

**PUBLIC MEETING ON ELIZABETH STREET FIRE LANES, and  
MT. HEALTHY CITY COUNCIL MEETING**

**JULY 19, 2005 at 7:00 P.M.**

**PUBLIC MEETING**

No Elizabeth Street residents were present at the scheduled meeting so it was not held. Mr. Kocher explained that about a week and a half ago, the Fire Department sent letters to residents of the south part of Elizabeth Street explaining that Council will consider a resolution tonight to restrict parking on one side of the street for a fire lane, and inviting them to this meeting.

**COUNCIL MEETING**

The City Council Meeting was called to order by President Sylvia Lawson at 7:04 P.M. President Lawson gave the invocation, which was followed by the Pledge of Allegiance.

**ROLL CALL:**

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

**ALSO IN ATTENDANCE:**

Auditor Jill Claire, Safety Service Director Bill Kocher, Tax Commissioner Susan Law, Fire Chief Steve Lawson, Director of Parks John Peters, Mayor George Rouse, Treasurer Deb Schaefer, Director of Public Works Preston Stapleton, and Law Director Steve Wolf.

**MINUTES:**

Mr. Lombardo clarified that under New Business in the June 21 minutes, it is the minimum salary required in order to receive a full year's credit in PERS that would double, not the city's contribution. This is part of House Bill 272, which has not been voted on yet. A motion to adopt the minutes of the June 21 Council meeting as corrected was made by Mrs. Lingo and seconded by Mr. DeBruler. An aye vote carried the motion.

**CORRESPONDENCE:** None.

**CITIZENS/GUESTS/SPECIAL PRESENTATIONS:**

**Junior Abbott** of 7408 Perry addressed Council to ask that the **alley** between his house and his neighbor's at 7404 Perry be vacated and divided between them. They mow it already, and there is nothing there. Mr. Kocher agreed that there are no utilities there and that the city has no need of that right of way. It is just a "paper" alley. Mr. Wolf said that there are two ways to initiate the process of vacation and that he will check into which is easiest. Probably having Council initiate the process is easier. He said that there will need to be a public hearing, an ordinance, a plat, and a survey. The whole process will probably take about three months. Mr. Abbott already has the necessary survey. Mr. Kocher will let Mr. Abbott know the best way to proceed.

Mr. Roetting arrived at 7:09 P.M.

**William McCauley** addressed Council about the **AHEPA housing** on the drive-in property. There are weeds as tall as the fence, and there was supposed to be a buffer of trees or bushes between the fence and the neighbors. A drawing that the developers showed people before it

was built showed this landscaping buffer. A transformer that was installed as part of the project is leaning because the ground is eroding out from under it. Also, Mr. McCauley thought that the grading was supposed to be such that the second floor windows would be at ground level, and they are not. He can see right through the first floor. Mayor Rouse said that the owners of the property have been notified about the weed problem, and that he also remembers that there was supposed to be a buffer. Mr. Kocher said that he has asked the building inspector but has not seen the drawing Mr. McCauley described and asked Mr. McCauley to bring it in. Mr. McCauley will do so. Mr. Roetting asked whether the building has received a certificate of occupancy yet. It has not. Mr. Wolf commented that the question of whether the grading is acceptable and also whether the building meets the submitted plans are up to the building inspector.

**Terry Readnow** addressed Council about problems he has had with the **property maintenance code** enforcement process. Mr. Readnow owns the properties at 7941 and 7945 Elizabeth. He bought one of these in 1999 in very bad shape and has been fixing it up. He has spent 40 or 50 thousand dollars on it. He restores cars for a hobby and keeps some old project cars on that property although they are now behind a barn so they will be out of public view. This property is 3.5 acres. Mr. Readnow has received two citations, one in 2003 for weeds and cars and another recently for weeds even though he mows the property regularly, sometimes twice a week. Mr. Readnow would like to know whether someone has complained about his property since he feels that he is making reasonable progress in cleaning it up and does not think that it is unreasonably weedy. He also thinks that 3.5 acre properties should be treated differently in the code than 0.5 acre ones. The two citations were worded differently, which is inconsistent.

Mr Readnow would also like to know whether the 2.5 acres, which were listed as commercial-industrial when he bought them, are commercial or industrial. The Hamilton County appraisal lists it as commercial-industrial. Mr. Readnow is running a low-key business out of this location. Has anyone complained about this? Does he need a zoning certificate? Mr. Koshmider had said that this business was not a problem as long as it was not generating lots of traffic or highly visible

Mr Readnow thinks that there is a problem with property maintenance enforcement. They are making people mad and may run people out of town.

Mr. Kocher said that Ted Mack is the best person to answer questions about the property maintenance code and about zoning issues. Mr. Knight, the property maintenance inspector, works for Mr. Mack. Mr. Kocher said that if there is a violation of the property maintenance code, the city must address it but that Mr. Readnow should tell the magistrate what his plan is for getting the property fixed up. Most of the people in the building department are reasonable. The property maintenance code, as it exists, does not consider 3.5 acre properties any differently from 0.5 acre ones.

Mr. Custer commented that the ordinances changed between the two citations that were issued to Mr. Readnow and that is why they were worded differently.

Mr. Lombardo said that he remembers when Mr. Readnow bought this property and that he has improved it significantly. We need a way to work around this car issue. If there is no solution to

the problem under the current ordinances, then we need to change the code since the intent is to avoid eyesores, and Mr. Readnowe is not creating an eyesore.

**COMMITTEE REPORTS:**

**Parks:** Miss Reusch commented that she was at the park this evening and that the pool was packed and that some of the park improvements are in place already. Lighting is in and the framework for two shelters is up. She is pleased with the progress. President Lawson asked why the umbrellas that were donated for the pool were not up yet.

