

**MT. HEALTHY CITY COUNCIL MEETING  
MAY 1, 2007 at 7:00 P.M.**

The Council meeting was called to order by President Sylvia Lawson at 7:00 P.M. The invocation was given by Mr. Cook and followed by the Pledge of Allegiance.

**ROLL CALL:**

Mr. Cook, Mr. Lombardo, Mrs. Lingo, Mr. DeBruler, Mr. Roetting, Mr. Wolf, and Mrs. Moody.

**ALSO IN ATTENDANCE:**

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

**MINUTES:**

President Lawson thanked Mr. Cook for acting as president last meeting. A motion to adopt the minutes of the April 17 Council meeting as printed was made by Mr. Wolf and seconded by Mr. DeBruler. An aye vote carried the motion.

**CORRESPONDENCE:** None.

**COMMITTEE REPORTS:**

The Parks committee met earlier this evening to go over the summer schedule. Mrs. Moody thanked Mr. Kocher, the beautification committee, and others for the work they have done to arrange these events. The schedule is available on the city's web site. See Mrs. Moody or Mr. Kocher if you can help out with any of these events, especially the movie June 16 and the dance September 15.

**MAYOR'S REPORT:** None.

**SAFETY SERVICE DIRECTOR'S REPORT:**

Wal-Mart has not closed on the old Rinks property yet. They anticipate a June closing, which will push construction into 2008. Therefore we have more time to develop the Joint Economic Development agreement, and it is not in tonight's Council packets.

Tomorrow Mr. Kocher will begin working on a new contract with the Fraternal Order of Police for seven full-time officers. The existing contract expires June 30. Clemens Nelson will help with paperwork but Mr. Kocher does not anticipate needing their help with negotiations.

The preconstruction meeting for the grinding and overlay project is Thursday; Mt. Pleasant will present their schedule then.

Mr. Kocher will be meeting with the city's health insurance provider since that contract is due for renewal September 1.

The Comprehensive Plan initiatives are on the website, although not the entire plan yet.

There is an ordinance in tonight's packets, in time for the grass growing season.

**LAW DIRECTOR'S REPORT:**

There are two bills of concern in the Ohio legislature at the moment. One is a periodically recurring proposal to do away with mayors' courts. This would mean that all of Mt. Healthy's cases would be tried downtown. There have been some legitimate complaints about mayors' courts in the past, but there have been reforms to address them (requiring practicing attorneys to preside as magistrates instead of the mayor, for example.) This would be much more expensive for Mt. Healthy due both to revenue sharing with Cincinnati and to the additional cost incurred when our police officers have to go downtown to testify. This could also be more expensive for defendants, who may feel that they need to hire attorneys in that more formal and intimidating environment. Defendants currently have the option to appeal a Mayor's Court decision downtown. Mr. Kocher commented that there was a radio show about this on Saturday and Mayor Rouse called in. There were a lot of misconceptions, including that speed traps are a huge revenue source for the city; Mr. Kocher said that the gross revenue from police tickets, fines, and court fines is about \$125,000/year, which is about 1.5 police officer salaries.

Mr. Roetting asked who is driving this proposal; Mr. Steve Wolf said that the chief justice of the Ohio Supreme Court is proposing this. It would provide more employment for judges.

The second is a proposal by AT&T to enter the video business in competition with Time Warner Cable. Because they are a legal monopoly, Time Warner is required to pay a franchise fee and provide certain services, like public interest stations and free videotaping and broadcast of Council meetings. This bill would eliminate those requirements.

**AUDITOR'S REPORT:**

The 2005-2006 GAAP report is progressing well. Ms. Claire is impressed with the new team. They expect to finish this up next month, then we will get started on the 2005-2006 audit. The 2008 tax budget will be presented at the next meeting.

**TREASURER'S REPORT:** None.

**CITIZENS/GUESTS/SPECIAL PRESENTATIONS:**

**John Swartz** addressed Council about the **property maintenance code**. He feels that the requirements of the code are unclear, and that its enforcement has impeded rather than encouraged him in getting his property fixed up. He painted rotting garage doors rather than replacing them due to the city's deadline and still has not done anything about a part grass, part gravel parking area since the city's requirements are not clear. He believes that the property maintenance code is an inappropriate use of the city's police powers to control trivial, debatable, or nonexistent damage to the community. They are also complex and not uniformly enforced. He requested that Council eliminate this ordinance or at least confine it to issues that present a clear threat to public health and safety.

**Mike Geier** addressed Council about the **property maintenance code**. He pointed out that most property in Mt. Healthy, including many city buildings and fences, are in violation of the proposed ordinance. He pointed out that no one wants their house to be unsightly or work to be

left unfinished, but that sometimes people are forced to choose between fixing up their house and paying the bills or buying food. The property maintenance ordinance attempts to take this decision away from residents, inappropriately, and could have economic effects on the city that are the opposite of what is intended. Mr. Geier is unhappy with the apparent attempt to slide this ordinance through without adequate public notice and discussion, and he recommends that the city hold 6-8 block forums to discuss these issues more effectively. He believes that if we can work together as a community Mt. Healthy can be a happier, more productive, and more economically viable city.

**Mr. Lombardo** thanked everyone for attending the meeting and for their input. He pointed out that Council is also seeing the proposed ordinance for the first time, and has not voted on it yet. **President Lawson** pointed out that the ordinance under discussion is an amendment to an existing ordinance that is already in place.

**Mr. Roetting** said that Council often declares emergencies and suspends the three reading rule in order to get the city's business conducted in a timely manner. The property maintenance inspector is a single part time contract employee who does not have the time to catch every violation, just as the police don't have the resources to catch every speeder. Mr. Roetting stated that we cannot depend on the good intentions of our neighbors to keep Mt. Healthy a safe and well maintained city.

