

MINUTES OF CITY COUNCIL MEETING, CHEVIOT, OHIO

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February 3, 2009

The regular session of Council was called to order at 7:31 P.M. with the Pledge of Allegiance and a moment of prayer. Roll call was taken and the following were found in attendance:

Mayor	Samuel D. Keller
President of Council	Deborah M. McKinney
Safety Service Director	Steven O. Neal
Law Director	Mark G. Waters
Council 3 rd Ward	James F. Sunderhaus
Council 4 th Ward	Greg J. Stautberg
Council at Large	Kathleen S. Zech
Council at Large	Dennis T. Dinkelacker

A motion to excuse Council Members Ryan Zech, Steve Braun and James Babey was made by Mr. Sunderhaus, seconded by Mr. Dinkelacker. The members were excused with a 4-0 voice vote. Mayor Keller informed council that a motion to excuse Mr. Babey was not warranted due to his resignation from council. President McKinney asked that the Mayor formally announce Mr. Babey's resignation to avoid any confusion, and so it was stated for the record. Mayor Keller assured council that Mr. Babey resigned January 22, 2009 and that all the correct steps have been taken with the county and the Board of Elections.

President McKinney delineated from normal proceedings to allow Mayor Sam Keller to swear in Independent Matthew D. McGowan as Council Member for Ward 2. Mayor Keller stated what an honor it was to swear in Mr. McGowan.

President McKinney then noted that there is a vacancy for Clerk and opened the floor to any nominations. Mr. Stautberg nominated Rachel A. McKinney and was seconded by Mr. McGowan. President McKinney asked for any other nominations from Council. Seeing none, President McKinney asked for a vote for Clerk of Council. Rachel A. McKinney was appointed with a 5-0 voice vote by Council. Mr. Waters then performed the swearing in of the new Clerk of Council, Rachel A. McKinney.

President McKinney acknowledged Mr. Zech's (Ward 1) presence at the meeting.

President McKinney then turned the floor over to Police Chief David Voss for the introduction of two new part-time police officers for the City of Cheviot. Chief Voss introduced Thomas Brock and Jonathan Holmes. Chief Voss assured Council and the City that all proper checks have been performed and the candidates have passed all required tests. Mayor Keller then swore in Mr. Brock and Mr. Holmes.

President McKinney then returned to the normal agenda. President McKinney stated that there would be a report of the Laws, Rules and Ordinances Committee and the First Reading of the Taxi Cab Ordinance. President McKinney called for any other reports or legislation to be presented. The minutes of January 20, 2009 were approved by a 6-0 voice vote (First by Ms. Zech, seconded by Mr. Stautberg).

Public Recognition on Agenda Items

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

Reports of Standing Committees

Mrs. Zech read a report of the Laws, Rules and Ordinances Committee into the record. Mrs. Zech made a motion to receive and file the report with a second from Mr. Dinkelacker. The motion carried 6-0 by voice vote.

Introduction of Ordinances and Resolutions

Ms. Zech made a motion to introduce an ordinance *To Repeal Chapter 112 of the Cheviot Code of Ordinances* with a second from Mr. McGowan. The motion carried 6-0 by voice vote and was assigned as ORD 09-01. This introduction constituted as a First Reading.

Mayor's Report

Mayor Keller reminded Council and the public of the increased price in salt and that our reserves were depleted. The City needed to reorder salt and after the storm this evening, the City may need to reorder salt again. Mayor Keller reminded all that Cheviot cannot use any other means to fight the winter weather due to the type of sewer system in Cheviot. Alternatives such as fly ash or sand grit will clog up the sewers. Mayor Keller also noted that even with the garbage fee for this year, the City can expect around an \$80,000 shortfall for the year. The Mayor noted that is with no raises.

