

Minutes of City Council Meeting Cheviot, Ohio

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June 21, 2011

The regular session of Council was called to order at 7:35P.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
Law Director	Mark Waters
Safety-Service Director	Tom Braun
Council 1 st Ward	Ryan Zech
Council 3 rd Ward	James Sunderhaus
Council 4 th Ward	Bill Clark
Council at Large	Kathleen Zech
Council at Large	Dennis Dinkelacker
Council at Large	Steve Braun

President McKinney had a prior family commitment therefore Ms. Zech presided over the meeting. President Pro-Tem Zech stated Mr. McGowan would not be in attendance this evening. A motion to excuse Mr. McGowan was made by Mr. Zech, seconded by Mr. Braun. The motion passed with a 6-0 voice vote. There were no objections or corrections to the minutes for June 7, 2011 and were deemed received and filed.

Department Reports

Clerk McKinney read reports from the Fire Chief and the Police Chief. Both reports can be viewed upon request at City Hall.

Public Recognition on Agenda Items

Mary Stone from the Drama Workshop updated Council on their plans to purchase the Glenmore Bowl Building for their permanent home. The Drama Workshop is currently in negotiations with Cheviot Savings Bank and thanked Mr. Tom Braun for all of his help with this project. Mr. Clark noted he looks forward to The Drama Workshop coming to the City.

Reports of Standing Committees

Mr. Zech read a report of the Internal Affairs Committee Meeting held June 14, 2011. Mr. Zech made a motion to receive and file, seconded by Mr. Clark. The motion passed with a 6-0 voice vote.

Introduction of Ordinances and Resolutions

Mr. Sunderhaus made a motion to introduce an Ordinance *To Amend the 2011 Annual Appropriations; And to Declare an Emergency*. Mr. Sunderhaus made a motion to introduce, seconded by Mr. Clark. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-12. Mr. Sunderhaus made a motion to suspend the rules, seconded by Mr. Dinkelacker. A roll call vote was taken and the motion passed with a 6-0 vote. Mr. Dinkelacker made a motion to adopt, seconded by Mr. Clark. A roll call vote was taken and the motion passed with a 6-0 vote. Ordinance 11-12 is hereby adopted.

Mr. Sunderhaus made a motion to introduce an Ordinance *To Authorize the Mayor to Enter into a New Agreement with Integrys Energy Services for the Administration of the City's Natural Gas Aggregation Program; And to Declare an Emergency*. Mr. Sunderhaus stated that the committee met to review the contract and it has also been reviewed by the Law Director. The was a question concerning the locked

in price and Integrys did adjust the contract as such. Mr. Sunderhaus made a motion to introduce, seconded by Mr. Zech. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-13. Mr. Zech made a motion to suspend the rules, seconded by Mr. Sunderhaus. A roll call vote was taken and the motion passed with a 6-0 vote. Mr. Dinkelacker made a motion to adopt, seconded by Mr. Zech. A roll call vote was taken and the motion passed with a 6-0 vote. Ordinance 11-13 is hereby adopted. Mr. Sunderhaus introduced Bill Graff from Integrys if anyone had any additional questions concerning the aggregation program or contract.

Mr. Sunderhaus made a motion to introduce an Ordinance *To Authorize the Safety-Service Director to Submit a Program Application and Execute the Necessary Contracts for the community Facilities Grant and Loan Program in Order to Finance a New Ambulance for the City of Cheviot; And to Declare an Emergency*. Mr. Sunderhaus made a motion to introduce, seconded by Mr. Braun. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-14. Mr. Sunderhaus made a motion to suspend the rules, seconded by Mr. Dinkelacker. A roll call vote was taken and the motion passed with a 6-0 vote. Mr. Clark asked Mr. Tom Braun if this Ordinance was to apply for the grant. Mr. Braun explained that the grant has already been drafted and reviewed and he is holding on the ordinance to submit. Mr. Clark thanked Mr. Braun for the clarification. Mr. Sunderhaus made a motion to adopt, seconded by Mr. Clark. A roll call vote was taken and the motion passed with a 6-0 vote. Ordinance 11-14 is hereby adopted.

Mr. Steve Braun made a motion to introduce an Ordinance *To Approve the Transfer of the Family Dollar Store Property from Excell Cheviot, LLC, to the NJM Partnership; And to Declare an Emergency*. Mr. Braun stated that the original contract for the CRA has already been approved by Council and this is simply a name change. Mr. Braun made a motion to introduce, seconded by Mr. Dinkelacker. Mayor Keller asked Mr. Waters if all the requests and regulations for the Family Dollar Building are still in effect. Mr. Waters responded that they do and the new ordinance is just an assignment of rights to a new entity. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-15. Mr. Zech made a motion to suspend the rules, seconded by Mr. Braun. A roll call vote was taken and the motion passed with a 6-0 vote. Mr. Sunderhaus made a motion to adopt, seconded by Mr. Dinkelacker. A roll call vote was taken and the motion passed with a 5-1 vote. Mr. Clark voted against the Ordinance. Ordinance 11-15 is hereby adopted.

