

RECORD OF PROCEEDINGS

Minutes of VILLAGE OF CLEVES Council Meeting Held on May 11, 2022 Meeting Held via Zoom Platform

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

Motion to Approve Previous Council Meeting Minutes from April 13, 2022 was made by Mrs. Myers; seconded by Mr. Williams. ALL IN FAVOR
Motion to Approve Special Meeting of Council held April 18, 2022 was made by Mrs. Myers; seconded by Ms. Meister. ALL IN FAVOR
A Motion to Adopt of Pay Ordinance #5-2022 was made by Mrs. Myers; seconded Mr. Burns. ALL IN FAVOR

HEARING OF THE PUBLIC

Mr. Chuck Birkholtz, 604 Coleberry Court, asked if the Topics he submitted prior to the meeting should be addressed now or later in the meeting. Mayor Myers said he should address them in this section of the Agenda. Mr. Birkholtz yielded the floor to others who wished to address Council, reserving his time for later in this section of the Agenda.

Mr. Tim Leigh, 130 Harrison Avenue, said he was told the Roy Rogers Restaurant was no longer being built in Cleves, but was being built in Greendale IN. Mayor Myers said he had not heard that. Mr. Rahall said the plans for the restaurant were delivered for plan review today. Mr. Leigh asked how many grants Mr. Rahall had applied for and received during his tenure at Cleves. Before an answer was given Mr. Birkholtz said "No Response". Mayor Myers stated that question would require going back and compiling the number, it was not something we would have without checking.

Ms. Nancy Nichols, 108 Western Knoll Court, asked how many applicants had applied for the vacant Council seat. Mayor Myers replies 2 and said the topic will be discussed later in the meeting. Ms. Nichols asked how many interviews had been scheduled. Mayor Myers again replied with 2 and that the topic would be covered later in the meeting.

Ms. Monica Maddy, 118 Porter Street, stated people had been down there to fix the drain, why hasn't it been fixed? (the location was not provided by Ms. Maddy.) after a delay, Mayor Myers asked if she would like to continue. She said by US 50 and Porter Street. No Body has worked on it for a month. Mayor Myers stated it will be looked into. Ms. Maddy asked when will you fill the potholes on Porter at Main. Mayor Myers replied he was not aware of the scheduled date, but he will discuss it with the Service Director, Mr. Knuf. Ms. Maddy asked if she could pay someone to fix it. Mayor Myers reminded her of her remaining time. She replied that she was just going to stare for the remaining 35 seconds of her time. Mayor Myers allowed the delay before moving on with those who wished to address Council.

Mr. Chuck Birkholtz, 604 Coleberry Court, asked about the Agenda Items and the proposed conversation regarding 109 and 119 N. Miami Ave. He asked if this was the proper time to discuss the items. Mayor Myers said Council will be discussing it in the meeting but he was welcome to add any input he may have now. He thanked Mr. Brett and Mayor Myers for placing the items on the Agenda. He stated that he had emailed a video and pictures of last Saturday's incident at 109 N. Miami Ave. He stated he understood the incident was still being investigated, but said what's going on at the Motel is not productive. He also said the recent fire at 119 N. Miami Ave. is still being investigated by the Fire department but the Fire crew was wearing hazmat suits. Something must be going on that is wrong. Mr. Birkholtz said he had sent in questions prior to the meeting about the Village Codes and Ordinances he would like to know the answers to. Question 1, What Village ordinances can the Sheriff's Department enforce? He asked that Sgt. Carney or Mr. Nicholas answer that question. Question 2, Does the Sheriff have the authority to enforce Village Ordinances? Question 3, There were no arrests last Saturday night, why or why not. Question 4, If there were no arrests or charges, what is the Sheriff doing? Question 5, If Village Ordinances are not enforceable by the Sheriff, what is the Solicitor going to do about it? Mr. Birkholtz stated that the Mayor, under the Ohio Revised Code (ORC) has the same Power as the Sheriff to enforce the laws and keep the peace in the Village. He would like these questions answered. Ms.