Safety-Service Director's Report

Mr. Neal informed Council that even though the City has been conserving salt, they are treating the streets as promised. In Mr. Neal's opinion, Cheviot's roads have far exceeded the cleanliness of other local roads. He stated that the City does not intend to block people in their driveways but the City Vehicles have a small amount of room to maneuver and asks residents to not be upset by the City's efforts. Mr. Neal also stated that the City is doing its best to pretreat the streets and the Mayor confirmed that such agents as liquid calcium are very expensive and not economically feasible for the city. Mr. Neal informed Council that the City has received over \$29,000 from FEMA for the September 14, 2008 damage (for the public works) and that the administration will be looking into how to disperse the funds. Mr. Neal also discussed a Federal Stimulus Program with OKI for road projects. He stated that within 2 weeks of funds being allocated, the City will need to have projects awarded to a contractor. Mr. Neal assured Council that funds for the engineering could be found if need be. Mr. Neal commented that some of the \$300,000 to be used for economic development would be used to demolish the building on Harrison Avenue next to the former Rondo's restaurant. Mr. Neal asked Council if legislation needed to be passed to give him authority to act on this, and what steps should be taken to obtain ownership from the State. Mr. Neal said once the city owns it they can tear it down. Mr. Zech commented since the state is the current owner and therefore liable, would the state tear down the building since it is condemned. Mr. Neal commented that the awning is falling off the building. Mr. Waters informed Mr. Neal that even though eminent domain laws were getting tougher, that the City should have the authority to tear it down. Mr. Waters also commented that the City does have authority to tear it down if it poses a significant health risk. Mr. Waters asked Council if they were interested in taking the property by eminent domain because it is a blighted property, he will research what steps need to be taken by the City. Previous research by President McKinney confirmed ownership of this property by the state and Mr. Waters informed Council that it might be best if first addressed with a letter to the state. Mr. Sunderhaus confirmed that the building was condemned by the building department. Questions arose of liability if someone was hurt on or near the property. There was much discussion on this topic. Mr. Neal informed Council that he received a tax bill for the Cemetery and was under the impression there shouldn't be one. Mr. Waters advised not to pay the bill and that there is some sort of appeal process. Mr. Waters has possession of said bill. Mr. Stautberg questioned the progress of Kia's Kids on Northbend. Mr. Neal informed Council that she is paid up and awaiting a copy of the lease from the City.

Law Director's Report

Mr. Waters updated Council on the Unemployment hearing of Bill King from the Tax Department. Mr. Waters stated that it was not new work that Mr. King could not complete; it was his existing workload that he was unable to handle. Mr. Waters expects the hearing to be decided shortly in the City's favor. Mr. Waters confirmed the sale of the Bruestle property with all the discussed residency conditions.

Public Recognition on Other Issues

Chris Baker – 2nd Street Saloon and CWCA Board Member

Ms. Baker updated council on the progress of the streetscape project. Ms. Baker stated that there is a committee of approximately 23 people working on this project. A book has been designed by Meisner and Associates for the purpose of requesting grants to fund the project. All the work put forth on the project so far has been fully funded by the CWCA in the approximate amount of \$25,000. Ms. Baker also commented on all the work done by a volunteer Eagle Scout, and the additional work that needs to be done in the cemetery. Ms. Baker wanted Council to know that CWCA does understand the financial hardships of the City but would like to make sure the City follows through on the Streetscape vision.

Mr. Neal questioned whether this project would be done in conjunction with the new mast arm project on Harrison Avenue. Ms. Baker said yes it would and if done in conjunction with this project could save a lot of money. Mr. Neal stated that in mid-February, bids will go out for the mast arm project.

Other Business

Mr. Stautberg reminded Council that he called a meeting of the Finance Committee for Thursday February 5th at 7:00 P.M. to discuss a long term solution and the '09 budget. Mr. Stautberg also stated the police and fire budgets will be reviewed as well.

Mr. Stautberg commented that our OKI representative needed to be replaced and nominated Mr. McGowan to fill the post, seconded by Mr. Sunderhaus. The recommendation passed with a 6-0 voice vote.

The Regional Planning Commission also needed renewal of our City representatives. Council voted with a 6-0 voice vote to keep Mr. Dinkelacker as our current representative, and Ms. Zech as the alternate.

Mr. Zech called a meeting of the Parks & Playgrounds Committee for Tuesday, February 10th at 7:00 P.M. to discuss rates at the City's Municipal Swimming Pool.

Mr. Zech also called a meeting of the Internal Affairs Committee immediately following the Parks & Playgrounds meeting to discuss the options of obtaining an economic developer for the City.

Mayor's Court and Treasurer's Receipts

Mr. Sunderhaus made a motion to receive and file the January 2009 Magistrate's receipts with a second from Mr. McGowan. The motion passed 6-0 by voice vote.

Correspondence

- Thank you from Lori O'Brien for using her for the sale of Bruestle and business card attached for use in the future
- MSD Strategic Plan for 2009-2011
- 7 Building reports from the Building Department concerning violations of the Sign Ordinance
- Letter for Steve from oginfo.com if we do any RFP's for the services they supply
- Memo that no business permits were issued by the Fire Department for January 2009
- Reminder of reception honoring Mr. Dorenkemper Tuesday February 17, 2009 at 6:00 pm
- Notice from Liquor Control requesting more information about the new owner of Maury's
- Notice from Liquor Control concerning renewal of license for Cheviot Sports Tavern

There was a motion to adjourn the meeting by Mr. Zech with a second from Mr. McGowan. The motion passed 6-0 by voice vote. The meeting adjourned at 8:21 P.M.

Matthew D. McGowan
Clerk of Council

Deborah M. McKinney
President of Council

Rachel A. McKinney
Clerk of Council