

## MINUTES OF CITY COUNCIL MEETING, CHEVIOT, OHIO

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September 2, 2003

The regular session of Council was called to order at 7:34 P.M. with the Pledge of Allegiance and a moment of prayer. Roll call was taken and the following were found in attendance:

Mayor	J. Michael Laumann
President of Council	Samuel D. Keller
Law Director	Mark G. Waters
Safety Service Director	Steven O. Neal
Council 1 <sup>st</sup> Ward	Michael J. Murray
Council 2 <sup>nd</sup> Ward	Dennis T. Dinkelacker
Council 3 <sup>rd</sup> Ward	James E. Morganroth
Council at Large	Kathleen S. Zech
Council at Large	Charles L. Norman
Council at Large	Michael J. Mestemaker

Mr. Mestemaker made a motion to excuse Mrs. Gooch with a second from Mr. Dinkelacker. The motion passed 6-0 by voice vote. The minutes of August 18, 2003 were approved. President Keller called for the reports that would be presented.

### **Recognition of the Public**

Reid Forgrave of East Walnut Hills informed Council that he is the new west-side reporter for the *Cincinnati Enquirer*. Mr. Keller jokingly said that he hoped that Mr. Forgrave can correct the mistakes of Mr. Bronson.

Mary Royce of 3836 Delmar Avenue approached to inform Council of her problems of sewerage backing up into her basement. Most every significant rain has caused a back-up to occur. She wanted Council to know that she called Howard Ain, a reporter at WKRC, Channel 12. She is looking for any type of help that she can get. Mr. Keller responded that the City of Cheviot is working on the problem, and that he will give her another chance to ask questions later in the meeting.

Rebecca Haus of 3925 Lovell Avenue addressed Council to ask that Council consider a higher limit for breeding dogs. Currently the City is considering 5 as the max, she feels that 8 are more reasonable. She sent a letter to Council member Kathleen Zech expressing her concerns. Mrs. Zech told said that she would contact Mrs. Haus about the next meeting of the Laws, Rules and Ordinances Committee. Mr. Waters added that the City will probably exempt puppies from the law.

Mr. Keller gave the floor over to Mr. Waters to explain his findings in his legal opinion; he offered to allow the public to re-approach after the Law Director had concluded. A copy of Mr. Waters's opinion is on file. He stated that the Metropolitan Sewer District (M.S.D.) was in violation of a 1968 agreement between the City of Cheviot and Hamilton County which pertained to M.S.D. and stated that M.S.D. would be responsible for maintaining, repairing, and upgrading all of the sewers within the boundaries of the City of Cheviot. He found that the 1995 law passed by the Hamilton County Commissioners was not agreed upon by the City of Cheviot and therefore was in violation of the 1968 agreement. Mr. Waters also went on to say that he hope the City of Cheviot will stand behind those that are affected. He went on to say that those citizens may consider legal action against M.S.D. if there is no resolution offered to them.

Mr. Keller added that the City does plan to stand behind the citizens and that most of Council will attend the Hamilton County Commissioners Meeting on Monday, September 8.

Mrs. Royce re-approached Council to ask what type of attorney to hire. Mayor Laumann suggested calling the Cincinnati Bar Association which has a referral service. Mr. Neal suggested that Mrs. Royce attend the Sewers meeting on Wednesday, Sept. 10 at 6:30 P.M. at Cheviot City Hall, as he has asked M.S.D. to attend. He alerted Council that he had spoken with Mrs. Royce about an e-mail that she had sent to Howard Ain, a reporter at WKRC, Channel 12. She repeated that she is tired of dealing with this and that she just wants it fixed now. There was much more discussion.

Mr. Jerome Hicks of 3827 Kenker approached Council to thank the City of Cheviot for working on this issue. So far he has a better outlook for the future outcome. Mr. Hicks also apologized for the article that Mr. Bronson published in the *Cincinnati Enquirer*, as he didn't agree with the point of the article.

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

Mr. Neal had no formal report, but he wanted to remind Council that they will meet at the CVS Pharmacy on Bridgetown for the Harvest Home Parade. He also announced that the Cheviot Municipal Pool is closed for the season. It was not a good year for the pool as the weather kept attendance down and the pump replacement will cause the pool to have operated at a deficit. Mr. Neal asked if Council would pass a resolution to honor Ms. Nikkei Jasper for her services as manager of the Cheviot Pool. Mr. Morganroth asked when the street repairs to Meyerfeld and Glenmore Avenues are scheduled to start. Mr. Neal said that he requested that they wait until after the Harvest Home Fair. The expected date is September 8, 2003.

