

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 5101

Held

RECORD OF PROCEEDINGS

PUBLIC HEARING

August 27, 2019

The Public Hearing was called to order @ 7:00 PM by Mayor James Waller.

All Council Members present.

Guests: Farrah Dray, William Dray, Michelle Weikart, Cathy Nigro, Connie Dinger & Dennis Dinger.

Discussion of an alley vacate that borders 504 S. Grant St., 401 & 403 Valley St. This is the opportunity to express opinions of approval or disapproval. Property owners will be responsible for the surveying.

Mr. Dinger asked since Maxine owns both sides of the alley would she have to have a survey. Atty. Battista stated what is going to happen if the vacation is approved then they will pay for the surveying. What the surveyor will probably do is he is going to take half for Weikart half for Dray and both for Nigro. Ms. Nigro has a shed on the property. Councilman Tarbet asked since there is two different lot numbers they still will have to split it? Atty. Battista stated I think the surveyor may still split it, but she will still own both.

Mayor Waller asked if there was objection. No.

Mrs. Dray asked for a copy of the paperwork. The owners will choose the surveyor.

Mayor Waller stated it will be placed on the agenda and council will act upon it. Mrs. Dray asked how long will this take. Atty. Battista stated it would be a three read ordinance. Mrs. Dray stated we have waited 8 months. Atty. Battista stated our process we have is a 3 read ordinance and becomes effective 30 days after the third read. Technically effective in early to mid-November then the survey then the plat map is recorded with the recorder. Atty. Battista stated if council approves you could get the survey. I need to put a fence up and I can't do that until this is approved and the survey is done! That is right stated Atty. Battista and you definitely want the survey completed so you know the pins are. Mrs. Dray stated we have to wait while you talk about it 3 times! Atty. Battista stated that is our process. If it is not an emergency to us we should do a three read. Three reads plus thirty days. Atty. Battista stated we could waive the readings on a non-emergency basis which means if we did it on that basis if we read it in September for the first reading and waived the second & third readings on a non-emergency basis it could pass on the first meeting in September and be in effect thirty days from then. That would bump up a month. Mayor stated let do it that way. Mrs. Dray asked do we have to wait the thirty days to schedule the survey. Atty. Battista stated I have to be cautious as an attorney technically the answer I have to give you is I would wait until it is effective and the survey is done and recorded with Carroll County. The practical answer is you can go ahead and get your survey done. But legally I have to tell you to wait until the end and you don't have to listen to me.

Motion to adjourn was made by Councilman Boldizar seconded by Councilwoman Stoller. All voted yea.

Attest:

Brenda Albaugh Clerk of Council

James B. Waller Mayor