

Minutes of City Council Meeting Cheviot, Ohio

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July 19, 2011

The regular session of Council was called to order at 7:40P.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	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 stated Mr. McGowan would not be in attendance this evening due to a family illness. A motion to excuse Mr. McGowan was made by Mr. Sunderhaus, seconded by Ms. Zech. The motion passed with a 6-0 voice vote. President McKinney reviewed the agenda and noted a few changes.

A motion to approve and file the minutes for June 21, 2011 was made by Mr. Zech, seconded by Mr. Dinkelacker. The motion passed with a 6-0 voice vote.

A motion to approve and file the minutes for July 5, 2011 was made by Mr. Dinkelacker, seconded by Mr. Zech. The motion passed with a 6-0 voice vote.

Department Reports

Clerk McKinney read reports from the Fire Chief and the Police Chief. Both reports can be viewed upon request at City Hall. A motion to receive and file both reports was made by Mr. Sunderhaus, seconded by Mr. Clark. The motion passed with a 6-0 voice vote.

Public Recognition on Agenda Items

No one from the Public chose to address Council on any agenda items.

Reports of Standing Committees

Ms. Zech read a report of the Laws, Rules and Ordinances Committee Meeting held July 6, 2011. Ms. Zech made a motion to receive and file, seconded by Mr. Braun. The motion passed with a 6-0 voice vote.

Ms. Zech read a report of the Laws, Rules and Ordinances Committee Meeting held July 13, 2011. Ms. Zech made a motion to receive and file, seconded by Mr. Dinkelacker. The motion passed with a 6-0 voice vote. 7

Second and Third Readings of Ordinances

Ms. Zech made a motion to adopt an Ordinance *To Enact Chapter 112 of the Cheviot Code of Ordinances Regulating Internet Sweepstakes Cafes*, previously assigned ORD 11-16. Ms. Zech highlighted some of the regulations within the ordinance and had additional copies available for anyone who wished to review it. Ms. Zech made a motion to adopt, second by Mr. Braun. Mayor Keller publically acknowledged the hard work of Ms. Zech and her committee. In a short time, they researched all components of the ordinance. Mayor Keller also noted that this ordinance is just for regulation since the State has not ruled either way. Ms. Zech also thanked the Law Director Mr. Waters for all of his hard work drafting and modifying the ordinance for passage. A roll call vote was taken and the ordinance passed with a 6-0 vote. Ordinance 11-16 is hereby adopted.

Introduction of Ordinances and Resolutions

Mr. Clark made a motion to introduce an Ordinance *To Accept the Bid of Mt. Pleasant Blacktopping for the Reconstruction and Improvement of Glenmore Avenue; And to Declare an Emergency*. The City accepted the lowest bid of \$557,985.10. Mr. Clark made a motion to introduce, seconded by Mr. Sunderhaus. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-20. Mr. Sunderhaus made a motion to suspend the rules, seconded by Ms. Zech. A roll call vote was taken and the motion passed with a 6-0 vote. Mr. Zech made a motion to adopt, seconded by Mr. Dinkelacker. A roll call vote was taken and the motion passed with a 6-0 vote. Ordinance 11-20 is hereby adopted.

Mr. Braun made a motion to introduce an Ordinance *To Authorize the Mayor to Enter into an Agreement with the Cheviot Savings Bank for a Property Tax Exemption in a Community Reinvestment Area; And to Declare an Emergency*. Mr. Braun read the ordinance in its entirety. Mr. Braun made a motion to introduce, seconded by Ms. Zech. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-21. 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. President McKinney stated that this subject was addressed in executive session. Mayor Keller followed by stating that there were three businesses discussed, Family Dollar, Cheviot Savings Bank and Projotech. 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 11-21 is hereby adopted.

