

**PUBLIC HEARING OF TAX BUDGET AND
MT. HEALTHY CITY COUNCIL MEETING
MAY 15, 2007 at 7:00 P.M.**

PUBLIC HEARING:

The public hearing began at 7:00 P.M. Ms. Claire explained that this tax budget is a preliminary forecast of revenues and expenses that is required by the county, and it is not binding. The annual appropriations ordinance, passed later in the year, is binding. Mr. Steve Wolf explained that the county budget committee double checks the revenue projection and approves it. If Mt. Healthy were to find other sources of revenue, we would have to go back to the county and have them approved. This is unlikely to happen, since Ms. Claire has a good idea of the revenue sources available and has projected them conservatively. If Mt. Healthy doesn't comply with this process, we could lose some Local Government Funds that we receive from the county.

Mr. Cook asked about the purpose of this public hearing and whether the city should provide copies of the tax budget for citizens to review. Primarily, the county requires this public hearing, but the hearing also alerts citizens that the tax budget is available for review. Council will not approve this budget until the June meeting; in the meanwhile, citizens can ask Mr. Kocher for a copy or review it on the city's web site. It will be posted there within about a week. Copies of the proposed tax budget were circulated among the audience members present. The public hearing was closed at 7:11 P.M.

COUNCIL MEETING:

The Council meeting was called to order by President Sylvia L. Lawson at 7:12 P.M. The invocation was given by Mrs. Moody 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 noted that ordinance 07-1503 received its first reading at the May 1 meeting and the minutes should reflect that. A motion to adopt the minutes of the May 1 Council meeting as corrected was made by Mr. Cook and seconded by Mr. DeBruler. An aye vote carried the motion.

CORRESPONDENCE: None.

MAYOR'S REPORT: None.

SAFETY SERVICE DIRECTOR'S REPORT:

The park landscaping is moving along; we are hoping to lay sod in order to get it ready for summer. Mr. Kocher expects the proposal back shortly.

Grinding and overlay will start June 11. First Hill (from Joseph to Seward), then Rambler (except the section with newer curbs), and then Forest (except for the south end without curbs.)

The Beautification Committee is holding a cleanup day on Saturday, May 19th; students from the high school will help out as part of their community service requirements. They will pick up trash on Adams, Compton, Hamilton, and in the city park and Heritage Park. If you want to help, check the city's web site or call City Hall to find out when this begins.

Mr. Kocher read a letter from Sgt. Donathan, who received a call from Lt. Mike Horton of the Hamilton County Sheriff's Office thanking Officers Geier and Campbell for the outstanding job they did in responding to a robbery on April 29. The robbery occurred at the Colerain Kroger; Officer Geier spotted the car heading south on Hamilton, initiated a traffic stop, and notified the county. The subject headed onto Cross County Highway and was eventually apprehended after a high speed chase.

LAW DIRECTOR'S REPORT: None.

AUDITOR'S REPORT:

April month end reports are in the packets. We will need to have at least four Council members present at the June meeting in order to adopt the tax budget.

TREASURER'S REPORT:

Ms. Schaefer distributed the April bank reconciliation and stated that she balances with the Auditor's office and with the bank for the month of April.

CITIZENS/GUESTS/SPECIAL PRESENTATIONS:

President Lawson thanked members of the public for attending and asked that they limit their remarks to three minutes.

Angie Buettner asked whether proposed ordinances could be restated in layman's terms. Mr. Cook said that some can; others are more complicated and that would be difficult to do.

John Swartz described the idea of a public side effect, or externality—the effects of a transaction on those who are not voluntary parties to the transaction—and illustrated it with the example of a brightly painted house and the painter dumping trash in a neighbor's back yard. The dumped trash is an example of a non-controversial negative public side effect. The bright colors, though, may be viewed by one neighbor as increasing property values and by another as decreasing them. This is an example of a public side effect that is controversial and therefore not an appropriate topic for legislation. Mr. Swartz asked that Council revise the property maintenance code to address only substantial and non-controversial negative public side effects. He commented that some tolerance of our neighbors is not too high a price to pay for the freedom we enjoy. He provided an initial draft rewrite of the code for Council's consideration.

Angie Buettner asked what has happened to make the proposed ordinance necessary, and why the city needs to add more small requirements to the code when the existing code is not being

thoroughly enforced. She commented that there are numerous requirements already on the books, and major property maintenance issues in Mt Healthy—grass, unlicensed vehicles, open soffits inhabited by animals—that we are not keeping up with. Why add more?

Matthew Fay introduced himself as a member of the Mt. Healthy Business Association and owner of Yottaquest. He asked whether some of the concerns raised last meeting (wording of property maintenance notification letters and lack of procedures in the proposed ordinance for issuing notices before citing people) have been addressed. He commented that he hears a perception among residents that the property maintenance enforcement process is used as a means of retaliation against people. The city appears to be nitpicking small problems while large problems continue with no apparent progress. Mr. Fay also commented that Ohio's smoking ban has resulted in lots of cigarettes in the streets, which looks bad.

Mr. James Wolf noted that businesses can be cited by the health department for allowing smoking within 25 feet of their entrance. Since businesses are so close together in Mt. Healthy, this means that there should be basically no smoking in the business district. Mr. Steve Wolf added that the city can't enforce the prohibition on smoking but we can enforce a littering prohibition, and throwing cigarette butts on the street is littering. Audience members commented that littering at bus stops is a big problem. If the police are called, the offender generally denies ownership of the trash or is gone by the time the police arrive.

