

## **MINUTES OF CITY COUNCIL MEETING, CHEVIOT, OHIO**

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April 7, 2009

The regular session of Council was called to order at 7:33 P.M. with the Pledge of Allegiance and a moment of silence. Roll call was taken and the following were found in attendance:

Mayor	Samuel D. Keller
President of Council	Deborah M. McKinney
Safety Service Director	Steven O. Neal
Law Director	Mark Waters
Council 1 <sup>st</sup> Ward	Ryan A. Zech
Council 2 <sup>nd</sup> Ward	Matthew D. McGowan
Council 3 <sup>rd</sup> Ward	James F. Sunderhaus
Council 4 <sup>th</sup> Ward	Greg J. Stautberg
Council at Large	Kathleen S. Zech
Council at Large	Dennis T. Dinkelacker
Council at Large	Steve L. Braun

President McKinney announced a few amendments to the agenda. A presentation by Chief Voss and Honor Flight were added. Due to wage negotiations, the reports of Mayor Keller, the Law Director and Councilman McGowan will be out of order. President McKinney stated there are two pieces of legislation to add to the agenda, a resolution regarding the tax levy and an ordinance regarding the sale of Glenmore.

President McKinney introduced Chief Voss to make his presentation.

Chief Voss first spoke about a new community program, Crime Alert. The program is designed to help keep citizens informed about what is going on in their neighborhood. Chief Voss has informed the Western Hills Press about the program, so that they may report on it. The program is emailed based and can alert citizens of crimes. The program also allows incoming emails so that citizens may report anything they feel the police should be aware. An explanation of the program was given to Clerk McKinney to distribute to members of Council. Email address will be kept confidential.

Chief Voss also discussed a citizens' police academy that was held in years past. Since interest dwindled in the program and funding was not as available, the program has since ended. Chief Voss spoke about the Concealed Carry Classes held by the Chief. The classes provide the proper training to obtain an Ohio Concealed Carry License. A 12 hour program was held the previous week in Cheviot, and the Law Director instructed students on the legal aspects.

Chief Voss informed Council that the City was responsible for unemployment. He stated that if someone works for the City and laid off by their main employer, the City is responsible for picking up part of the tab. The Chief stated that the Law Director is aware of it and Council needs to be as well. Chief Voss commented that is money that is not budgeted for each year. Law Director Waters stated that the unemployment operates as a shared pool. Chief Voss stated that K9 Officer Charlie is completely trained, certified and on the road.

Chief Voss introduced a new part-time police officer for Mayor Keller to swear in. Alicia Kammer is 23 years old. She graduated from the police academy in December of last year. She has completed all of the required background checks. The Mayor swore officer Kammer in as a part-time police officer for the City of Cheviot.

Bill Ahrens, Director of Honor Flight Tristate, presented Council and The Mayor with a certificate of appreciation. Honor Flight sent 40 WWII Veterans to our Nation's Capital to see their memorial on October 29, 2008. Mr. Ahrens is also a representative of the Cheviot Chapter of the military order of the Purple Heart. Mr. Ahrens presented an American Flag to be flown over the Kessen Building at the Corner of Harrison and Glenmore. Mayor Keller stated that he spoke to the owner of that building and has permission to fly the flag from their pole as long as the building department inspects the pole to make sure it is in proper working order. If so, the flag will be posted. If not, it will be flown at City Hall. Mayor Keller thanked Mr. Ahrens on behalf of the City of Cheviot.

### **Mayor's Report**

Mayor reminded Council of the ongoing contract negotiations with the Police, Fire and Maintenance unions. They have met prior to Council and will continue so once dismissed from Council. Ms. Zech will be excused from further negotiations for the evening due to illness.

Mayor Keller has a list of a few other items to inform Council of but inadvertently left the list on his desk in his office. Mayor Keller informed Council he will respond with an email later in the evening if the items warrant immediate notification.

Mr. Stautberg informed The Mayor he has a list for the Mayor as well.

### **Law Director's Report**

Mr. Waters reminded Council about the previous meeting where a discussion about Black Sheep and the surrounding neighborhood took place. Clerk McKinney provided the Law Director with the notice from the Liquor Board concerning renewal of licenses and the procedures for objecting to the renewal. Mr. Waters informed Council that the deadline for filing an objection is May 4, 2009 so there is only one council meeting before the deadline. If it is Council's wish to object to the renewal, a resolution needs to be passed on the April 21, 2009 meeting. Mr. Waters will prepare the objection in advance in case Council would like to pursue the matter. President McKinney asked Mr. Waters if Council has ever done such a resolution. Mr. Waters informed President McKinney that Council previously objected to the renewal of Stewart's Irish Pub. The license was transferred to Lucky's before the courts took any action on the matter.