Mr. Sunderhaus made a motion to introduce an Ordinance *To Amend the 2011 Annual Budget Appropriations; And to Declare an Emergency*. Mr. Sunderhaus read the ordinance in its entirety. Mr. Sunderhaus made a motion to introduce, seconded by Ms. Zech. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-22. 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. Sunderhaus. A roll call vote was taken and the motion passed with a 6-0 vote. Ordinance 11-22 is hereby adopted.

Mr. Braun made a motion to introduce an Ordinance *To Authorize the Mayor to Purchase Certain Real Estate from the US Department of Housing and Urban Development; And to Declare an Emergency*. Mr. Braun made a motion to introduce, seconded by Mr. Dinkelacker. The motion passed with a 6-0 voice vote. The Ordinance was assigned number ORD 11-23. Mr. Sunderhaus made a motion to suspend the rules, seconded by Ms. Zech. A roll call vote was taken and the motion passed with a 6-0 vote. Mr. Zech questioned if this had been addressed in committee. The Mayor stated that this ordinance is an extension of the existing program that is currently in place. The program has been changed and this authorization will only go until the end of the year. The program may change again. Mr. Tom Braun stated that after the initial viewing of the property, the City has 24 hours to respond. Mr. Clark made a motion to adopt, seconded by Mr. Braun. A roll call vote was taken and the motion passed with a 5-1 vote. Mr. Zech voted not to pass this ordinance. Ordinance 11-23 is hereby adopted.

Mr. Sunderhaus made a motion to introduce a Resolution *To Submit to the Hamilton County Board of Elections a Proposed Renewal Tax Levy to be Voted Upon by the Electors of the City of Cheviot at the Next General Election; And to Declare an Emergency*. Mr. Sunderhaus made a motion to introduce, seconded by Ms. Zech. This resolution is to renew the current 1.50 mill street levy. The motion passed with a 6-0 voice vote. The Resolution was assigned number RES 11-08 and is hereby adopted.

Mr. Sunderhaus made a motion to introduce a Resolution *To Submit to the Hamilton County Board of Elections a Proposed Renewal Tax Levy to be Voted Upon by the Electors of the City of Cheviot at the Next General Election; And to Declare an Emergency*. Mr. Sunderhaus made a motion to introduce, seconded by Mr. Clark. This resolution is to renew the current 3.00 mill current expense levy. Mr. Sunderhaus noted that neither resolution is an increase in taxes, just a renewal of the current levies in place. The motion passed with a 6-0 voice vote. The Resolution was assigned number RES 11-09 and is hereby adopted. Clerk McKinney stated that both resolutions will be filed the next day with the Board of Elections.

Mr. Braun made a motion to introduce a Resolution *To Consent to a Transfer of Ownership by Excell Cheviot LLC of its interest in the Family Dollar Store; And to Declare an Emergency*. Mr. Braun explained this is just a continuation of the agreement for the CRA transfer from one entity to another. Mr. Braun made a motion to introduce, second by Mr. Zech. Mayor Keller stated that this will hopefully be the last name change. The motion passed with a 5-1 voice vote. Mr. Clark voted not to approve the Resolution. The Resolution was assigned number RES 11-10 and is hereby adopted.

Mayor's Report

Mayor Keller stated that a discussion has begun over the possible extension of Westfest to a 3 day event. The Mayor has been in contact with Bonnie Perrino over booking the streets for next year's event. There is an option for a Friday event as well. Nothing is set in stone but the option is out there.

There were no questions for Mayor Keller.

Safety-Service Director's Report

Mr. Tom Braun stated that a bid for the Glenmore Reconstruction has been accepted. The lowest bid came in approximately \$156,000 under the estimate of our engineer.

Road Salts bids will be opened the next day at 11:00am. Mr. Braun will report the accepted bid at the next council meeting. Mayor Keller noted that Mr. Braun will email the final bids to Council so the ordinance can be passed in a timely manner. The bids are only good for 30 days so the City needs to act quickly.

