

Held

July 12,

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, July 12, 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: Russell Sweetman, John Zengel, Victor Green, John McIntire, John Davis, Acting City Manager James Smith, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, Derryl Williams in the absence of City Engineer Frank Williams, and Clerk of Council Marilyn McLaughlin.

The Oath of Office was administered to the following Centerville Youth Board Members by Mr. Farquhar: Thomas Turner, Shirley Whyte, Virginia Ronald, Pat Catchpool, and Leonard Stubbs.

The Minutes of the Meeting of June 17, 1971 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of June 17, 1971 as distributed, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Sweetman abstained.

The Minutes of the Meeting of June 21, 1971 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of June 21, 1971 as distributed, be approved. Mr. Green seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Sweetman abstained.

The Minutes of the Meeting of June 24, 1971 had been distributed prior to this Meeting. Mr. McIntire moved that the Minutes of the Meeting of June 24, 1971 as distributed, be approved. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Sweetman abstained.

Mr. Smith reviewed the present situation of the drainage problem being imposed upon Village South residents by the J.S. Davis Company property. A workable drainage plan has been submitted to the City of Centerville from the Ralph L. Woolpert Company, and on this basis, a stop work order has been issued. This possible solution to the problem has been submitted to the J.S. Davis Company and the stop work order will remain in effect until the plan is complied with.

Councilman J.V. Stone entered the Meeting at this time.

Mr. Farquhar advised that the City of Centerville cannot file suit for damages but that the City can issue an injunction to injoin the Davis Company from creating a nuisance provided the drainage system is stopped up. Mr. Farquhar recommended and Mr. Green moved that Council instruct the City Engineer's Office and the City Manager to determine if there is obstruction in the drainage system, sewers or ditches, caused by silt drainage from the Davis property, and if this is determined that the Municipal Attorney be authorized to file suit. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Bernard Schramm, 310 South Village Drive, advised Council that he has evidence that there has been damage to the drainage system; he showed slides of the silt which was deposited on South Village Drive during the recent rain fall. He brought attention to the Uniform Building Code, Section 1306.014 and asked Council to enforce the penalty which is provided for in violation of this Section. He wondered if there has been needless expenditure of Municipal Funds to clean the streets as a result of this drainage problem. Mr. McIntire also expressed concern with this costly nuisance existing in the Village South Plat, he felt that the City should be able to recover the money already expended as a result of this drainage problem.

Mr. McIntire requested and Mr. Farquhar read the Uniform Building Code, Section 1306.014. Mr. Schramm advised that the different burden imposed is that silt not water is the flow which has been increased considerably. Following further discussion of this Section of the Uniform Building Code, Mr. Stone moved that the Ralph L. Woolpert Company be retained to determine whether there is diversion of water on the Davis property, and if there has been diversion of water, that a suit be filed by the City immediately for the damages imposed. Mr. Sweetman seconded the motion. Mr. Robert Archdeacon, a representative of the Ralph L. Woolpert Company, advised that he does not believe that there has been diversion of water on the Davis property. Mr. McIntire wanted

RECORD OF PROCEEDINGS

Minutes of

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1097

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a cost estimate from the Engineering Company prior to voting on the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. Zengel and Mr. McIntire voted no.

Mr. Marion McCoy, 6431 Colchester Court, endorsed the drainage plan as prepared by the Woolpert Company, but felt that the \$1,000.00 fine as outlined in the Uniform Building Code should be imposed upon the Davis Company for violation of Section 1306.014 of the said Code. He advised that he as well as other Village South residents would be willing to sign affidavits. Mr. Farquhar suggested that Village South residents who have sent notices to the Davis Company as well as the City sign affidavits in violation of this Section of the Building Code. Council concurred with Mr. Farquhar's recommendation; the affidavit in behalf of the City will be signed by the City Manager.

Mr. Archdeacon explained the drainage plan, and advised that the open ditch behind properties on the north side of South Village Drive will have to be cleaned. The City Manager will review this ditch and determine whether and how much the ditch must be cleaned.

