

RECORD OF PROCEEDINGS

Minutes of VILLAGE OF CLEVES Council Meeting Held on September 9, 2020.

Mayor Myers began the Council Meeting at 7:00 P.M. with the Pledge of Allegiance. Roll Call was taken. Mrs. Brady, Mr. Williams, Ms. Meister, Mrs. Myers, Mr. Burns and Mrs. Peter were present. Village Administrator Rahall and Solicitor Nicholas were also present.

A Motion to Approve the Minutes of the Public Hearing held August 19, 2020 was made by Mrs. Myers; seconded by Mrs. Brady. ALL IN FAVOR.

A Motion to Approve the Previous Council Meeting Minutes for August 19, 2020 was made by Mrs. Myers; seconded by Mr. Burns. ALL IN FAVOR.

A Motion to Adopt of Pay Ordinance #9-2020 was made by Mrs. Myers; seconded Mr. Williams. ALL IN FAVOR.

SPECIAL GUESTS

NONE – Mr. Bill Deters, North Bend Village Council had asked to be on the agenda; however, he sent his regrets, as he was unable to attend.

HEARING OF THE PUBLIC

Mr. Dale Oppenheim, Greyleaf Ct., asked if there had been a study regarding the Cleves Police Department. Mayor Myers stated there had not been a formal study conducted. Council and the Mayor were analyzing the Budget of our Village Police Department. Mayor Myers stated Administrator Rahall explored an Agreement with Miami Township and North Bend for Police Services with the Hamilton County Sheriff's Department, which Miami Township had ended up tabling until 2021. The Mayor stated that Council could not make an informed decision as to their options without the numbers. Mr. Oppenheim asked how Ordinances and Resolutions are made available to the Public. He asked if it was possible to get on a mailing list. Councilwoman Myers explained that Ordinances and Resolutions must be approved before they become effective. Mr. Oppenheim asked if the public could get a copy of the proposed Ordinances or Resolutions a month prior to the meeting. Mayor Myers replied no. The language actions may not even be known a month before. Solicitor Nicholas stated that at times Council might only know the Title of a proposed Action prior to the meeting due to ongoing construction of the actual Ordinance or Resolution. He stated the Council reviews and discusses the Ordinances at the meeting and then chooses whether or not to act on them. An unidentified audience member asked "how long before voted on?" Mrs. Myers responded that an Ordinance or Resolution becomes Approved upon a majority of Council's voting to Approve.

Mr. Chuck Birkholtz, Coleberry Ct., asked about the North Bend negotiations and the Miami Township Board of Trustees tabling the negotiations. He said there was intimidation by the Mayor and Administrator. Mayor Myers asked who was intimidated. Mr. Birkholtz did not reply but asked if he had met with someone. Administrator Rahall stated that there had been no meeting the Mayor and himself had. Mr. Rahall stated that there was no involvement by the Village of Cleves in the North Bend decisions as to their contract with Miami Township. Someone from the Audience asked how many Council Members live in the Village. Mayor Myers replied that all Members live in the Village. Ms. Meister interjected that she grew up here and lives in the older part of the Village.

Ms. Meister stated that she had served as a member of the Cleves Fire Department and didn't like the way it was dissolved. She stated her biggest disappointment is the lack of people being involved. She stated she ran for Council because of it. An audience member responded Council was not being clear on what is going on. The Mayor responded by saying there was nothing on the Agenda dealing with doing away with the Police Department. The Council is simply looking at a possibility of contracting with the Sheriff's Department. An Audience member said they did not want the Sheriff.

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Mayor Myers stated that Mr. Bill Deters had requested to address Council regarding North Bend's position with Miami Township and the Sheriff's Department Contract. Mayor Myers read a letter from Mayor Doug Sammons, Mayor of North Bend, which states:

"I want to affirm that we plan on moving forward with Cleves in our agreement to utilize the Hamilton County Sheriff's Dept. We just had a special meeting where we voted to give 180-day notice to Miami Township that we will be cancelling our police contract with them. I hope this shows the Village of Cleves our commitment to joining with you in our police contract with the Sheriff's Dept."

The Mayor moved on to the Agenda

SOLICITOR'S REPORT

NONE

DEPARTMENTAL REPORTS

FIRE

Chief Ober provided the Run Statistics for the month of August. 33 EMS runs including an injury at the BMX Park and one severe burn, 3 OD's, 7 fire runs, 3 illegal open burns and 1 Fire Alarm Drop. He also stated that bids for the new firehouse on East Miami River Road are expected to be opened at the end of the month.

Administrator Mike Rahall provided the following updates on Village Departments.

WATER

Water Superintendent Eric Winhusen advises that 34.41 million gallons were pumped in August. He stated that Mr. Winhusen had received the results of the Ohio EPA's PFAB Tests which came back negative. He shared that the work was in progress on the Miami Township Water Line extensions.

