

MT. HEALTHY CITY COUNCIL MEETING
August 16, 2011

The council meeting was called to order by President Don Crank at 7:04 P.M. The invocation was followed by the Pledge of Allegiance.

ROLL CALL:

Present: Mrs. Lingo, Mr. Wolf, Mrs. Moody, Mr. Bittner, Ms. Brandy, Mrs. Cole

Absent and Excused: Mr. Lombardo

Mrs. Lingo made a motion and was seconded by Ms Brandy to excuse the above named absent members. All in favor, *motion carried.*

ALSO IN ATTENDANCE:

Auditor Jill Claire, Treasurer Judy Petersen, Safety Service Director Bill Kocher, Law Director Steve Wolf

MINUTES:

A motion to adopt the minutes as printed of the July 19, 2011 Council Meeting was made by Mr. Bittner and seconded by Mrs. Cole. An aye vote carried the motion.

CORRESPONDENCE:

Ohio Municipal League will be having their 60th Annual Conference on Wednesday, September 28, 2011 – Friday, September, 30, 2011.

Letter read by Mr. Crank from Diane Kallmeyer:

First, as a resident and property owner, I am deeply disappointed on the voting by the planning and zoning committee on August 9th. The outcome of the voting showed no consideration given to the facts presented showing how this rezoning would affect the city in negative ways. The approval with conditions was an insult to all Mt. Healthy tax payers.

Second, as a Realtor for 27years, I feel and see this as a very wrong move for Mt. Healthy. When working buyers, they have stated to me that they do not want to look in or live in Mt. Healthy. Buyers have expressed their feelings of Mt. Healthy as being unsafe, depressed and not a good value for their money. These same feelings are held for the Mt. Healthy School system.

The rezoning of 7272 Hamilton Avenue to retail just puts another nail in the coffin.

I have pride in Mt. Healthy and its residents and do not want to lose that pride.

I strongly ask all members of city council to vote “no” on the rezoning of 7272 Hamilton Avenue. Help make Mt. Healthy a growing and vibrant city and a desirable place to live.

A second letter was read by Mr. Crank from Mt. Healthy who attended the Planning Commission hearing on August 9th and wish to register with City Council their extreme disappointment with the unresponsiveness of the Planning Commission to citizens’ concerns:

The hearing, held August 9th, was attended by a standing-room-only crowd of concerned citizens. Many speakers addressed the gathering and gave valid reasons for why the rezoning request should be denied. The arguments included the fact that this location is a gateway to the city; the city’s own Comprehensive Land Use Plan states repeatedly and unambiguously that the appearance of the city’s entry points should be a top priority, particularly by Reagan Highway; the site sits adjacent to a park and a significant historic property; once rezoning has been granted, the city would lose virtually all of its ability to restrict what retail use the site is put to; there is already an overabundance of empty retail space in the city, so it makes no sense to add new retail space; traffic on Hamilton Avenue would intensify; delivery trucks would be routed through residential zones, causing increased traffic, increased danger to pedestrians (particularly school-aged children), increased noise, and increased wear and tear on these streets; and delivery truck would remain idling, adding to the noise and pollution of the residential neighborhood and the park.

In addition, statements calling for the denial of this rezoning were read by both the Mt. Healthy Historical Society and the Business Association (which voted unanimously for a no-rezoning position). An attorney presented plentiful examples of court decisions that uphold a city’s right to deny rezoning requests. Not one speaker other than the project developer and the Family Dollar representative endorsed the rezoning, and those who spoke out against it made extremely intelligent, fact-based, rational arguments for keeping the zoning as it currently is.

Despite this, the Planning Commission chose to ignore the wishes of the citizens. They concluded, falsely (as was vocally pointed out by many who were present) that the primary concern was the issue of truck traffic on residential streets, and voted in favor of rezoning with a restriction on residential truck access. This decision absolutely ignored most of the arguments that had been presented. The Commission members seemed to believe that by “compromising” on just one of the many points made in opposition, they were somehow finding a solution that everyone could live with. This is not the case. Further, there was no explanation of just how such a truck ban would be enforced. The city should not take Family Dollar at their word on this – if the ban on residential delivery traffic cannot be enforced, the site should not be rezoned.

We trust that you will take your responsibilities to the residents of Mt. healthy seriously and will hear and consider their arguments with care and integrity.