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Boyce asked Mr. Birkholtz if he was at the polls and asking people to vote No on the Levy? Mr. Birkholtz said yes he was at the polls and handed out a flyer on facts and reasons to vote No. She then asked if he feels his actions are for the betterment of the Community by asking residents to vote No on the Levy. Mr. Birkholtz said Yes. He said the Village Council was not doing its job and did nothing to promote the issue. He stated he had not seen anything Council has done in the past two years that was positive, adding he had heard people saying maybe it would be better to be a part of Miami Township instead. Mayor Myers interrupted, saying this discussion was not beneficial to the Village and he suggested we move on.

SOLICITOR'S REPORT

Ordinance No. 3-2022 – ORDINANCE AUTHORIZING SALE OF REAL PROPERTY TO THE VILLAGE OF NORTH BEND, OHIO CONTINGENT ON AWARD OF HARRISON IMPROVEMENT GRANT

Mr. Nicholas explained the Ordinance which was the result of the Special Meeting of Council held April 18, 2022.

A Motion to Introduce Ordinance 3-2022, AUTHORIZING SALE OF REAL PROPERTY TO THE VILLAGE OF NORTH BEND, OHIO CONTINGENT ON AWARD OF HARRISON IMPROVEMENT GRANT was made by Mrs. Myers; seconded by Ms. Boyce. **ALL IN FAVOR**

A Motion to Suspend the Rules and Read by Title Only for Ordinance No.3-2022, AUTHORIZING SALE OF REAL PROPERTY TO THE VILLAGE OF NORTH BEND, OHIO CONTINGENT ON AWARD OF HARRISON IMPROVEMENT GRANT was made by Mrs. Myers; seconded by Mr. Burns. **ALL IN FAVOR**

A Motion to Adopt Ordinance No. 3-2022, AUTHORIZING SALE OF REAL PROPERTY TO THE VILLAGE OF NORTH BEND, OHIO CONTINGENT ON AWARD OF HARRISON IMPROVEMENT GRANT was made by Mrs. Myers; seconded by Mr. Burns. **ALL IN FAVOR**

Resolution No. 3-2022 – RESOLUTION CONSENTING THAT THE DIRECTOR OF TRANSPORTATION MAY COMPLETE SYSTEMATIC SIGN REPLACEMENTS ON GENERAL ROUTES

Mr. Rahall explained that this was a request from ODOT to replace signage within the Village.

A Motion to adopt Ordinance No. 3-2022, CONSENTING THAT THE DIRECTOR OF TRANSPORTATION MAY COMPLETE SYSTEMATIC SIGN REPLACEMENTS ON GENERAL ROUTES was made by Mrs. Myers; seconded by Ms. Meister **ALL IN FAVOR**

Solicitor Nicholas said while normally this would conclude his report he wanted to answer some of the questions asked earlier by Mr. Chuck Birkholtz. His answers were as follows:

Question 1, No, the Sheriff does not enforce Zoning Ordinances.

Question 2, While the Sheriff can enforce Village Ordinances, they are difficult to follow through on. He stated that arresting and charging someone had little effect because there is an overcrowding at the County Jail and no place for them to serve time. He stated that just because we have Statutes, we didn't have a jail prior to the Sheriff, so jail was not a viable option for violators. He also noted that if we did have someone sentenced to jail time it was expensive for the Village because we had to pay for each day they were incarcerated. He also pointed out that Mayors Court was held every 2-3 weeks and it was impossible to hold someone for that period of time for this type of incident, prior to the Sheriff taking over. Mr., Nicholas said Council can look at changing the penalty to a Civil penalty and levy a fine. He also stated when looking back at a Nuisance complaint, 90 days is normally the limit for combining complaints. He also stated that he did not see the email Mr. Birkholtz had sent late this afternoon until he arrived for the meeting, and had not reviewed it to comment on. He stated that a past injunction was handled by the Hamilton County Prosecutors Office and had ben successful, but it took a long period of time to complete.

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DEPARTMENTAL REPORTS

POLICE

Sgt. Mike Carney provided the following information. The statistics for April, 2022 included 161 calls for service, 28 which were considered non-billable. The calls included 9 criminal reports, 10, non-criminal, 2 auto accidents and 4 citations having been issued for the month. Sgt. Carney addressed the question asked earlier about 109 N. Miami Ave., stating he checked with both the Officers dispatched and the Communications Center. He said the Communications Center believed an assault was ongoing due to the number of calls the female made and kept hanging up. The caller was upset with family members who were attempting to take her keys away and she was intoxicated. The EMS Unit was called because of the possible assault and the female originally refused treatment. Things were settled at the scene, and there was no arrest nor reports taken due to the nature of the situation. Sgt. Carney stated he looked back through April and there were 0 calls for service at 109 N. Miami Ave. He also stated that since he has been assigned here there is nothing standing out about the address. This seemed to be an isolated incident that was resolved.