Gail Butts asked about two homes on Perry that are owned by a funeral home. The yards have been turned into parking lots, but Ms. Butts is concerned about how the houses are being used. She sees caskets going in and out of them and wonders what is going on. Mr. Kocher will talk with the building inspector, and Ms. Butts will call Mr. Kocher in a day or two.

Jim Lowenburg asked that Council rewrite the property maintenance code to allow for planting of native grasses or wildflowers instead of only lawn grass.

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 second reading.

Mr. James Wolf said that he had been very concerned about this ordinance and its lack of a warning process, but after more research, he supports the proposed ordinance. The city has a good warning process in place and does work with people, give them extensions, and refer them to outside agencies that can provide help. It is important not to require a warning process because some situations are dangerous and need to be dealt with immediately; not all situations are the same. Mr. Wolf encountered a dangerous situation during installation of a fence because a previous owner had moved a gas line without following the proper procedures. It is important to have teeth in this ordinance in order to deal with people who violate it repeatedly. In response to people's comments that this ordinance concerns itself with small and arbitrary issues that only affect property values, Mr. Wolf cited the broken windows theory and stated that when a broken window is not fixed within a week, more often than not a second window will be broken on the

same property, and if it is not fixed within a month, more often than not there will be major criminal activity on that property. Mt. Healthy is relatively free of crime, and Mr. Wolf would like to keep it that way. Mt. Healthy's property maintenance code is a very good way to prevent crime.

Mrs. Moody said that she has looked at examples of the property maintenance notification letters sent by the city and they are form letters, with due process built in and appeal available. Mrs. Moody does not think they are a personal affront. Building permits are necessary to ensure the safety of current and future owners. There is a house on Compton with garbage cans on the front porch and some of the things addressed in the proposed ordinance are very important. The city is working with people and each case is different. This ordinance does not make major changes to what's already on the books. Mrs. Moody agreed with the concern expressed by others about how the city will keep up with the many issues addressed in the property maintenance ordinance.

Mr. Kocher commented that the property maintenance notification letters are the first notice. A final notice is issued if there is no response to the first notice. The letters specify that the recipient has the right to request an appeal to the Planning Commission. If the property is not brought into compliance, the case goes to Mayor's Court, and the Mayor's Court decision can be appealed downtown. There are abundant checks and balances. The property maintenance inspection staff requested this ordinance in order to deal with ongoing issues. The violations section is new; it is intended as a tool to deal with someone who is blatantly violating the ordinance. The magistrate has the option to deal with the violation as a fourth degree misdemeanor if someone commits the same violation within a year of the first conviction. Property maintenance issues rarely get to Mayor's Court and the city doesn't want them to get there. The new definitions and new second paragraph under exterior property areas are intended to provide needed clarity. The law is never going to be clearly defined and there will always be room for decision. If people feel they are being picked on, they should bring this to Mr. Kocher's attention since he never hears about it. People are often upset when they are cited for property maintenance violations. The new language in the exterior maintenance section is intended to address, for example, a property south of the UDF that is painted two colors. Some people don't agree that this is a problem but many do, and the city needs the authority to prohibit it. The violation piece of the proposed ordinance is new, but everything else is clarification of existing ordinances.

Mr. Lombardo said that he had some concerns about this ordinance as well, but he has worked with Mr. Knight and Mr. Mack since then. Mr. Lombardo looked at data on violations since last spring and he thought the cited violations were reasonable. He also noted that violations have generally gone down.

Mr. Roetting clarified that there is also a process for obtaining a variance from the building and zoning codes, in case (for example) someone wants to install a new driveway that is not paved with concrete or asphalt.

Mr. Steve Wolf commented that the main complaint about the property maintenance code is "why me and not her?" In order to enforce this code uniformly, the inspector would need to identify all existing violations and then send out all of those letters at once, which would

overwhelm the system. Major violations are decreasing since the code went into effect, since big structural problems generally don't recur.

Mr. Mack and Mr. Knight have proposed a change to the wording of the second paragraph on page 3 of the ordinance in order to clarify that paved parking surfaces must be well maintained. "well maintained hard" would be inserted between "must be on a" and "paved surface" in the first sentence, and "hard paved surfaces" would replace "concrete or asphalt" in the second sentence. Also, "manor" in the third line of this paragraph should be corrected to "manner."

A motion to adopt the requested changes was made by Mrs. Moody and seconded by Mr. Roetting. A roll call vote carried the motion, 7-0.

RESOLUTIONS: None

OLD BUSINESS:

The Memorial Day parade is on Monday, May 28. Council and administration should meet at the Dairy Bar at 1:30. Two children are still needed to carry the sign.

NEW BUSINESS:

Mr. Steve Wolf noted that Dave Warman, a Mt. Healthy resident and son-in-law of Mr. Woeste, was just appointed police chief of Glendale.

Mrs. Lingo asked whether fishing is allowed in Heritage Park. There used to be signs about staying away from the water but they are not there anymore. This park still belongs to the state.

Mrs. Moody asked about whether residents can park in the Urgent Care lot when they are in Heritage Park. There used to be paper signs stating that parking was for patients only, but they have fallen down. Mr. Kocher will ask the Urgent Care people about this.

A Finance Committee meeting was scheduled for 6 P.M. on June 19, before the next Council meeting.

ADJOURNMENT:

A motion to adjourn the meeting was made by Mr. Lombardo and seconded by Mrs. Lingo. An aye vote carried the motion, and the meeting was adjourned at 8:08 P.M.

Sylvia L. Lawson, President of Council

Margaret Roulier, Clerk of Council