After discussion with Council, President McKinney placed the matter in the Internal Affairs Committee chaired by Mr. Zech. Ms. Zech stated that Mr. Zech has already been working with the residents. President McKinney stated it might be best to be placed with Mr. Zech's committee since he has been working on the situation.

A resident of the area, Michael Gobel, spoke about the incidents in the area around Black Sheep. He has been a resident for six years. He stated that every Friday and Saturday night between the hours of 10:00 pm to 2:30am there are cars blocking driveways, people urinating in yards and on cars, and other unruly activities. Residents are afraid and something worse is going to happen.

### **Reports of Standing Committees**

Mr. McGowan read a report of the Streets, Sidewalks and Lights Committee of March 24, 2009 into the record. Mr. McGowan made a motion to receive and file, seconded by Mr. Sunderhaus. The report was received and filed with a 7-0 voice vote.

President McKinney excused the Law Director and Mr. McGowan for contract negotiations.

The minutes of March 17, 2009 were approved, by a 6-0 voice vote (First by Ms. Zech, seconded by Mr. Dinkelacker).

### **Public Recognition on Agenda Items**

No members of the Public were recognized to address any of the agenda items.

### **Introduction of Ordinances and Resolutions**

Mr. Braun made a motion to introduce by Title an ordinance *To Authorize the Mayor to Contract with a Realtor for the Sale of the Property at 3936 Glenmore Avenue; to Set Certain Conditions for the Sale of the Property; and to Declare an Emergency.* Mr. Braun explained that the City has been purchasing houses from HUD, rehabbing them and selling them back to the public. This is the third house the city will be selling. The City will be contracting with Dan Grote of Hoeting Realtors to sell the property. The property will be listed at \$87,500. An introduction was made by Mr. Braun and seconded by Mr. Sunderhaus. The motion passed with a 6-0 voice vote. The ordinance was assigned ordinance number 09-05. A motion to suspend the rules was made by Mr. Dinkelacker and seconded by Mr. Sunderhaus. A roll call vote was taken and the motion passed 6-0. Mr. Stautberg questioned why the ordinance was not scheduled to be in effect for six months instead of 90 days considering the last ordinance had to be extended. Mr. Braun did ask Mr. Waters about that issue but Mr. Braun assumed Mr. Waters chose in the best interest of the city to keep it at 90 days. Mr. Braun stated that close attention will be paid to this issue so that the ordinance does not expire before the house is sold. Another ordinance can be passed if need be. A motion to adopt was made by Mr. Zech and seconded by Mr. Sunderhaus. A roll call vote was taken and the ordinance was adopted with a 6-0 vote.

Mr. Stautberg introduced a resolution *To Request that the Hamilton County Auditor Certify to the City of Cheviot the Tax Levy Calculations Enumerated in Section 5705.03(B) of the Ohio Revised Code, and to Declare an Emergency.* Mr. Stautberg stated that the City is looking to put a levy on the August ballot for 5.6125 mils. The garbage fee will be expiring at the end of the year and a levy will ensure we have enough funds for the city to

operate. A motion to adopt was made by Mr. Stautberg and seconded by Mr. Dinkelacker. The motion passed with a 6-0 voice vote. The resolution was assigned resolution number 09-03. Resolution 09-03 was adopted.

### **Safety-Service Director's Report**

Mr. Neal spoke about the Neighborhood Stabilization Program. Cheviot has been allotted \$300,000 from the program. Mr. Neal informed Council that after meeting with county officials, he is not pleased the regulations placed on use of the money. The City can use the money to purchase properties, for demolition, and to rehab properties. The City may also use the money to build new houses and must use some of it for homebuyer down payment assistance and counseling. Mr. Neal sees a problem with how houses can be sold after use of the money. He pointed out an example of a house purchased for \$30,000 and \$30,000 spent to rehab it, can only be sold for \$60,000. The County suggests spending more money to rehab the house. This issue could bring down property values of neighboring homes. The county will not front the money for the projects. A loan from a bank must be obtained first. Mr. Neal pointed out that the federal money will be used to pay the interest on the loan. The program is designed to help low to moderate income families (i.e. a family of four can earn up to \$83,050 to qualify. The earnings stipulation should not be an issue. Banks must sell the property at 5% below appraisal. Buyers must take a second mortgage with the county and will be forgiven if they live in the house for 5 years. All the money must be committed by September 1, 2010 and money is available now. Mr. Neal has spoken with Mr. Braun concerning the rules of using the money but has yet to hear anything from the Law Director. Mr. Neal asked council what they would like to do. Mr. Sunderhaus commented that the way the City is operating the HUD program now is better. Mr. Sunderhaus commented on the amount of red tape. Mr. Neal also questioned if the City could use its own men. The county did not have an answer. Mr. Neal said money is available. Mr. Braun stated he gave the memo to the Law Director to look over and is awaiting his response. Mr. Braun stated he expected an answer after wage negotiations are finished. Mr. Neal stated he hated to pass up the money. Mr. Neal stated that bids for the traffic signals open on April 20, 2009. Mr. Neal would like for this to progress quickly so that the road may be fixed because it is getting so bad. Mr. Neal commented that the money can used to demolish the house on Darwin and rebuild a new one. Mr. Stautberg stated that worst case scenario would be to buy some run down property and demolish it. Mr. Neal stated that the money could not be used to buy commercial property but can be used to demolish it. Mr. Dinkelacker asked Mr. Neal to confirm the date the money had to be committed by again.

