

in the future, cash bonds for street cleaning be obtained from the builders before construction begins. Council agreed with this idea.

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 May 22, 1967 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Berry, K. C. McClellan, John Davis, Richard Miller, John McIntire, Solicitor Fred Young, Engineer Frank Williams, and Clerk-Treasurer Ronald Budzik.

Solicitor Fred Young informed Council of his receipt of a communication from Mr. Wood on another possible injunction against the Village rezoning for Heritage Mall on grounds that the public hearing be held 30 days after publication of the second notice of public hearing as advertised instead of 30 days after the first publication. The Solicitor made the following recommendations: 1. Give the Mayor the authority to change the public hearing if it becomes necessary as a matter of law, 2. Give the Solicitor the authority to appeal the first case on Heritage Mall injunction which the Village had lost. Discussion was held by Council.

Mr. McClellan moved that Council appeal the decision from cases 129646 and 129647. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. McClellan moved that the Mayor be given authority to extend the date of the public hearing of June 19, 1967, if necessary, to insure compliance with the laws of the state of Ohio. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The widening of Franklin Street west of Route 48 was discussed. Mayor Hoy presented a petition signed by 37 citizens who live on Franklin Street which stated that they were in favor of parking on Franklin Street after the road is widened. Further discussion revealed that if the road was widened, parking would be required to be prohibited completely.

Mr. McIntire advised Council that he received information from Mr. Cooke of the State Highway Department that the Franklin Street project would not be funded or let to contract until 1968. The original starting date on

the project had been set for June, 1967 but was extended due to the use of State Funds to supplement Federal Funds on highway project. Mr. McIntire further stated his dissatisfaction with the entire matter and feels that Council should request an explanation from state highway officials, including the governor, as to the reason for delay of this project.

Mr. McIntire questioned whether an Ordinance can be rescinded after its passage. The Solicitor advised that any ordinance can be rescinded.

Mr. McIntire sponsored Ordinance #11-67. Name of Street, Franklin, Route No. 725, Ordinance No. 11-67, May 22, 1967 An Emergency Ordinance Enacted By The Village Of Centerville, Montgomery County, Ohio, In The Matter Of The Hereinafter Described Improvement, Under The Supervision Of The Director Of Highways.

Mr. McIntire moved that Ordinance #11-67 be given the first reading. Mr. McClellan seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Hoy gave Ordinance #11-67 its first reading.

Mr. McIntire moved to accept the first reading of Ordinance #11-67. Mr. Davis seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Berry voted no.

Mr. Berry stated that his no vote reflects the fact that the state gave not the slightest consideration to the Beautification Committee and Historical Society on this project.

Mr. McIntire moved that the statutory rules and regulations for reading ordinances on three separate and distinct days be suspended and that Ordinance #11-67 be given its second and third readings by title only. Mr. McClellan seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mayor Hoy gave Ordinance #11-67 its second reading by title only.

Mr. McIntire moved that the second reading of Ordinance #11-67 by title only be accepted. Mr. McClellan seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Berry voted no.

Mayor Hoy gave Ordinance #11-67 its third reading by title only.

Mr. McIntire moved that the third reading of Ordinance #11-67 by title only be accepted and the Ordinance be passed. Mr. McClellan seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Berry voted no.

Council agreed to write to the state highway department, state representatives, and the governor on this matter.

Council was advised by the Mayor of the state's intention to asphalt



State Route 725 east of Route 48 if Council passes an Ordinance to this effect. Mr. Williams informed Council that he was informed that the state would asphalt to the curb on Alexandersville-Bellbrook Road. Discussion by Council revealed that it was not wise to use money for this purpose in view of the street changes which might be required if the proposed shopping center was constructed.

Mr. Williams presented a rendering to Council of his proposed solution to the street problem at Washington Park if further development became fact. Mr. McIntire advised that the state's present proposal would render this solution useless.

Mr. McIntire moved to reject the Ohio State Highway Department Ordinance to asphalt State Route 725 from Route 48 east to the Village Corporation line on grounds that it does not accommodate potential needs concerning the area north of this road and Washington Park, in relation to overall pending Village considerations at this time. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Mayor advised Council that no representative of the Beerman Shopping Center concern has appeared before the planning board concerning landscaping and light around the proposed center. He advised that no reply was received from a letter sent to Mr. Beerman's attorney on this matter. Council agreed that the Mayor call Mr. Wilke on this problem.

Mr. McIntire reported receiving the following three bids on a payloader for use by the street department.

New Carlisle Tractor and Equipment Company	\$4,494.00
Place-Crete, Inc.	\$5,500.00
The Corry Company	\$7,850.00

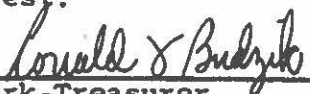
Mr. McIntire moved that Council accept the bid by the New Carlisle Tractor and Equipment Company to purchase the Michigan 75 payloader for \$4,494.00. Mr. Miller seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The meeting was then adjourned.

Approved:

  
Mayor

Attest:

  
Clerk-Treasurer