

ORDINANCE NO. 17-3572

**SUPPLEMENTAL APPROPRIATION ORDINANCE NUMBER 4, AMENDING ORDINANCES  
16-3531, 17-3542, 17-3547, AND 17-3560 AND REVISING APPROPRIATIONS FOR THE  
EXPENSES OF THE VILLAGE OF SILVERTON, OHIO FOR THE FISCAL YEAR 2017**

**WHEREAS:** Section 5705.38 of the Ohio Revised Code requires all municipalities to pass an annual appropriations Ordinance at the beginning of each fiscal year; and

**WHEREAS:** Article V, Section 2 (C) and Article X, Section 4, of the Silverton Village Charter require the Village to pass an Annual Appropriation Ordinance containing a financial plan for conducting the affairs of the municipality for the ensuing year; and

**WHEREAS:** a dispute has arisen between the Village of Silverton and Cincinnati Bell over Cincinnati Bell's responsibility to relocate its utilities in the public right-of-way for public improvements to be made at Montgomery Road, Stewart Road, and Euclid Road; and

**WHEREAS:** the Village of Silverton and Cincinnati Bell have agreed to seek a declaratory judgment from a court of competent jurisdiction, and in order to ensure that the dispute between the parties does not further delay the public improvement at the intersections of Montgomery and Stewart and Montgomery and Euclid, the parties have agreed that Cincinnati Bell shall proceed with the relocation of its utilities at its cost and Silverton will escrow funds to repay Cincinnati Bell should a court side with Cincinnati Bell in the declaratory judgment action; and

**WHEREAS:** the Village of Silverton finds the arguments of Cincinnati Bell stating that Silverton should pay for the relocation of Cincinnati Bell's infrastructure to be doubtful and dubious, but nevertheless feels the public is well-served by making necessary safety and traffic control improvements as quickly as possible and thus is willing to escrow the \$239,974 with a court in the unlikely event that a court sides with Cincinnati Bell; and

**WHEREAS:** the Council of the Village of Silverton, Ohio deems it necessary to amend the 2017 appropriation ordinances 16-3531 to provide for the proper operation of the Village of Silverton, Ohio.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SILVERTON, OHIO, THAT:**

**SECTION I.** In accordance with general law, the Charter, and the Ordinances of the Village of Silverton, Ohio, the amended appropriations to increase the General Fund's authorized appropriation from unencumbered fund balance by an additional \$239,974 is hereby made for the fiscal year 2017, beginning January 1, 2017 and ending December 31, 2017 to provide funding for an escrow regarding the dispute with Cincinnati Bell.

**SECTION II.** The Village Manager is hereby authorized to incur obligations against the appropriations and to make and approve expenditures therefrom in accordance with the Charter and Ordinances of the Village of Silverton, Ohio.

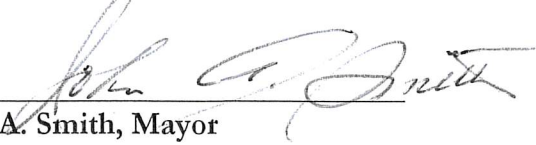
**SECTION IV.** The Village Manager shall perform all duties required by the Charter and Ordinances of the Village of Silverton, Ohio, relative to expenditures from the funds appropriated herein.

**SECTION V.** The Village Manager is hereby directed to forward a certified copy of this Ordinance to the Auditor of Hamilton County, Ohio.


**SECTION VI.**

This Ordinance may be passed upon a single reading and shall become effective immediately upon its adoption as provided under Article X, Section 4 of the Village Charter.

*PASSED this 19<sup>th</sup> day of October, 2017.*

  
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John A. Smith, Mayor

**ATTEST:**


  
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Thomas M. Carroll, Village Manager

*Approved as to form:*

  
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Bryan Pacheco, Village Solicitor

**CERTIFICATION:**

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 17-3572 has been duly made by posting true copies in three (3) of the most public places in said municipality, as determined by Council as follows: 1) Silverton Municipal Building; 2) Parkview Ave at the Train Depot; 3) Silverton's Official Website. Said posting was for a period of fifteen days commencing Oct 20, 2017.

  
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Meredith L. George  
Clerk of Council of Silverton, Ohio