Mr. Neal will immediately fax to Mr. Waters the information to award the bid for the traffic signals so that he may prepare an ordinance to be passed on April 21, 2009.

Mr. Neal stated that the swimming pool repairs need to be done at prevailing wage, due to the use of federal money, which has increased the amount needed from \$19,000 to \$24,000. Mr. Neal stated that the increase is still within the range planned for the project.

Mr. Neal informed Council he was approached by the Mayor concerning the Streetscape Project and if the City could receive stimulus money for it. Mr. Neal informed CDS to check on the situation and contact Meisner who has contracted with the CWCA. Meisner has sent the city a bill and the City is not under contract with them. Meisner did attend a meeting but the bill is for \$2,715 for services, almost 30 hours of work. If Council doesn't have a problem, Mr. Neal will pay the bill. Mr. Neal again reminded Council that he is not under contract with Meisner but did instruct CDS to contact them. Mr. Zech informed Council this bill has nothing to do with the CWCA. The bill is for the time to write up the request for the federal stimulus money for the Streetscape. There was much discussion between CDS and Meisner according to Mr. Neal. Mr. Neal expected only billing from CDS. Mr. Zech questioned whether CDS should be responsible as a subcontracting situation. Mr. Dinkelacker requested to review the bill.

Mr. Neal stated that in 2005 a request was made to the Green Township Trustees for \$8,000 worth of equipment for the cable access. The City was granted the equipment. Mr. Neal received a phone call from Green Township requesting the equipment be returned since Cheviot is no longer doing cable access. Mr. Neal is not aware of what equipment is available.

Mr. Neal noticed the City of Maderia is out for salt bids for the next winter season. Mr. Neal would like to find the results of those bids and if they are low, he would like to take advantage of it.

Mr. Neal commented on the 3 shelter roofs damaged by the hurricane. The insurance company paid for the roofs to be fixed. The Lodge and Barn roof were damaged further in February and the insurance is paying to replace the roofs on both buildings. The City has received over \$37,000 to replace the roofs. Mr. Neal stated that the claims will not count against the city because of the type of events that occurred, and the policy the City has is under a 3 year price. Currently, the insurance company is reviewing the city's other liability policies which Mr. Neal expected to go up with the addition of the police dog and another cruiser.

**Public Recognition on Other Issues**

No one from the public addressed Council.

**Other Business**

Mr. Stautberg cancelled a previous Finance meeting scheduled for next week and called a meeting of the Finance Committee for Tuesday April 28, 2009 at 7:00pm. The meeting will be to discuss a potential tax levy.

Mr. Zech stated he will need to call a meeting of the Internal Affairs Committee concerning Black Sheep but needs to confer with the committee on a possible date.

Ms. Zech informed Council she had lunch with Caroline Statkus. Caroline gave Ms. Zech some pointers which she passed on to Mr. Neal. Ms. Zech had a meeting with CWCA and updated Council on the Cemetery project. The Eagle Scouts in conjunction with CWCA are installing the back fence on April 18, 2009, along with planting \$1,400 worth of plants, and laying 41 yards of mulch.

**Mayor's Court and Treasurer's Receipts**

Treasurer's report for February 2009 was received and filed (Motion by Mr. Sunderhaus, seconded by Mr. Zech, 6-0 voice vote)

Mayor's Court Receipts were received and filed. (Motion by Mr. Zech, seconded by Ms. Zech, 6-0 voice vote)

**Correspondence**

- Ohio Ethics Commission reminder to submit financial disclosures for elected officials
- Reports there were no new business permits issued for February or March by the Fire Department
- 2 Property Maintenance reports from the Building Department
- Memo about Crime Alert Program from Chief Voss

President McKinney announced that the Council Meeting scheduled for May 5, 2009 will be held at Harvest Home Lodge so that Officer Patton may demonstrate K9 Officer Charlie's skills. President McKinney reminded Council and the public that the April 21, 2009 meeting will be held at City Hall.

Mr. Stautberg stated that he needed to be excused from the May 5, 2009 for personal reasons.

There was a motion to adjourn the meeting by Ms. Zech with a second from Mr. Zech. The motion passed 6-0 by voice vote. The meeting adjourned at 8:17 P.M.

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Rachel A. McKinney  
Clerk of Council

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Deborah M. McKinney  
President of Council