

MINUTES OF CITY COUNCIL MEETING, CHEVIOT, OHIO

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April 18, 2006

The regular session of Council was called to order at 7:56 P.M. following a Public Hearing on the Marydell Avenue access issue. The Pledge of Allegiance and a moment of prayer were held. Roll call was taken and the following were found in attendance:

Mayor	Samuel D. Keller
President of Council	Michael J. Mestemaker
Law Director	Mark G. Waters
Safety Service Director	Steven O. Neal
Council 1 st Ward	Ryan T. Zech
Council 2 nd Ward	Dennis T. Dinkelacker
Council 3 rd Ward	James F. Sunderhaus
Council 4 th Ward	Greg J. Stautberg
Council at Large	Kathleen S. Zech
Council at Large	Charles L. Norman
Council at Large	Steven L. Braun

President Mestemaker announced he would delineate from normal procedure for a moment to allow the Mayor to recognize a few Cheviot Police Officers for their work with the Law Enforcement Explorer Program. Officer Jeff Patton and two Police Explorers were recognized by Mayor Keller for their efforts to raise funds for new uniforms. The Explorers thanked Chief Voss, Mayor Keller, the Cheviot Recreation Commission, the Cheviot-Westwood Kiwanis Club, and all who have donated to the Explorers Program. The Mayor thanked the Police Explorers on behalf of the City for the work they do assisting the Cheviot Police Department with events such as the Westside Streetfest, the Harvest Home Fair and other Crime Prevention events.

The minutes of April 4th, 2006 were approved. President Mestemaker called for the reports that would be presented.

Recognition of the Public

Matt Murphy of Murphy Insurance addressed Council to say that he felt that the bid from Mariemont Insurance to provide General Liability, Property, and Automobile Insurance for the City failed to address certain issues of Emergency Liability Insurance. Mr. Neal informed Council that Murphy Insurance did not get a bid in on time and then provided Mr. Neal a quote higher than the one provided by Mariemont Insurance. He also said that he sought input from the Law Director before requesting Council accept any bids because Mariemont Insurance did not meet the bid specifications calling for all bidding insurance providers to have an "A+" rating. Mr. Neal said the Law Director indicated to him that it would be up to Council to decide on the matter. The Law Director confirmed that, in his opinion, Council could deviate from the bid specifications if it chose to. Mr. Murphy told Council that his company would provide a better overall policy. Mr. Neal replied that he felt the representative from Mariemont Insurance should be allowed to answer the questions Mr. Murphy raised about their policy. There was much discussion.

The Law Director reminded Council that the City's current insurance policy expires on April 24th, 2006. President Mestemaker expressed frustration that Council didn't previously know there was an issue, and that this hasn't already been resolved. Mr. Neal informed President Mestemaker that all bids were completed in early April, but due to legal questions surrounding the bidding process, he had to refer the issue to the Law Director, and that this was the first Council meeting since then. There was much discussion. The Mayor recommended that Council allow Mr. Neal and Mr. Waters to work through this issue with each company's representative this evening, due to the time-sensitive nature of this issue. The Law Director recommended that each representative be allowed to address Council this evening to see if the issue could be resolved by them first, since legally it was Council's decision to make. Mr. Norman asked if this issue could be addressed in Executive Session. Mr. Waters indicated that it would not be appropriate in this case. Mrs. Zech said that historically, Council follows the recommendation of the Safety-Service Director on most issues, but that for Council's benefit, she would like to hear from all parties on this issue. Mr. Zech asked if this issue could be tabled until the end of this meeting. There was much discussion. President Mestemaker gave each representative five minutes to address Council.

Mr. Murphy and Donnie Davis of Mariemont Insurance each addressed Council on behalf of their companies. There was much discussion. Mrs. Zech made a motion for a brief recess for Council to review the matter further with a second from Mr. Norman. Mr. Neal recommended that if Council decides to take the lower bid, they only accept the proposal for one year. The motion passed 7-0 by voice vote. The Mayor recommended that if Council did not feel comfortable making a decision tonight, they call a special session in the next few days to decide on the matter then.

