

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

Held June 29

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session Tuesday, June 29, 1971 at 8:00 P.M. at the Centerville Municipal Building. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: Victor Green, John McIntire, John Zengel, J. V. Stone, City Manager John Griffin, Acting City Manager James Smith, Darrell Williams in the absence of City Engineer Frank Williams, James Gould in the absence of Municipal Attorney Robert Farquhar, and Director of Finance Ronald Budzik.

The drainage situation of the Davis Property on Loop Road was discussed by Council, Village South residents again have experienced extensive mud damage upon their properties. Mr. Griffin made reference to a letter he received from The J. S. Davis Company in which they advise that most of the filling and grading in preparation for the construction of the building has been completed, thus the application of large stone gravel and otherwise preparing the land for partial black top and parking areas should slow down the movement of water and will greatly improve the erosion conditions currently existing. Mr. Gould advised that, as he interprets the Uniform Building Code, a stop order can be issued provided an Engineer can verify the fact that there is a better way to improve the property than what is currently being done. Mr. Smith advised that he has been in contact with an Engineer and should have an answer in a few days. Mr. Gould further advised that he believes the City has the power to require the developer to provide the drainage system which will handle the water in an adequate way. He suggested a joint meeting be held between the two parties to either come to an agreement on a drainage plan or issue a stop order. Mr. Smith gave a movie presentation revealing the damage recently experienced to properties in Village South. Mr. Gould recommended that an Engineer review the drainage plans and determine whether they will be adequate for control during and after construction has been completed; and if not adequate than a stop order be issued.

Mr. Bernard Schramm, representing the Village South Civic Association, appeared before Council to request that Council collect damages from Mr. Jack Davis to protect them from this nuisance, and that the City move forward with this problem immediately.

Mr. McIntire questioned whether the City can collect for the damages done to the street and street clean up work performed by the City and Township; Mr. Green wondered whether the City can be a party to a Civil Claim by the property owners. The Municipal Attorney will further research these two matters.

Mr. Green moved that an expert consulting drainage engineer be retained to study this problem. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Hoy read a letter received from William E. Kilian, President of the Epiphany Lutheran Church Council in reference to the water shed problem they are experiencing on their property just north of the Davis Property. This property will also be considered in finding a solution to the drainage problem on the Loop Road Property.

The Public Hearing on the Proposed 1972 Budget was held. Mr. Budzik, in the absence of the Clerk of Council, read the notice of Public Hearing. Mr. Griffin reviewed the Proposed Budget. Mr. Green recommended that expenditures in various funds be increased in an attempt to acquire additional money from the County. Mr. Budzik explained the method used in the allocation of funds by the County Budget Commission.

Council agreed that Centerville request a hearing before the Budget Commission and that the City be represented by Council as well as the Director of Finance.

Mr. Griffin made reference to a letter sent to Mr. Beverly Tipton by Mr. John McVay, Treasurer-Controller for Inland Systems, relative to the Performance Bond and Sub-Divider's Agreement for Village South, Section Sixteen. The Developer of this Section was In-Sharp Development Company; the letter suggests that the Performance Bond be extended for a period of one year. Mr. Zengel moved that Council extend the Performance Bond on Village South, Section Sixteen for one year, to June 24, 1972, subject to obtaining a new Bond for the original amount or getting an extension of the present Bond from the General Insurance Company of America. The motion died for want of a

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second. Mayor Hoy requested that Mr. Smith advise the Developer in writing that the present Bond expired on June 24, 1971, therefore the street must be completed.

Following additional discussion concerning the Proposed Budget for 1972, Council concurred that Police expenditures be increased by \$20,000, that \$8,000 should be set aside for a Recreational Program, and the Budget should include \$1,000 for the anticipated Drug Program, changes were also recommended in the allocation of monies for legal and engineering services. Mr. Stone moved that the Proposed 1972 Budget be approved as amended by Council, and submitted to the County Auditor. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Council again discussed their opinion concerning the continuation of Overbrooke Drive at the Corporation Line of Centerville and Kettering. Their position remains the same as it was determined at the Council Meeting of June 21, 1971.

Mr. Budzik explained the necessity of Resolution Number 6-71. Mr. McIntire sponsored Resolution Number 6-71, A Resolution Designating Public Depository And Awarding Monies Pursuant To The Uniform Depository Act Of Ohio, By The City Of Centerville, Ohio, and moved that it be adopted. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Attorney James Gould explained the latest proposal for the Rahn Road Crossing by the Penn-Central Railroad, they now desire to change their contract with the City and perform the work in a different manner; they want the City to buy an easement and raise the tracks thus changing the specifications for the bids. He advised that the bids as received cannot be awarded at this time, further negotiations are necessary between the City and Rail Company. Mr. McIntire moved that Council reject all bids received on the Rahn Road Railroad Crossing. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mayor Hoy suggested that the legal aspects of the proposal be explored; Mr. Green recommended that the County Engineer be notified that a new approach to this improvement by the Rail Company has been made and could impose an additional cost.

The Meeting was then adjourned.

Approved:



Mayor

ATTEST:



Clerk of Council