Mr. Clark made a motion to introduce a Resolution *To Authorize the Safety-Service Director to Solicit Bids for Ice Control Salt for the 2011-2012 Winter Season; And to Declare an Emergency*. Mr. Clark made a motion to introduce, seconded by Mr. Zech. The motion passed with a 6-0 voice vote. The Resolution was assigned number RES 11-04 and is hereby adopted.

Mr. Waters read an Resolution detailing the authorization of the Safety-Service Director to Solicit Bids for the Glenmore Avenue Reconstruction Project. Mr. Waters stated he will have the written form of the Resolution for signature available at the next Council meeting. Mr. Clark made a motion to introduce, seconded by Mr. Braun. The motion passed with a 6-0 voice vote. The Resolution was assigned number RES 11-05 and is hereby adopted.

Mayor's Report

Mayor Keller stated he has received a lot of correspondence in the last few weeks. A person in Massillon Ohio is requesting information on the traffic cameras. The Mayor reiterated that the cameras on top of the light are only for traffic purposes and not "red light cameras". Mr. Waters stated he will handle the request since we have no such thing.

Mayor Keller also received information about Phase II of the storm water management program and will be forwarding it along to Mr. Tom Braun. There are other cities in the area that have their own programs. Mr. Braun and the Mayor discussed further.

Mayor Keller was served with a copy of a complaint filed against the City of Cheviot by the Monfort Heights Supply Company/Rack. Mr. Waters will file an answer with the court.

The Mayor received a letter from the Chairman of the Green Township Board of Trustees, Tracy Winker, in reference to a resolution that the township passed opting out of the Urban Development Block Grant Program. Ms. Zech referred it to the Laws, Rules and Ordinances Committee. She questioned if the committee members were available on June 28, 2011 at 7:00pm. A meeting shall be held on that date and time to discuss opting out of the Block Grant Program. Mayor Keller stated a total of the section 8 housing in Cheviot is needed. There are positives and negatives to opting out of the program. A loss of funding is one.

Lastly, Mayor Keller passed the Contract for Hamilton County Public Health Services to the Law Director to prepare legislation on the matter.

Mayor Keller stated his absence the last meeting was due to attendance of the Honor Flight trip to Washington D.C. He accompanied WWII veterans to the Nation's Capital.

There were no questions for Mayor Keller.

Law Director's Report

Mr. Waters informed Council that the State Audit conducted on the City's 2008 finances showed a couple of discrepancies. One was a transfer from the parking lot fund to the general fund and the other a transfer from the special assessment fund to the general fund. He stated that in order to avoid a citation to the City, Cheviot can make an application to the Court of Common Pleas in Hamilton County for a judge to approve those transfers. Mr. Waters will make the filing.

Mr. Waters finds the law suit against the City by the Monfort Supply Company/Rack without merit and he will file an answer with the court. The answer date is July 15, 2011. Mr. Waters stated that the complaint seeks damages and an injunction in reference to the proposed Bruestle Development. Mr. Waters discussed the issue further.

There were no further questions for the Law Director.

Safety-Service Director's Report

Mr. Tom Braun stated he has reviewed the plans concerning the Westwood Northern Blvd Bundle. He sent back some comments, one in relation to the restoration of the street. Mr. Braun requested (and it was agreed) that instead of the normal trench restoration that the street be fully restored.

The Safety-Service Director noticed a \$3.99 service charge for the Electric Aggregation on the City Bill. Mr. Braun talked to Don Marshall from Eagle Energy and was assured the problem would be fixed. Mr. Braun requested a list of every resident effected by this so that he may follow up to make sure everyone has been reimbursed.

The Fieldhouse has a major structural problem. Mr. Braun is meeting with a structural engineer and brick layer to obtain a cost estimate of the project. He will then address this with the Finance Committee.

Mr. Braun reminded Council and the Public of Westfest this coming weekend.

There were no questions for the Safety-Service Director.

Public Recognition on Other Issues

No one from the Public chose to address Council on any other issues.

Treasurer's Receipts

Council received a copy of the Treasurer's Receipts for January 2011. Mr. Zech made a motion to receive and file, seconded by Mr. Clark. The motion passed with a 6-0 voice vote.

Council received a copy of the Treasurer's Receipts for February 2011. Mr. Zech made a motion to receive and file, seconded by Mr. Dinkelacker. The motion passed with a 6-0 voice vote.

Correspondence

- Free Fridays notice from the Cincinnati Museum Center
- Letter from Attorney for Gary Perkins
- We Thrive event invitation
- Westfest June 25th and 26th

Other Business

Mr. Tom Braun noted that the Farmer's Market held at Harvest Home Park was rated #4 by Cincinnati Magazine.

There was a motion to adjourn the meeting by Mr. Zech, seconded by Mr. Braun. The motion passed with a 6-0 voice vote. The meeting adjourned at 8:23pm.

Rachel A. McKinney
Clerk of Council

Kathleen Zech
President of Council Pro-Tem