

Minutes of City Council Meeting, Cheviot, Ohio

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February 16, 2010

The regular session of Council was called to order at 7:34P.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
Safety-Service Director	Steve O. Neal
Council 1 st Ward	Ryan Zech
Council 2 nd Ward	Matthew D McGowan
Council 3 rd Ward	James F. Sunderhaus
Council 4 th Ward	Bill Clark
Council at Large	Kathleen S. Zech
Council at Large	Dennis Dinkelacker
Council at Large	Steve Braun

Mr. McGowan made a motion to excuse Mr. Braun who is ill this evening, Ms. Zech seconded the motion. The motion passed with a 6-0 voice vote. President McKinney stated there were three pieces of legislation, an ordinance regarding the JEDD with Green Township, the final reading of an ordinance regarding the Safety-Service Director and the second reading of the Daytime Curfew Ordinance. A motion to approve and file the minutes for February 2, 2010 was made by Mr. Dinkelacker, seconded by Mr. Sunderhaus. The motion passed with a 6-0 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

There were no reports to be read into the record.

Second and Third Readings of Ordinances

Mr. Zech announced the third and final reading of Ordinance 10-05 by Title *To Set the Severance Compensation for the Safety-Service Director upon his Retirement*. A motion to adopt was made by Mr. Zech, seconded by Mr. McGowan. A roll call vote was taken and the ordinance was adopted with a 6-0 vote.

Ms. Zech announced the second reading of Ordinance 10-06 *To Approve the Proposed Daytime Curfew (during school hours)*. This constitutes a second reading. Ms. Zech stated the final draft of the ordinance will be ready for passage at the next scheduled meeting.

Introduction of Ordinances and Resolutions

Mr. Dinkelacker made a motion to introduce an ordinance *To Approve the JEDD contract with Green Township; and to Declare an Emergency*. An introduction was made by Mr. Dinkelacker and seconded by Mr. McGowan. The motion passed with a 6-0 vote. The ordinance was assigned ordinance number 10-07. Mr. Neal clarified that this JEDD is not for the Hospital but for the medical complex on Harrison Avenue. A motion to suspend the rules was made by Mr. Sunderhaus and seconded by Mr. Zech. A roll call vote was taken and the motion passed 6-0. There was no further discussion. A motion to adopt was made by Ms. Zech and seconded by Mr. McGowan. A roll call vote was taken and the ordinance was adopted with a 6-0 vote.

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Mayor's Report

Mayor Keller express his condolences for the family of Tom Phaffinger. He was a two-term Councilman for the City of Cheviot.

The Mayor addressed the great job of the Public Works department in reference to snow removal. Mayor Keller commented that Channel 12 did a report on the issue. The Mayor also discussed removal of snow in the Business District. The police have begun to enforce the law. A copy of the legislation was delivered to all businesses at the start of the snow season. The city has been pretty liberal of enforcing the law in the past. Eleven warnings were given to area businesses to remove snow. After warnings were issued, seven citations followed. Mayor Keller also noted a story on Channel 9's website concerning liability for home owners who do or don't shovel their sidewalks. There was much discussion. Mr. Dinkelacker questioned Mayor Keller as to what the requirements were for businesses. Mayor Keller stated that Businesses must at least clear a walking path and should not push the snow into the street.

Mayor Keller also stated that he has gathered the Civil Service Commission comprised of Gregory Stautberg, Ty Foster, and Kelly Malloy-Meyers. Mayor Keller gave them approximately 20-25 questions to investigate. Over the next 18 months they will have a large amount of work to do with the police and fire chief both retiring. Some of the questions included the possibility of combining the police and fire chief's positions, testing, grading and promotional exams.

The Mayor has advertised in the Enquirer for the position of Safety-Service Director. As of this evening, he has received six resumes.

There were no questions for Mayor Keller.

Safety-Service Director's Report

Mr. Neal had no formal report for Council.

There were no questions for the Safety-Service Director.

Law Director's Report

Mr. Waters informed Council that the case involving Harvest Home Park has now been turned over to our insurance agency. Mr. Waters did file an answer in the case on behalf of the city before the Insurance Company's Counsel took over.

Mr. Waters stated that he has reviewed the laws concerning snow removal and the liabilities of choosing to do so or not. Mr. Waters stated that there is no civil liability with the natural accumulation of snow and ice. There was much discussion concerning this topic.

Mr. Waters clarified that the JEDD contract as of October 20, 2009 has a 80/20 split. There was also discussion as to the costs the city would incur.

Economic Development Director's Report

Clerk McKinney read a report from Ms. Statkus into the record. This report can be viewed at City Hall.

Public Recognition on Other Issues

No members of the Public were recognized to address Council on any other items.

Other Business

Mr. McGowan called a continuance of the Finance Committee Meeting for Monday February 22, 2010 at 6:00pm to continue discussing the 2010 budget. The police chief, fire chief and treasurer are invited to attend.

Mr. Sunderhaus called a meeting of the Public Works and Utilities Committee for Monday February 22, 2010 at 7:30pm (immediately following the Finance Meeting) to discuss the addition of a new plow truck and accessories and microphones/cable equipment.

Mr. Clark called a meeting of the Streets, Sidewalks and Lights Committee for Monday February 22, 2010 at 7:45pm (immediately following the Public Works and Utilities Committee) to discuss the snow removal ordinance.

Mr. Zech called a meeting of the Internal Affairs Committee for Monday February 22, 2010 at 8:00pm (immediately following the Streets, Sidewalks and Lights Committee and Mayor's Court) to discuss concerns of the police department.

Mr. Zech stated a meeting of the Parks and Playgrounds committee will be coming soon. Mr. Neal asked that the meeting be held until further information can be gathered.

Mayor Keller addressed the need for a new salt truck for the city. The Mayor stated that the Safety-Service Director has the authority to purchase items up to \$15,000 without having to go out for bid. The Mayor asked Council to review the cap due to the price of the dump bed. This will be the only item for the truck that is higher than \$15,000. Per Ohio Revised Code, the cap has been increased to \$25,000, and Mayor Keller would like the city to raise their cap to this amount as well. This item has been referred to Mr. Sunderhaus's Public Works and Utilities committee. President McKinney asked if a resolution or ordinance can be passed for a specific expenditure. Mr. Waters confirmed that was possible. There was much discussion.

Mayor's Court and Treasurer's Receipts

No receipts were submitted for approval.

Correspondence

- Franchise Fees from Time Warner cable/Gross Revenue Statement ending 2009
- Ohio Municipal League Seminars for newly elected officials

There was a motion to adjourn the meeting by Mr. McGowan, seconded by Ms. Zech. The motion passed with a 6-0 voice vote. The meeting adjourned at 8:12pm.

Rachel A. McKinney
Clerk of Council

Deborah M. McKinney
President of Council