James Morganroth, a citizen of Cheviot, asked Mr. Murphy if his company would be willing to match the bid of Mariemont Insurance, to which Mr. Murphy replied that he would not. Mr. Waters then advised against taking a recess to discuss the matter; he said all such debate should be done in public. President Mestemaker replied that Council needs more information before moving forward. Mr. Murphy offered the City a 30-day extension on their current policy to allow Council more time to make an informed decision. Ms. Zech made a motion to allow the Safety-Service Director to enter into a 30-day extension of the current policy with Murphy Insurance with a second from Mr. Norman. The motion passed 7-0 by voice vote. Mr. Sunderhaus asked if Council was considering a three-year policy or a one-year policy. Mayor Keller recommended that Mariemont come back with a three year policy, and that Council consider both. Mr. Waters informed Council that they couldn't require either to submit new bids, but that they could extend the current coverage and consider all bids that have already been submitted, or they could open up to new bids and start over. Mr. Sunderhaus made a motion to reject all bids with a second from Mr. Zech. There was much discussion, and Mr. Sunderhaus withdrew his motion. Mr. Neal and Mayor Keller requested the matter be assigned to Committee for further review and that the Committee make the recommendation to Council as to which proposal to accept. President Mestemaker assigned the matter to the Internal Affairs Committee. Mr. Neal recommended that all involved parties be invited to attend. Mr. Zech called a meeting of the External Affairs Committee for Tuesday, April 25th at 6 P.M. to discuss the matter. Chris Baker of the Cheviot-Westwood Community Association asked Council to look into Liability Insurance for the Westside Streetfest.

Safety-Service Director's Report

Mr. Neal provided Council with a list of bids for the 2006 Street Improvements project. Based on discussions with the City Engineer, Mr. Neal recommended Council accept the bid of Adleta Incorporated. Mr. Braun made a motion *To Accept The Bid Of Adleta, Inc. For The 2006 Street Improvement Project; And To Declare An Emergency* with a second from Mr. Stautberg. The motion carried 7-0 by voice vote and was assigned as ORD 06-08. Mr. Sunderhaus made a motion to suspend the rules with a second from Mr. Dinkelacker. The motion carried 7-0 by roll call vote. Mr. Stautberg made a motion to adopt with a second from Mr. Sunderhaus. The motion carried 7-0 by roll call vote. Mr. Neal then apologized to Council for the confusion on the insurance issue.

Mayor's Report

Mayor Keller informed Council that wage negotiations with the Police, Fire and Public Works Departments are ongoing, and that he plans to call an Executive Session at the next meeting to provide more information. Mayor Keller spoke about the public hearing on the proposed changes to Marydell Avenue, informing the public that Marydell residents will be notified of the next meeting on the issue via mail. He reiterated to the public and Council that the number one concern surrounding any proposed changes to Marydell Avenue was a safety concern brought forth by the Fire Department and Public Works Department.

Law Director's Report

Mr. Waters informed Council of a meeting for April 27th at 5 P.M. at the Nathaniel Green Lodge sponsored by the Metropolitan Sewer District regarding sewer overflows and sewer improvements in western Hamilton County. Mr. Waters asked Council about pool rates at the Cheviot Municipal Swimming Pool for the upcoming year. Mr. Zech informed Mr. Waters that the rates will remain unchanged from last year. Mayor Keller then requested to Council that he and Mr. Waters be excused to discuss issues surrounding the ongoing wage negotiations with the Police, Fire and Public Works departments.

Committee Reports

Ward 1 - Mr. Zech had no formal report, but did provide Council information on the upcoming Westside Streetfest scheduled for June 24th from 1 P.M. to 11 P.M. and June 25th from 1 P.M. to 10 P.M. Mr. Zech wished Cable Access Assistant Dennis Alberger a happy birthday, and called a meeting of the Parks and Playgrounds Committee for April 25th at 6:30 P.M.

