

**MT. HEALTHY CITY COUNCIL MEETING  
APRIL 17, 2007 at 7:00 P.M.**

The City Council Meeting was called to order by acting President Ken Cook at 7:00 P.M. The invocation was given by Mr. DeBruler and followed by the Pledge of Allegiance.

**ROLL CALL:**

Mr. Cook, Mr. DeBruler, Mr. Roetting, Mr. Wolf, and Mrs. Moody. A motion to excuse Mr. Lombardo and Mrs. Lingo was made by Mr. Wolf and seconded by Mr. DeBruler. An aye vote carried the motion.

**ALSO IN ATTENDANCE:**

Auditor Jill Claire, Safety Service Director Bill Kocher, Treasurer Deb Schaefer, Mayor George Rouse, and Law Director Steve Wolf.

**SPECIAL PRESENTATION**

Mayor Rouse read a proclamation thanking Preston Stapleton for his thirty-six years of service to Mt. Healthy and naming Wednesday, April 18, 2007 as Preston Stapleton Day.

**MINUTES:**

A motion to adopt the minutes of the April 3 Council meeting as printed was made by Mr. DeBruler and seconded by Mr. Wolf. An aye vote carried the motion.

**CORRESPONDENCE:**

Liquor licenses are up for annual renewal in Mt. Healthy. Procedures are available for objecting to renewal of a license if necessary.

**COMMITTEE REPORTS:**

None. The Parks Committee will meet at 6:30 P.M. on May 2, before the next Council meeting.

**SPECIAL PRESENTATIONS**

Mayor Rouse swore in Khrista Adams, Dustin Reed, Wayne Rimley, and Matthew Sutman as part-time police officers.

**MAYOR'S REPORT:** None.

**SAFETY SERVICE DIRECTOR'S REPORT:**

Mr. Kocher is preparing the final joint economic development agreement. It will be presented to Council at the next meeting, and the city will hold a public hearing at the June Council meeting. Wal-Mart has not closed on the Rinks property yet.

One bidder questioned some contract language for the grinding and overlay project; this has been resolved. The lowest bid was less than the city had budgeted for the project, so we will be able to complete all of the planned work. The parts of Forest, Rambler, and Hill between Joseph and Seward that have curbs and gutters will be ground down and resurfaced. The work is scheduled to be complete by July 1.

The land use planning committee will meet again in May to fine tune the draft plan. They received input at the public meeting April 3. Mr. Kocher has sent a revised plan to the committee and hopes to post the revised plan on the website within the next week.

The city has begun pothole filling. If you know of one that needs attention, call the city.

**LAW DIRECTOR'S REPORT:** None.

**AUDITOR'S REPORT:**

The March month end report is in the packets. Ms. Claire is beginning preparation of the 2008 tax budget. We will hold a public hearing on this budget at the second meeting in May and plan to pass it at the June Council meeting (on its second reading). The tax budget is due to the county July 15, the day before the July meeting. This budget is an estimate; the appropriation ordinance will be passed later in the year.

**TREASURER'S REPORT:**

Ms. Schaefer reported that she balanced with the bank and the Auditor for the month of March.

**CITIZENS/GUESTS:**

**Nicholas Stenger** addressed Council about the **city's handling of a parking ticket** he received during the February snow emergency. Mr. Stenger addressed Council on this topic at the March 20, 2007 meeting as well. He read portions of Ohio Revised Code 4521.02 and 03, concerning Local, Non-Criminal Parking Infractions. This section of the Revised Code outlines procedures for handling parking infractions outside the criminal justice system. Steve Wolf pointed out that the third sentence of ORC 4521.02 states that these procedures "may" be used, but Mt. Healthy has not chosen to do so. The city administration asked the prosecutor and magistrate to review the procedures that the city followed in this case, and the prosecutor and magistrate believe them to be appropriate. Now that the magistrate has found Mr. Stenger guilty, Council does not have authority over this case.

Mr. Stenger acknowledged that leaving a parking ticket on a windshield is ordinarily considered "constructive service" but asked whether leaving a ticket on a windshield during a heavy snowstorm can also be considered "constructive service."

Mr. Stenger has noticed that Mt. Healthy does not ordinarily plow the streets until at least four inches of snow have fallen, and he assumed that his car did not need to be moved until that much snow had fallen. Mr. Kocher said that the city routinely calls snow emergencies before snow has actually fallen; this one was called in the afternoon.

Mr. Stenger feels that this arrest warrant was an excessive response to a parking infraction and is concerned that it could have been a problem if he were stopped by some other law enforcement agency. Steve Wolf pointed out that the arrest warrant was issued, not for the parking violation, but for Mr. Stenger's subsequent failure to appear in court as required by the parking ticket. Because Mt. Healthy has frequent problems with people who are issued tickets and fail to appear in court, Magistrate Temming has decided to issue arrest warrants when this happens. This

system was set up for people who intentionally ignore tickets, not people like Mr. Stenger who did not receive them, but the magistrate does not have the flexibility to make exceptions for special cases. Mr. Kocher pointed out that if Mr. Stenger had been stopped in some other jurisdiction, they would have called Mt. Healthy and Mt. Healthy would have re-cited Mr. Stenger, not arrested him.

**Ed McGinnis**, one of the new owners of Brotherton's Restaurant, addressed Council about the monthly **cruise-ins** that the restaurant would like to sponsor, using the city parking lot behind the restaurant. He discussed the idea with Mr. Kocher, who said that no city permit is required but encouraged Mr. McGinnis to discuss the idea with his neighbors and with Council. We will try this and address any problems if and when they arise.

**ORDINANCES:** None.

**RESOLUTIONS:** None

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:**

A motion to adjourn the meeting was made by Mrs. Moody and seconded by Mr. Roetting. An aye vote carried the motion, and the meeting was adjourned at 7:43 P.M.

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Sylvia Lawson, President of Council

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Margaret Roulier, Clerk of Council