**Mrs. Moody** mentioned a case where someone left trash out for an entire week after Rumpke did not pick it up. She also described a problem her family had with a neighbor conducting a car painting business out of his garage. The fumes made her family sick. This is one of the reasons behind the existing ordinances.

**Mr. Lombardo** mentioned the difficult balance of keeping property maintenance to certain community standards while not taking people's freedom away. He has talked with other residents, good citizens, who have been faced with fines and citations and the necessity of paying someone else to do work in order to meet the city's deadline. **Mr. Steve Wolf** asked whether the fact that many residents are in violation of the property maintenance code is a reason to abandon it, and whether the fact that most people violate the 25 MPH speed limit is a reason to abandon it. **Mr. Lombardo** is not suggesting abandonment of the property maintenance code. He would like to see the city establish reasonable requirements so that residents can comply without fear of harassment from the city.

**Mr. Kocher** stated that the city receives hundreds of complaints about inadequate property maintenance and that the administration goes out of their way to accommodate people's constraints in complying with the code. **Mrs. Moody** added that we need to help people meet this code; it's the people who are flagrantly in violation and refuse to work with the city that are the problem.

**Vernon Pfeiffer** addressed Council about the **property maintenance code**. He said that he would not repeat what Mr. Swartz and Mr. Geier had said, but that he feels the same way on certain issues. If the city is going to require parking areas to be paved if they result in "dirt and debris" being dragged into public rights of way, then "dirt and debris" needs to be defined.

There are lots of gravel parking areas in Mt. Healthy. If this ordinance would apply to businesses as well, then the city should take a look at the roof of the Assumption Credit Union.

**Jeri Burns** addressed Council about the **proposed ordinance** amending the property maintenance code. She has driven around to look at where people are parking and does not see how the conditions addressed by this ordinance present an immediate threat to the public health, safety, or welfare.

**Mr. Steve Wolf** explained that by state law, ordinances must have three readings. Sometimes, due to Council's meeting schedule, this can take a long time. Council can dispense with the three reading rule by a vote of 6 of 7 Council members. Normally, ordinances do not take effect for 30 days after they are passed, but if an emergency is declared they take effect immediately. Council sometimes suspends the three reading rule or declares an emergency so that the city can go ahead and do something that needs to be done soon. This ordinance, if passed by ordinary procedures, would not take effect until late July, when a lot of grass will already have grown. Mr. Wolf also pointed out that there is not much reason to conduct three readings when no community members are present at the meeting.

#### **ORDINANCES:**

Ordinance **07-1507** (*originally assigned 07-1503 but later corrected since this ordinance number was already used*) An Ordinance Amending Sections 153.02, 153.15, 153.26, 153.31, 153.33 and 153.36 of the Code of Ordinances Regarding Revisions to the Property Maintenance Code, and Declaring an Emergency. This ordinance received its first reading. Mr. Jamie Wolf expressed concern that the current enforcement procedure starts with a notice of violation and a requirement to come up with a compliance plan, but the proposed ordinance does not have any procedures for warnings. Mr. Kocher said that some people take advantage of the existing process and deliberately choose a \$50 fine over a \$500 repair, knowing that the city will then have to start the lengthy enforcement process all over again. Mr. Wolf said that he likes the proposal to define violations as misdemeanors, but that it is important for the procedure to include a warning and compliance plan. He is concerned that the potential consequences of property maintenance violations, if the proposed ordinance is passed, could include a choice between performing very expensive repairs quickly and a criminal record. Mr. Steve Wolf said that the city has the option to issue warnings, just as police officers have the option to issue warnings instead of tickets for speeding. Mr. Jamie Wolf also said that many of the phrases in this ordinance need to be better defined ("neat and orderly", "maintained in good condition", "per industry standards") and that as a teacher he has seen the difficulties that arise for students when teachers enforce unclear requirements differently. Ted Mack originated this ordinance. Mr. Kocher will ask him to attend the next meeting (May 15 at 7 P.M.) to discuss this, if possible. Some people feel that the notification letters are too threatening; Mr. Kocher has observed that nice letters are ignored.

**RESOLUTIONS:** None

**OLD BUSINESS:**

The fundraising walk for the Hayes Foundation is this Sunday. Registration is at noon and the walk begins at 1. The beautification committee will hold a plant sale on Saturday the 5th in the Urgent Care parking lot from 9 to 1 P.M.

**NEW BUSINESS:**

The American Legion's Memorial Day parade will be held May 27, and Council has been invited to participate. Meet at the Dairy Bar at 1:30; the parade begins at 2. Tell President Lawson if you have children available to carry the sign, and if you need an automobile.

A motion to meet on the third Tuesday (only) of June, July, and August was made by Mrs. Lingo and seconded by Mr. Roetting. An aye vote carried the motion.

**Angie Buettner** asked about the procedure for audience members to ask questions. President Lawson asked that they sign up to speak. Ms. Buettner asked whether the previous requirement about rubbish was that it not be set out at the curb before 3 P.M. Mr. Kocher did not think there was an existing ordinance about this.

**Roy Sutton** expressed concern that parking is already a problem on Phoenix because of the fire lane and the proposed ordinance would make it worse, since many residents park on gravel areas behind their houses.

**ADJOURNMENT:**

A motion to adjourn the meeting was made by Mr. Lombardo and seconded by Mr. DeBruler. An aye vote carried the motion, and the meeting was adjourned at 8:16 P.M.

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Sylvia Lawson, President of Council

Margaret Roulier, Clerk of Council