There were 35 signatures attached to this letter.

PUBLIC INPUT:

Mrs. Moody is excused from council to have public input regarding the Family Dollar Store.

Mr. Crank would like to remind everybody that this is a civil forum. We will have no shouting, no screaming, and no insults. Each person will have 2 minutes.

Ben Carroll, representing Family Dollar provided everything the Planning Commission has asked for. The changes requested were made. Mr. Carroll provides pictures of the proposed Family Dollar. The site right now has 20 parking spaces. None of these will be designated no spots for the park. The truck will deliver one time a week and will come off Hamilton Avenue and enter the property and be able to maneuver getting in and out. They would not have to go through residential streets.

Karen Arnett: Karen would like to point out that Mr. Carroll had well more than 2 minutes. Letters from the building department to residents for code violations used to be to maintain a proud and vibrant community.....A community is not a bunch a buildings and mowed lawns. A community is people. There was worry when the community received the disrespect at last week's planning commission meeting. That evening dozens of residents attended the public hearing in order to participate in a democratic process. Hopeful that their concerns would be heard. There was a lot of anger, but only after we were discounted. Asking council to hear these citizens.

Kim Cremeans has yard signs advertising Celebrate Mt. Healthy if anybody would like to put one in their yard. The Business Association is looking for volunteers for the event. Looking for 2 hour increments from folks. The last thing to talk about is the planning commissions. She stands here tonight as a resident and was really disappointed in the decision of the planning commission. The decision showed a blatant disregard for not only the Business Association, but for the citizens. After the vote she felt defeated and depleted. She has numerous opportunities to move her business and residence out of Mt. Healthy, but she convinced herself to stay because she wants to work towards a goal to make the city a great place to live, shop and earn a living. Asking the City to go out and find what the residents want.

Jenny Moody: As a resident that owns property that comes right up to the proposed Family Dollar property. I find it confusing because every time we turn around the plans change. We she met with Mr. Carroll there was no way the trucks could not come through the residential streets. Now he is making it work. The residents of this community have been doing there homework and have found a lot of information out that should have been known up front. Now the issue is the landscaping. If you go to the store in Woodlawn the landscaping is practically dead. As we go around and see the Family Dollar stores in disarray she is concerned what will happen to this store.

Charlie McDaniel: Lived in Mt. Healthy 70 years. He was fire chief for 24 years 8 months and has a lot of interest in this town. His interest is not in the Family Dollar. We were totally ignored at the hearing for the rezoning. I recommend council listens to what their residents are saying.

Ned Hanson: The Family Dollar is destroying Mrs. Moody's property behind it. It will destroy the value of the home. If you vote for this you will be saying to Mrs. Moody "we don't care about your home". This store will not be suitable for the residential neighborhood. Vote against this.

Matthew Fay, President of the Mt. Healthy Business Association; we are in this for the vision and the future of Mt. Healthy. Change doesn't happen overnight – it is a long process, but you have to keep the vision of where we are going. We have new schools, the Martin Street project, cleaning up our neighborhood. We have pride in Mt. Healthy and people that care. This is a speed bump on this issue. The Mt. Healthy Business Association unanimously voted against this. We do not want this to be rezoned retail.

Jim Lowenburg: A couple issues that should be considered from a legislation point of view; the issue of trucks going into residential areas and truck idling. Schools have changed their regulations that buses can no longer idle because of the increased of asthma and other health issue concerns. Family Dollar trucks would be idling one to two hours while doing the deliveries. We need to come up with legislation for the whole city for idling of trucks limiting 15 minutes.

Alan Grauvogel: Looking at the picture of the building it appears to be larger than the doctor's office. There are not 20 spots available in that lot now. The truck pulling in and backing up how it can get out of there. He was at a new Family Dollar store in Cheviot and there was trash outside and it was dirty inside, the floors were dirty. I feel it would contribute to more trash in the city.

Andrea Brown: She does not feel this property is large enough for a Family Dollar. Not a good spot for this. It is like trying to fit a square peg in a round hole.

Ralph Schroer; Trucks trying to get in and out of the property. It reminds him of UDF where the trucks have to block Hamilton Avenue to get in and there has already been a fatality there.

Mr. Crank would like to "Thank" everyone for coming up and saying something about this very important matter and our city. All the concerns are absolutely reasonable and valid. Council will take every one of them into consideration.