### **Mayor's Report**

Mayor Laumann did not have a report.

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

Mr. Waters mentioned that he also issued an opinion to the Planning Commission about the Monfort Supply Company's plans. He wanted to remind Council that the St. Thomas More Society has planned the Red Mass for Friday, September 19 at 4 P.M. at the Old St. Mary's Church which is open to all Elected Officials, Lawyers, Police and Fire Personnel. Mr. Neal thanked Mr. Waters for the quickness of issuing his opinion on the MSD agreement. He was also grateful that the answer did support the City of Cheviot.

### **Committee Reports**

Ward 1 - Mr. Murray had no formal report.

Ward 2 - Mr. Dinkelacker read Sewers Committee Report into the record. Mr. Morganroth made a motion to receive and file with a second from Mr. Mestemaker. The motion carried 6-0 after a date error was found and corrected. Mr. Dinkelacker made a motion *To Petition The Board Of Hamilton County Commissioners And The Metropolitan Sewer District To Uphold The 1968 Agreement For The Maintenance And Repair Of Combination Sewers Within The City Of Cheviot; And To Declare An Emergency* with a second from Mr. Murray. Mr. Keller asked Mr. Dinkelacker to read the resolution in its entirety and not just by title. Mr. Keller asked for a motion to introduce which was made by Mrs. Zech. Mr. Murray made the second and the motion passed 6-0. The motion was assigned as RES03-15.

Ward 3 - Mr. Morganroth had no formal report.

Ward 4 - Mrs. Gooch was not in attendance and left no formal report. Mr. Norman stated that Mrs. Gooch left with him a request for an Ordinance. Mr. Norman made a motion *To Amend Certain Appropriations; And To Declare An Emergency* with a second from Mr. Dinkelacker. The motion passed 6-0 by voice vote and was assigned as ORD03-22. Mr. Mestemaker made a motion to suspend the rules with a second from Mr. Murray. The motion passed 6-0 by roll call vote. Mr. Morganroth made a motion to adopt with a second from Mr. Murray. The motion passed 6-0 by roll call vote. Mr. Dinkelacker wanted to clarify to the public that he was calling a meeting of the Sewers Committee at 6:30 P.M. at Cheviot City Hall on Wednesday, September 10.

Council at Large - Mr. Mestemaker had no formal report. He commended Mr. Hicks for sticking with and following through with his problem. He reminded the public that these types of problems sometimes just take time. He also told Mr. Hicks not to apologize for the comments made by a columnist of the *Cincinnati Enquirer*. Mr. Morganroth reminded Mr. Mestemaker that he was

supposed to pass a Resolution. Mr. Mestemaker made a motion *To Authorize The Safety-Service Director To Solicit Bids For Ice Control Road Salt For The 2003-2004 Winter Season; And To Declare An Emergency*. Mr. Murray made the second. The motion carried 6-0. The motion was assigned as RES03-16.

Council at Large – Mrs. Zech read a report of the Laws, Rules, and Ordinances Committee into the record. Mr. Dinkelacker made a motion to receive and file with a second from Mr. Murray. The motion passed 6-0. Mrs. Zech introduced ORD03-19, *To Amend Section 131.05 Of The Cheviot Code Of Ordinances*, for it's third and final reading. ORD03-19 was formerly known as the Tall Weeds and Grass Ordinance. Mrs. Zech made the motion to adopt. Mr. Mestemaker made the second. The motion passed 6-0 by roll call vote. Mr. Morganroth thanked Mrs. Zech for all of her long and hard work on this Ordinance.

Council at Large - Mr. Norman had no formal report. Mr. Neal asked if the Laws, Rules and Ordinances Committee could look into a law that would allow the city to remove dangerous dead trees from property other than the right of way. Currently the City cannot remove a tree without the owners permission.

### **Further Business**

Mr. Murray made a motion to receive and file the August 2003 Mayor's Court Receipts with a second from Mr. Mestemaker. The motion passed 6-0 by voice vote.

### **Correspondence**

There was no Correspondence.

There was a motion to adjourn the meeting by Mr. Morganroth with a second from Mr. Norman. The motion passed 6-0 by voice vote. The meeting adjourned at 8:31 P.M.

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Ryan T. Zech  
Clerk of Council

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Samuel D. Keller  
President of Council