In reference to the Fieldhouse project, the problems have been determined and now the engineers are in the process of developing an estimate for repairs. The city is looking into what grants may be available to cover the costs and what temporary work can be done since most grants will not be available until next year.

Heros day is July 20, 2011 at 10:00am, held at the Cheviot Public Library. City Vehicles will be present for kids to see.

Renovations have begun on both buildings for Huntington Bank and Projotech. Both buildings should be ready before the end of the year.

Mr. Braun has received some calls in regards to Electric Aggregation offered by Cincinnati Bell, equal to 30% off of Duke Energy's rate. Mr. Braun verified with our energy consultant, Don Marshall, and if a residence is a part of the City's program they would not be saving any additional money with Cincinnati Bell's program.

The service charge by Dominion for \$3.99 will be refunded via check at the end of the month.

Mr. Clark asked if we could get a lower bid for Road Salt if combined with other communities. Mr. Braun stated that our rate is actually lower by ourselves. Mr. Braun also pointed out that if the pile gets low, "Who gets salt first?".

Mr. Clark also mentioned he has received two compliments concerning the fields at the Fieldhouse. People are impressed on how well the City takes care of that field.

President McKinney also commented on how beautiful the hanging baskets look this year. Mr. Tom Braun stated that thanks go to Flower Garden Florist who planted them for us this year at a greatly discounted rate. A lot of credit also goes to Gary Nelson with the Public Works Department.

There were no further questions for the Safety-Service Director.

Law Director's Report

Mr. Waters stated that case concerning the auto accident and involving Marian Marshall has been dismissed. She did not receive any award, maybe some minor costs paid but the case was with out merit.

Mr. Waters informed Council that he filed an answer to the law suit against the City by the Monfort Supply Company/Rack. The answer denied all allegations and also raised many defenses to their complaint. Mr. Waters also plans to file a Motion to Dismiss in the matter. Many of the complaints in the suit are governed by the Sovereign Immunity Statute.

The Board of Health Contract Ordinance will be available next meeting for passage.

Mr. Waters informed Council that the State Audit did issue a citation to the City. Mr. Waters filed an application with the Court of Common Pleas in Hamilton County for a judge to approve those transfers. The State Auditor has made its finding from the 2008 Audit.

There were no further questions for the Law Director.

Public Recognition on Other Issues

Mary Stone from The Drama Workshop updated Council on their plans to purchase the old Glenmore Bowl Building. She provided Council with an updated handout and stated they are just waiting for further instruction from the bank. Mr. Clark asked if there was an expected closing date. Ms. Stone replied that although one has not been set, the closing of the deal looks favorable. Representatives from The Drama Workshop are available for questions after the Council meeting.

Other Business

President McKinney announced that Council will not be meeting on August 2, 2011. That is Council's "annual summer vacation". In addition, President McKinney called a meeting of the Committee of the Whole for August 9, 2011 at 6:30pm to discuss Council Rules. All other members of the Administration are invited to attend as well.

Mr. Dinkelacker called a meeting of the External Affairs Committee for discussion of the Green Township JEDD for Christ Hospital. The meeting shall be held August 9, 2011 at approximately 7:00pm. Mr. Waters stated he does have a copy of the JEDD proposal from Green Township and will give a copy to Mr. Dinkelacker.

Mayor Keller gave his condolences for the passing of Neil Schmidt who once held the position of Assistant Auditor with the City of Cheviot.

Correspondence

- Copy of Cities & Villages for May/June 2011
- Letter from a City Resident
- Calculations from the County Auditor for the renewal levies
- CWCA meeting will be July 27, 2011 at 6:00pm
- 1 Property Maintenance Report

There was a motion to adjourn the meeting by Ms. Zech, seconded by Mr. Zech. The motion passed with a 6-0 voice vote. The meeting adjourned at 8:47pm.

Rachel A. McKinney
Clerk of Council

Deborah M. McKinney
President of Council