

## Minutes of City Council Meeting, Cheviot, Ohio

Page 1 of 4

October 20, 2009

The regular session of Council was called to order at 7:31P.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
Law Director	Mark Waters
Council 1 <sup>st</sup> Ward	Ryan 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	Gregory Stautberg
Council at Large	Kathleen S. Zech
Council at Large	Dennis Dinkelacker
Council at Large	Steve Braun

President McKinney informed Council there is report of the Streets, Sidewalks, and Lights Committee as well as the second reading of the Parking Meter Ordinance. President McKinney stated there were three new pieces of legislation, an ordinance regarding appropriations, an ordinance regarding cable services and a resolution regarding Westwood Northern Blvd. A motion to approve and file the minutes for October 6, 2009 was made by Mr. McGowan, seconded by Ms. Zech. The motion passed with a 7-0 voice vote.

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

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

### **Reports of Standing Committees**

Mr. McGowan read a report of the Streets, Sidewalks and Lights Committee from October 13, 2009, into the record. A motion to receive and file was made by Mr. McGowan, seconded by Mr. Dinkelacker. The motion passed with a 7-0 voice vote.

### **Second and Third Readings of Ordinances**

Mr. McGowan announced the second reading of Ordinance 09-23 by Title *To Stay Enforcement of Metered Parking in the City of Cheviot Business District from December 1, 2009, through December 31, 2009*. This constitutes a second reading.

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

Mr. Stautberg made a motion to introduce an ordinance *To Amend the 2009 Annual Appropriations; and to Declare an Emergency*. An introduction was made by Mr. Stautberg and seconded by Mr. Sunderhaus. The motion passed with a 7-0 vote. The ordinance was assigned ordinance number 09-25. The ordinance is a combination of some housekeeping items concerning the Fire Department and Glenmore House labor. A motion to suspend the rules was made by Mr. Sunderhaus and seconded by Mr. Dinkelacker. A roll call vote was taken and the motion passed 7-0. A motion to adopt was made by Mr. McGowan and seconded by Mr. Dinkelacker. A roll call vote was taken and the ordinance was adopted with a 7-0 vote.

Mr. Stautberg made a motion to introduce an ordinance *To Determine the Video Service Provider Fee to be Paid by a Service Provider Offering Video Service in the City Pursuant to a Video Service Authorization; To Authorize the Safety-Service Director to Give Notice to the Video Service Provider of the Video Service Provider Fee; and to Declare an Emergency.* Mr. Stautberg explained the ordinance was for franchise fees for Cincinnati Bell for cable services. Mr. Stautberg informed Council that the Public Utilities Committee met on the subject and was fine with the ordinance. An introduction was made by Mr. Stautberg and seconded by Ms. Zech. The motion passed with a 7-0 vote. The ordinance was assigned ordinance number 09-26. A motion to suspend the rules was made by Mr. Sunderhaus and seconded by Mr. Stautberg. A roll call vote was taken and the motion passed 7-0. A motion to adopt was made by Mr. Zech and seconded by Mr. McGowan. A roll call vote was taken and the ordinance was adopted with a 7-0 vote.

Mr. McGowan made a motion to introduce a resolution *To Authorize the Cooperation of the City of Cheviot and Hamilton county to Facilitate the Construction of Infrastructure Improvements for the Project Known As "The Westwood Northern Boulevard Improvements Project" in Green Township, Hamilton County, Ohio, and in the City of Cheviot, Ohio.* An introduction was made by Mr. McGowan and seconded by Mr. Stautberg. There was no discussion. The motion passed with a 7-0 vote. The resolution was assigned resolution number 09-14. The resolution was adopted.

### **Mayor's Report**

The Mayor updated Council and the Public on the health of Officer Chris Weber. He is doing better after his triple bi-pass surgery. A mass was removed from his colon and was not cancerous. He has a long road ahead of him. We all hope for a speedy recovery.

Mayor Keller announced that leaf pickup will begin November 2, 2009. He reminded residents to rake the leaves to the curb but not into the streets so that the sewers may remain clear. There is a route that is followed usually the day after garbage until most of the leaves have fallen and it becomes harder to keep up. All streets will be maintained.

Cheviot ROCKS "Revitalization of Cheviot Knows Success" will begin meeting the first Wednesday of each month. The Committee is headed by our new Economic Development Director Caroline Statkus. President McKinney announced the next two meetings will be November 4, 2009 and December 2, 2009, in Council Chambers and the Fire Department respectively.