SERVICE

Service Director Knuf advised that grass cutting continued and the Storm Sewer Project on Dowling was underway. As well as catch basins, curbs, tree cutting, property clean up and storm sewer work being completed.

POLICE

Sgt. Habig was in attendance and Mr. Rahall asked if he would like to update Council on run data. Sgt. Habig discussed staffing, stating the Department is short 3 Full Time Officers and 3 Part Time Officers. Mrs. Myers asked about Run Totals, etc. and Sgt. Habig stated he did not have that information to provide to Council as he had not intended to stay for this part of the meeting.

VILLAGE ADMINISTRATOR'S REPORT

Village Administrator Rahall stated he wished to read the following statement for the record:

"In the past few years there has been a reduction in local government funds and state assistance which has required exploring options to reduce expenditures. For years the state of Ohio has recommended and encouraged small communities to engage in shared services when possible and the Village has followed this recommendation. We have shared services agreements for fire protection, health insurance consortium, gas and electric aggregations, water and sewer services, road salt bidding with the County and our mutual aid agreements with local police departments to name a few. Every community contiguous to the Village, those being North Bend, Miami Township and Whitewater Township have a shared services agreement with the Hamilton County Sheriff. 737.04 of the ORC allows the village to negotiate for police protection and to offer police protection to adjoining communities. In order to keep our police department and to increase needed revenue to operate the department we reached out to North Bend and Addyston for a shared service agreement

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with our department but to no avail. As Village Administrator, I have the authority to make contracts for services and purchases on behalf of the Village, which are ratified and approved by Council (ORC 713.141). I have negotiated contracts in the past for Councils approval for health insurance, SRO contracts with the school, Solid Waste collection and recycling with Rumpke, to name a few. Our inability to recruit and retain officers and chiefs in addition to the excess need for overtime which was a safety concern for the officer and the village in general warranted a request for a proposal to share services for police protection with Miami Township and North Bend. Contrary to public opinion, this contract was not signed, but was negotiated. For council to make an informed decision on the issue, they have to know what the cost, coverage, and terms of the contract would be. This is no different than any other expenditure that they have voted on, but obviously when it involves the safety of the community, it is of the utmost importance. To tell them that the Sheriff would be willing to contract with us, but not providing any other information, would not have satisfied the due diligence requirement of my position, especially for a decision of this magnitude. We explored a contract solely for Cleves, one with just North Bend, and a contract with the Township and North Bend, again doing due diligence to provide the mayor and council with as much information as possible. As was stated at the August meeting, a proposed 2021 budget for the Village Police Department was also requested and obtained. Ultimately, the Sheriff and the three communities had a verbal agreement for the proposal that was offered by the largest community, Miami Township, but would obviously still need to be ratified by the legislative bodies of each entity. On September 1, this proposal was tabled by the Trustees until January 1 but there remains a stated interest in a joint agreement. Following the decision of the Township, North Bend voted to dissolve their contract with the Township after giving them the required 180-day notice and has expressed a desire to enter into contract with the Village for shared services as soon as legally possible. The Sheriff has agreed to assist in covering unmanned shifts until a contract can be established. They proposed a tentative agreement to provide adequate coverage of the village for six months or until a shared services contract can be established. Our current police station would serve as a substation for the sheriff and cars and personnel serving Miami Township, Whitewater Township, Crosley Township, Harrison Township and North Bend would be located there. Council ultimately makes this decision. The hope is to have a proposal presented to council in the very near future that will involve a contract for coverage for six months and a contract or MOU with North Bend for a three-year contract for shared services. The agreement will include offering all Cleves police officers a position with the sheriff including covering the village, after appropriate vetting. No decision has been made nor can be, legally, until voted on by Council."

COUNCIL REPORTS

Mrs. Myer, Planning and Zoning: Mrs. Myers stated the Committee was in discussions regarding the Backscheider Variance. The Committee continues its review of the following items: Rental Application Procedures, Rezoning of Cleves, Permitted/Conditional Uses, Overlay District for R-1 zoned areas, IPMC Ordinance Revision (2018 IPMC cost and the Fee Schedule/ Citable Charges) and Nuisance Issues regarding 520 Finley. In other business the Committee reviewed a Merrilees Hardware Variance Request and Historic District Alterations, Nick's American Cafe Pole Sign Proposal and Vacant Properties.

Mr. Burns, Parks: Mr. Burns was not at the Parks meeting, Mr. Rahall gave the update stating the Committee discussed the Safety Costs and improving the playground area sand. The planting of trees along the Park boundaries were discussed and the drainage improvements, which were completed as well as future drainage improvements, were reviewed. It was also reported that the WTFSA Soccer Organization was still discussing a partial payment of their normal usage agreement.

Mr. Williams, Safety: Mr. Williams reported that Chief Ober had informed them that all the additional Full Time Firefighter positions had been filled. The Committee discussed the need for additional staffing; both full and part time, saying Sgt. Habig called the staffing issue "Critical". Sgt. Habig informed the Committee that the pay rates were the problem with retention and that is what led us to the position we are in now.

