes to all the American people, especially all the people in Terrace Park. I hope that they are endowed with success in every circumstance.

We are lucky because we were born in a small country that had plenty of assets; we were unlucky because our country was near a country which was greedy beyond reason.

By strength of weapons, this country imposed its will on ours and we were defeated.

This attested to the fact that "good will can't overcome powerful weapons." That is, if any country in the world has so much strength of weapons, they certainly will be victorious in all their endeavors.

Our country is small and has 7 million people. We did not believe a strength of weapons could be successful against international opinion. Thus we did not prepare for war or make any instruments to destroy people or make them afraid of us.

So what we need is liberty. We don't need another country to colonize us or to impose their political theory on us, because we had our own good theory of government, a good culture, and a comfortable civilization for many, many generations. Our grandfathers and grandmothers maintained a good

tradition for us to learn and follow.

They taught us: "Don't be envious of other people and don't hurt other people." We are of good character; we are decent people.

If that country hadn't come to annoy us, we would have cared very well for our population because we have good ground to plant, an abundance of fish, and we have natural resources and mineral wealth for living self-sufficiently.

The theory that a country takes for itself what it wants is very good for itself but not necessarily good for all other countries in the world.

By KAN OUM

## Village Bulletin Board

GARDEN CLUB - April 6, Installation Luncheon, at Marianne Gay's.

LEAGUE OF WOMEN VOTERS - Thursday, April 15 at 12:30; topic, "Schools," Discussion leader Phyllis McAlister; Hostess, Elinor Winchester.

SCHOOL VACATION - Starting at end of day, April 15.

CHILDSTUDY - April 6, 7:30 at Sharon Haines', 621 Lexington "Montessori as an approach to your child," Kathleen Duval, past president of Montessori Society.

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UNION 76

## Village's Fitzhugh Corr On XU Advisory Board

Top executives from 23 national and local organizations have been named to the first Advisory Board for the College of Business Administration at Xavier University. Xavier University has the largest graduate business administration program in Ohio and ninth largest in the country.

Charter members of the Xavier University College of Business Administration Advisory Board include Fitzhugh L. Corr, 815 Miami Avenue, President of Burgoyne, Inc.



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