Mr. Roetting asked whether day camps were bringing their kids to the pool. Yes, they are, and it is working out much better than it has in the past. Mr. Peters schedules their visits to avoid crowds and they are sufficiently supervised. They receive special rates and Mr. Wolf commented that on the whole, they are paying more than they did in the past and staying less time.

Miss Reusch expressed her support for the motion to allow beer sales in the park for the August 6 benefit dance and encouraged everyone to come dance.

**Safety:** Mrs. Lingo said that the committee met today to discuss fire lanes. These will be established on a street by street basis, considering factors like how much traffic they receive and whether they are dead end streets. Chief Lawson will notify residents before the signs go up.

**MAYOR'S REPORT:** None.

**SAFETY SERVICE DIRECTOR'S REPORT:**

Mr. Kocher said that Cinergy has agreed to install new gas lines and service branches on Elizabeth Street, which will throw off the schedule since Cinergy won't be finished until August or September and we want to make sure they are completely finished before starting on the street work. Therefore, we will put the project out to bid in October using the existing ordinance for the purpose, award the contract, get the water lines in after the first of the year, and then start construction. The budget is tight and we don't want to pay for delays due to rushing things and having the gas company underfoot. The trees will not be removed until next year. Mr. Kocher has talked to Heidi Fallon, who will do a story for the Hilltop News about this. Mr. Kocher will also send out a note to Elizabeth Street residents.

Mr. Kocher received a list from Mr. Curley today of eight Elizabeth Street property owners who request the city to give serious consideration to a 32 foot width for the north end of Elizabeth Street, although they do not actually offer to pay for the additional cost of that additional width. There are about 40 houses on that end of the street. It is difficult to estimate the additional work in terms of dollars per foot, but the engineers say it would cost about 50 to 60 thousand additional dollars to make the street that much wider. A 32 foot width wouldn't necessarily guarantee that no fire lane would be needed. 28 feet is a pretty standard width and we will move forward with existing plans unless Council thinks otherwise.

**LAW DIRECTOR'S REPORT:**

Mr. Wolf said that he will meet with Mr. Kocher about costs for mowing grass for property owners. We need to certify costs for lawn mowing, etc. to the city so that they can be added to the property tax duplicates.

### **AUDITOR'S REPORT:**

Ms. Claire said that the June month end report is on people's desks. She noted that Rumpke will increase their tipping fee but she has discussed this with Mr. Kocher and the existing waste charges to residents will cover this additional cost, so there will be no increase in waste billing for residents.

### **TREASURER'S REPORT:**

Ms. Schaefer stated that she balanced with the Auditor and the bank for the month of June, with minor adjustments. The tax report for June is in the Council packets. The tax department is working on non-filers.

### **ORDINANCES**

ORDINANCE NO. **05-1466** An Ordinance Amending the 2005 Appropriations, and Declaring an Emergency. Mr. Kocher said that this was discussed at the last Council meeting—it is for new waste billing software. A motion to suspend the Three Reading Rule was made by Mr. Cook and seconded by Mrs. Lingo. A roll call vote carried the motion 7-0. A motion to adopt this resolution was made by Mr. DeBruler and seconded by Miss Reusch. A roll call vote carried the motion 7-0.

ORDINANCE NO. **05-1467** An Ordinance Establishing a Fire Lane on Elizabeth Street and Declaring an Emergency. A motion to suspend the Three Reading Rule was made by Mr. Custer and seconded by Mrs. Lingo. A roll call vote carried the motion 6-1, with Mr. Lombardo voting against. A motion to adopt this resolution was made by Mr. Cook and seconded by Mr. Custer. A roll call vote carried the motion 7-0.

### **RESOLUTIONS:**

RESOLUTION NO. **05-941** A Resolution Authorizing the City of Mt. Healthy to Contract for Public Health Services. Mr. Kocher commented that Mt. Healthy does this every year although the amount we budgeted this year is \$100 short of the actual cost. This means that Mt. Healthy doesn't have to do our own birth and death certificates, and other things like that. A motion to suspend the Three Reading Rule was made by Mr. Roetting and seconded by Mr. DeBruler. A roll call vote carried the motion 7-0. A motion to adopt this resolution was made by Mr. Cook and seconded by Miss Reusch. A roll call vote carried the motion 7-0.

A motion to allow beer sales in the city park for the August 6 benefit dance was made by Mr. Cook and seconded by Miss Reusch. An aye vote carried the motion.

### **OLD BUSINESS:**

Mr. Stapleton asked about fire lanes. Doesn't state law say there must be 18 feet clear of parked cars? Why are we deciding whether there should be fire lanes based on traffic? Mr. Roetting said that if there is less than 18 feet, the fire department can request that a fire lane be designated. Mr. Kocher said that the 18 foot clearance is a recommendation in the Ohio Revised Code, not a requirement, and that this issue might better be discussed in the Safety Committee.

Miss Reusch said that the July 3 fireworks were a great time and thanked everyone connected with them.

Mr. Roetting said that the August 2 ballot issue for the street levy renewal is coming up and that donations to the Mt. Healthy Citizens for Improved Streets to cover the approximately \$200 cost of fliers would be welcome.

**NEW BUSINESS:**

The Safety Committee scheduled a meeting before the next Council meeting at 6:15 on August 16.

**ADJOURNMENT:** A motion to adjourn the meeting was made by Mr. Custer and seconded by Mr. Lombardo. An aye vote carried the motion, and the meeting was adjourned at 8:00 P.M.

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Sylvia Lawson, President of Council

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Margaret Roulier, Clerk of Council