Mr. Davis reported for the Planning Commission. He reviewed the Record Plan for Black Oak Estates V, Section One. The Planning Commission recommended approval of this Plan subject to the inclusion of sidewalks on the south side of Ambridge Road and the west side of John Elwood Drive and subject to the Engineer's receipt of a cost estimate. Mr. Davis moved that Council approve the Record Plan and Construction Drawings for Black Oak Estates V, Section One, subject to the receipt of a Performance Bond in the amount of \$97,000.00, Sub-Divider's Agreement, and sidewalks as requested by the Planning Commission. Mr. Stone seconded the motion. An Inspection Fee of \$608.20 as recommended by the City Engineer was received. A roll call vote resulted in seven ayes in favor of the motion.

Mr. Green recommended that the Clerk of Council express Council's appreciation to Mr. Jim Rice as well as the driver, for the transportation provided in the Centerville-Washington Township 175th Anniversary Parade.

The Public Hearing concerning Ordinance Number 48-71, was held. Mr. Davis sponsored Ordinance Number 48-71, An Ordinance Appointing James R. Smith As Acting City Manager Of The City Of Centerville Effective July 1, 1971 For An Indefinite Period, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 52-71, was held. Mr. Budzik reviewed the proposed Ordinance. Mr. McIntire sponsored Ordinance Number 52-71, An Ordinance To Amend Ordinance Number 31-71 To Make Appropriation For Current Expenses and Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ending December 31, 1971, and moved that it be passed. Mr. Zengel seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 50-71, was held. Mr. Farquhar reviewed the proposed Ordinance. Mr. Sweetman sponsored Ordinance Number 50-71, An Ordinance Amending The "Code Of Ordinances, Village Of Centerville" Section 38.4 By Providing That The Shooting Of Firearms, Air Guns, And Bows And Arrows May Be Permitted By Council Within The City, and moved that it be passed. Mr. Green seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

Mayor Hoy read the following Mayor's Report for the month of June, 1971:

Mayor's Court	
Fines and Forfeitures	\$1,011.00
Costs	357.00
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Total	\$1,368.00

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Zoning Permits

- 33 One family residences
- 6 Additions to residences
- 2 Commercial buildings

Mr. McIntire moved that the Mayor's Report as read, be accepted. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mayor Hoy abstained.

Acting City Manager James Smith and Mr. Farquhar reviewed Ordinance Number 53-71. This Ordinance authorizes a contract for Animal Warden services with Eugene Romer until December 31, 1971. The contract is the same as the previous one expiring on July 14, 1971 except for two minor changes, those being in Numbers 7 and 11. Mr. Zengel sponsored Ordinance Number 53-71, An Emergency Ordinance Authorizing And Directing The City Manager To Enter Into A Contract For Animal Warden Services, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

~~Mr. Zengel moved that Ordinance Number 54-71, An Ordinance Authorizing And Directing The City Manager To Enter Into A Contract For Animal Warden Services, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.~~

Mr. Zengel moved that Ordinance Number 54-71, An Ordinance Authorizing And Directing The City Manager To Enter Into A Contract For Animal Warden Services, be set for Public Hearing on August 2, 1971. Mr. Davis seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

As the poll of Council Members was taken, the following comments were made:

Mr. Davis advised that the Planning Commission has employed the MVRPC to assist them with the Public Hearings concerning the Master Plan. He asked Council to consider employing them also as an advisor for 1972.

Mr. Green suggested that an Annual Community Parade and Celebration be held, perhaps on Memorial Day.

Mr. Green complimented area businessmen in their construction of new buildings and renovations in the traditional historic feeling of the community. He proposed that Council initiate some type of recognition for this type of action, as it transpires. Mayor Hoy concurred with Mr. Green's proposal.

Mayor Hoy requested that Municipal Attorney Robert Farquhar draft a Resolution recognizing the services of the 175th General Committee Members.


The Meeting was then adjourned.

Approved:



Mayor

ATTEST:



Clerk of Council