Ms. Sunderhaus has provided the Mayor and Council with a list of the unpaid Garbage Fees within the Business District. A letter will be sent to all delinquent businesses to give a opportunity to arrange for payment. Mayor Keller asked for the opinion of the Law Director. Possible legal action may take place as well as discontinuing garbage pickup to those locations. Mayor Keller would like for at least a 20% payment of the total amount delinquent paid monthly. Mr. Stautberg stated a business has contacted him concerning the fee. The business expressed concern over the amount they were charged. There was much discussion.

Mayor Keller questioned Mr. Braun as to the status of the Darwin property. Mr. Braun stated that he is waiting for the final request for proposal that should go out soon to local green developers or be published. Mayor Keller expressed that the Administration would like to move forward with the project and hope not to see many more long delays. Mayor Keller stated that the City could use the county stabilization funds for the house. There was much discussion.

There were no questions for Mayor Keller.

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

Mr. Neal left a report for Council. Clerk McKinney read it into the record. There were no questions for the Safety-Service Director.

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

The accident at the North Bend Road and Westwood Northern Blvd resulted in a suit against the City. The insurance company has been slow in notifying the city as to what steps to take. Mr. Waters did file an answer in the case so that the allotted time to do so would not expire. Mr. Waters informed Council that the insurance company will be representing the city and that a hearing is scheduled for early November. Mr. Waters informed Council that a case in Mayor's Court involving pit bulls has been resolved. There have been many problems throughout the years concerning a house on Olivette. Mr. Waters worked out a plea where the resident will move out of the City and take his dogs with him.

Mr. Waters has received a payment for the rental of Harvest Home that was delinquent for a long time. Much discussion and laughter followed.

Mr. Waters stated that the filing costs in Hamilton County Municipal Court are getting high and to file suit against the businesses for collection of the garbage fee may not be the most cost efficient measure. Mr. Waters will start by sending a demand letter. Mayor Keller agreed with Mr. Waters. President McKinney questioned who would be liable if the fee was placed on the tax duplicate if the business were just a tenant. Much discussion followed.

There were no questions for Mr. Waters.

### **Public Recognition on Other Issues**

There were a few high school students in the audience for school research purposes.

### **Other Business**

Ms. Zech stated that the Police Chief has requested that Council look into a day time curfew for school children. The matter will be placed in the Laws, Rules and Ordinances Committee. Ms. Zech does know that Springdale and Elmwood Place both have such laws. More research needs to be done.

Clerk McKinney reminded Council that a new chair needs to be appointed for the Public Utilities Committee. Mr. Stautberg met with Spence Faxon, our energy consultant from the utility company. Mr. Sunderhaus attended the meeting as well to discuss this year's gas purchase. Electric aggregation was discussed as well and the possibility of putting it on the ballot in May.

Mr. Stautberg called a meeting of the whole next Tuesday October 27, 2009 at 7:00pm to discuss the terms of the JEDD. Also dates for public hearings need to be set. Possible dates were discussed. Much discussion followed concerning the legalities of calling public hearings. Mr. Waters will investigate further. Mr. Stautberg has placed a call to Frank Hyle, Green Township's Law Director, with a few questions concerning the JEDD.

President McKinney reminded Council and the Public that there will be no regular Council Meeting on November 3, 2009.

Mr. Sunderhaus informed Council that the Fire Department was awarded an EMS grant for \$3000. They also have received a heritage grant for \$6650 for new gear. The presentation will be made on November 3, 2009 at 9:30am.

Mr. Stautberg spoke to Ms. Henry and revenues all look good and the end of the year should be as expected budget wise.

President McKinney reminded Council of the Internal Affairs meeting following Council.

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

A motion to receive and file the Treasurer's Receipts for August and September 2009 was made by Mr. McGowan and seconded by Ms. Zech. The motion passed with a 7-0 voice vote.

**Correspondence**

- 3 Property Maintenance Reports from Mr. Tom Braun
- No New Business Permits for September 2009
- Safety-Service Director's Report
- Memo from Ms. Sunderhaus-Garbage Fees
- Alliance for Chemical Safety Newsletter
- ODOT letter regarding the Lovell Signal

Mr. Stautberg reminded Council and the Public that Election Day was November 3, 2009.

There was a motion to adjourn the meeting by Ms. Zech, seconded by Mr. McGowan. The motion passed with a 7-0 voice vote. The meeting adjourned at 8:17pm.

---

Rachel A. McKinney  
Clerk of Council

Deborah M. McKinney  
President of Council