SPECIAL PRESENTATIONS:

None.

COMMITTEE REPORTS:

Mrs. Moody returns to council.

MAYOR'S REPORTS: *Joseph Roetting*

None.

SAFETY SERVICE DIRECTOR'S REPORT: Bill Kocher

The bid opening for the Martin Street Project was on August 4th. The plan is to award the contract to the developer on August 19th. It might now be September before we will see construction begin. The project was award to Northland Contractors out of Columbus. There will be a ground breaking ceremony on September 20th. There will be invitations going out to council members.

The project at the vacant car lot on Hamilton Avenue. Bill Nunin, the veterans' project has closed on the property last week. They will begin demolition of the car wash very soon. There will be no need for council to rezone.

Mr. Kocher received an email regarding our police department that he would like to share. The email came from someone who has ties to Mt. Healthy. He witnessed a situation last evening, 8/12 at 7:30pm on Compton Road. I noticed two Mt. Healthy cruisers with their lights on, which had a car pulled over and when I approached the young man was being patted down and decided to turn and run right in front of my car. One of the officers took off after him while the other officer held the other 3 occupants of the car at gun point. It was obvious the officer was under much stress, but he handled the situation very brave and professionally. I stopped and there was a car behind me and started to pull around and the officer yelled for him to stop all while keeping the occupants and while calling for backup. I was very impressed with the officers involved. The officers were Pat Kemper, Jr and Kenneth Devers.

Clovernook update; There was a pre-construction meeting with the contractor. The schedule as it stands right now is August 17th – August 30th they will remove and replace catch basins. September 5th – September 7th the will be repairing soft spots. Starting September 19th – October 14th curbside replacement will begin. Finalizing will be around October 31st.

Follow ups:

On the gentleman uptown approaching cars asking for money. The police department is aware of the situation. Working with the Health Department and with his social worker and trying to get him the help he needs. Trying to convince him living on his own is not where he needs to be.

Cars parking on Maple from Lake of the Woods. The Chief and I met with the managers of Lake of the Woods and trying to work with them. The vehicles are inspected as part of their lease.

LAW DIRECTOR'S REPORT: Steve Wolf

None.

AUDITOR'S REPORT: Jill Claire

July month end reports are in the packet.

TREASURER'S REPORT: Judy Petersen

Balanced with the bank and auditor for the month of July.

ORDINANCES:

Ordinance 11-1617 . An ordinance amending the 2011 appropriations, and declaring an emergency. A motion to suspend the Three Reading Rule was made by Mrs. Lingo and seconded by Mr. Bittner. A roll call vote carried the motion 6-0. A motion to adopt the ordinance was made by Ms. Brandy and seconded by Mrs. Moody. A roll call vote carried the motion 6-0.

Ordinance 11-1618 . An ordinance to transfer funds from the general fund to other funds covering budgeted expenditures and declaring an emergency. A motion to suspend the Three Reading Rule was made by Mr. Bittner and seconded by Mrs. Cole. A roll call vote carried the motion 6-0. A motion to adopt the ordinance was made by Ms. Brandy and seconded by Mrs. Lingo. A roll call vote carried the motion 6-0.

Ordinance 11-1619 . An ordinance assessing costs of the removal of high grass and weeds and declaring an emergency. A motion to suspend the Three Reading Rule was made by Mrs. Cole and seconded by Mrs. Lingo. A roll call vote carried the motion 6-0. A motion to adopt the ordinance was made by Mrs. Moody and seconded by Mrs. Lingo. A roll call vote carried the motion 6-0.

RESOLUTIONS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Mr. Wolf makes a motion to hold a Public Hearing for the Family Dollar Store on Tuesday, September 20, 2011 at 6:30 P.M. Mrs. Cole seconds the motion. An aye vote carries the motion.

Mrs. Lingo makes a motion to move into executive session at 8:10 P.M. regarding personnel issues. Ms. Brandy seconds the motion. A roll call vote carried the motion 6-0.

Council was called back to order at 8:20 P.M.

ADJOURNMENT:

A motion to adjourn the meeting was made by Mr. Bittner and seconded by Mrs. Lingo.
An aye vote carried the motion and the meeting was adjourned at 8:21 P.M.



Donald Crank, President of Council



Melanie Evenson, Clerk of Council