Ward 2 - Mr. Dinkelacker asked all members of the External Affairs Committee who were able to attend the April 27th meeting with the Metropolitan Sewer District to please try and do so. Mr. Dinkelacker then read a report of the External Affairs Committee into the record. Mr. Dinkelacker made a motion to receive and file the report with a second from Mr. Zech. The motion carried 7-0 by voice vote. Mr. Norman advised Mr. Dinkelacker that the meeting with the Metropolitan Sewer District would not mention any specific projects in the City of Cheviot, but that it would cover outside projects and other issues that could have an impact on the City.

Ward 3 - Mr. Sunderhaus had no formal report, but did inform Council of upcoming First Aid training for the Police Department, as well as an inspection by the Ohio Department of Rehabilitation and Correction of the City Jail scheduled for June 13th. Mr. Sunderhaus then informed Council that a City Ambulance is in need of a new transmission. Mr. Norman informed Council that he is working on the issue with Police Chief Voss.

Ward 4 - Mr. Stautberg had no formal report. Mr. Stautberg apologized to Council for canceling the Public Utilities Meeting originally scheduled for April 11th due to a personal matter. He then rescheduled the meeting for April 25th at 7 P.M. to discuss sanitation and cable issues.

Council at Large - Mrs. Zech had no formal report, but did inform Council that the Law Director has told her the Sign Ordinance will be completed by the next meeting.

Council at Large - Mr. Norman had no formal report, but did call a meeting of the Finance Committee for Tuesday, April 25th at 7:30 P.M. to discuss the issue with the City's Ambulance. Mr. Norman informed Council that he had recently attended a meeting of the Ohio Department of Transportation regarding the proposed closure of the Galbraith Road exit on I-75. He said that ODOT is considering closing all left lane exits on I-75, including the Hopple Street and Harrison Avenue exits, which could have an impact on the City. President Mestemaker assigned the External Affairs Committee to look into the issue at their next meeting. Mr. Norman made a motion *To Transfer Funds; And To Declare An Emergency* with a second from Mr. Dinkelacker. The motion carried 7-0 by voice vote and was assigned as RES 06-04.

Council at Large - Mr. Braun had no formal report. He informed Council that the Streets and Sidewalks Committee meeting for April 12th to discuss applying for grants to replace the traffic signals on Harrison Avenue was cancelled because the deadline to apply for grants came up before the date of the meeting. Mr. Braun contacted members of the Committee by phone, and they decided to apply for the 80/20 grant for the mast-arm signals per the Safety-Service Director's recommendation.

Further Business

A notice of a requested transfer of a liquor license was received from the Ohio Division of Liquor Control. The transfer involved a change in ownership of The Harvest Drive-Thru. Police Chief Voss had no objections to the change. Council did not see a need for a hearing on this transfer, and approved the transfer 7-0 by voice vote. Due to an error in the February 2006 Treasurers report, it has not been filed. President Mestemaker tabled the March 2006 Treasurers Report until February's has been corrected and filed, and asked Mr. Norman to contact the Treasurer to get it corrected.

Correspondence

Information from the Veterans Day Committee of Hamilton County regarding the Veteran Day Parade, an invitation from OKI to a luncheon with Cincinnati Mayor Mark Mallory, a notice from the Ohio Ethics Commission about the filing deadline for Financial Disclosure Forms and how to obtain an extension, a

notice from the Ohio Municipal League regarding training seminars, and a notice from Ohio Auditor of State Betty Montgomery regarding the 2006 Ohio Compliance Supplement were received. Mr. McGowan then expressed his condolences to the Dangel family on the passing of Cheviot resident Ritch Dangel.

There was a motion to adjourn the meeting by Mrs. Zech with a second from Mr. Zech. The motion passed 7-0 by voice vote. The meeting adjourned at 9:15 P.M.

Matthew D. McGowan
Clerk of Council

Michael J. Mestemaker
President of Council