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Solicitor, Mr. Doug Nicholas addressed the Initiative Petition Served to the Village. He reviewed the Timeline and the validity of the petition. He stated that he did not address the issue at the Public Hearing due to the tone and tenor of the proceedings. He stated that he wanted the information he received from the Hamilton County Board of Elections to be part of the minutes in this meeting. He read the following:

PETITION

- I. Understand some question as to why the Village may consider this decision when petition circulated to put item on November 3, 2020 ballot
 - a. That was the date written on the petitions themselves
- II. First received copy of the proposed ordinance middle of July
 - a. R.C. 731.28 states that once the petitions are submitted, the issue if the signatures and initiative are otherwise valid, would appear "at the next general election occurring subsequent to ninety days after the auditor or clerk certifies the sufficiency and validity of the initiative petition to the board of elections."
 - i. The clerk certifies the petition after it is held 10 days for public inspection
 - ii. Therefore, it had to be to the Village Clerk 100 days prior to the election
 - iii. That meant that the petition would have had to be submitted to the Village Clerk by July 27, and that is giving an extra day because the 10th day was over the weekend
 - iv. I had not been notified of any petitions being received before our last scheduled meeting, August 12 or the rescheduled meeting of August 19
 - v. In fact the petitions were not filed until last week
 - b. At the meeting on the 19th, there was some discussion about the fact that the petition was still being circulated
 - i. I mentioned that I did not believe that it would be in time, but one of the folks in the back, stated that she had talked to someone named Dave at the BOE and that they could turn it in anytime, or something to that effect
 1. Due to the tone and tenor of the meeting at that point, it was pointless to state a contrary opinion and cite statutes, so I let it go. Instead I decided to email the Director of the Hamilton County Board of Elections, Sherry Poland that night for clarification and because I suspected that the folks circulating the petition would not believe my interpretation of the law anyway
 2. My email cited 731.28 and I asked if the petition was submitted to us if it would be on the general in November 2021 ballot as I suspected, or if it would be on the November 2020 ballot
 - a. She replied the next morning, and stated that she had consulted with their legal counsel with the prosecutor's office, and that "assuming it is sufficient and they have the signatures, it will simply appear on the ballot at the general in 2021 as the deadline for the 2020 has passed."
 - b. In layman's terms these can be filed at any time but, depending the date they are filed will determine the ballot they appear on.
 - c. There are issues with some signatures and other issues with the petitions that the BOE will have to review, including the legal validity of the proposed ordinance itself as it is in conflict with general laws in the revised code and the Ohio constitution, but the bottom line is that council is not obligated to wait over a calendar year to make a decision even if the BOE certifies this for the general in 2021
 - ii. The residents do have the option of filing a referendum in the event council adopts an ordinance

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Mr. Chuck Birkholtz, from the audience stated that when the rumors started on Nextdoor he called the Board of Elections and they would not tell him anything until last Friday and he was told to contact an attorney. He said he could not get information; he called the Secretary of State's Office and said it could trigger a Special Election and the Village was on the hook for the cost. Mr. Birkholtz stated don't blame the community for not caring – the community is too busy with their lives and families and don't have time to see what's going on with Council

Ms. Peter. Finance: Ms. Peter reported that the Committee reviewed the Village Budget and what was spent so far for the Police Budget.

MAYOR'S REPORT

Mayor Myers announced the following:

1. **September Service Anniversaries**
 - a. Mollie Hill – Custodian: 21 years
 - b. Maria Neiheisel – Water Works Clerk: 5 years
2. **Mayor's Court Report - August**
 - a. Total Received: \$2,120.00
 - b. Disbursed to Cleves: \$1,727.00
 - c. Hamilton County Auditor: \$7.50
 - d. State of Ohio: \$385.50

Mayor Myers asked if there was any Additional Business:

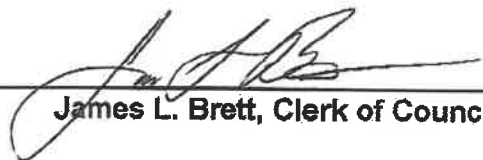
Ms. Meister addressed the current state of the Police Department, stating that we are doing a disservice to the Residents and Community by ignoring the current needs of our Police Department and not providing what is needed to operate efficiently. The Acting Chiefs requests needs to be addressed and we should hire to fill the vacant positions. She stated, regarding her statement about the lack of Community Involvement, was not meant to blame the Community, it's just her biggest disappointment. Mr. Birkholtz, from the Audience, said, "I didn't blame you, we know what side you're on".

There being no further business:

**A Motion to Adjourn the Council Meeting at 7:46 P.M. was made by Mrs. Myers; seconded by Mr. Burns.
ALL IN FAVOR.**



Mayor Stephen Myers



James L. Brett, Clerk of Council