He added to the information Mr. Nicholas had provided, stating that the resources are just not available to put a property owner in jail for nuisance violations. He also said the Village would have to have a contract, likely somewhere else for this type of incarceration due to the lack of space at the Hamilton County Jail.

FIRE

Fire Chief Brien Lacy provided the following department run totals for the Village for April: 12 Fire details, and 40 EMS details. The Chief stated that they had used the newly purchased drone at a recent incident to help locate an individual. The Chief said the Fire at 119 N. Miami Ave. is still under investigation. He said if anyone saw the early stages of the fire or had video, they would like to review it with them. He said as far as the earlier question about the fire, he is limited in what he can discuss. He said he could explain why someone might have thought there was a hazmat situation. He explained that when investigating a fire those involved were PPE while working in the fire scene. He stated that there was No hazmat situation at the scene. Mr. Burns asked if there were any issues flying the drone due to the proximity to the Greater Cincinnati Airport. The Chief said they operate under NFPA 2500 Guidelines and have height guidelines. He said they were working with the Sheriff's Department Helicopter, so they coordinated the elevation heights with them. Mr. Williams asked how many Firefighters were trained to operate the drone. Chief Lacy said they have 10 people with the NFPA Training and 3 Licensed Pilots at this time.

SERVICE

Service Director Knuf said they had spent most of their time on grass cutting with the wet spring we are experiencing. He stated that on April 27 the bids for the Howell Street Storm Water Project were opened. Complete Contractors was the low bid, but they do not expect to start the project until June, due to materials not being available. He said that should resolve one of the earlier public comments question. Mr. Knuf also announce that Bids will be opened on May 18 for the South Miami Avenue Improvements. This project will start at St. Rt. 262 and end at the North Bend line.

WATER

Superintendent, Mr. Eric Winhusen stated 21.5 million gallons were pumped in April. Mr. Winhusen said that was all he had to bring before Council this evening.

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VILLAGE ADMINISTRATOR'S REPORT

Village Administrator, Mr. Mike Rahall, said the Playground Equipment Installation is scheduled for the end of the month. The Playground equipment was purchased with a grant for the Community Development Block Grant Program. He said the South Miami Ave. project Mr. Knuf described was funded with a 50% Grant and a 50% 20-year interest free loan. He repeated that the plans for the Roy Rogers restaurant arrived for plan review today. Mr. Rahall said the American Legion's Memorial Day Parade will begin at 9:30am on May 30, 2022. The starting point will be the old Skyline Building and will finish at the High School.

OLD BUSINESS

Council Position Vacancy

Mayor Myers said we need to set a date and time for interviewing at least the two current applicants. The Mayor reminded everyone that since the appointment did not take place within 30 Days, it is his responsibility to appoint someone, however he will do so with the consent of Council as he had promised. Mrs. Myers asked about preparing some general questions in advance. Mayor Myers said he had asked Mr. Brett and Mr. Rahall to work on a list of questions. Mrs. Myers asked about the amount of time to set aside for each applicant. She suggested 30 Minutes. After discussing possible dates and times, it was agreed on by Council to review calendars and confirm.

109 and 119 North Miami Ave.

Mayor Myers said he felt the questions about the two address had been answered by the Solicitor and the Chiefs. He asked if anyone had anything to add. There were no comments from Council.

COUNCIL COMMITTEE REPORTS

Parks

Mr. Burns discussed the playground upgrades. He said the Epoxy Coating for the Pickleball court should be added with the contingency funds available. He stated the WCSA Soccer Association was going to pay for the materials to reseed 4 fields. He added that the wet weather has disrupted the baseball dirt being delivered, but it was still going to be placed as soon as the area is dry enough. Ms. Boyce discussed the Yard of the Month program. She stated the Committee had collected the Gift Card donations and the signs and flags had been ordered. She said they had settled on two yards per month to recognize and not twice in a 24 month period. Their next meeting of the committee will be held Tuesday at 2:00, at Nicks American Restaurant.

Since Parks was the only Committee to meet, Mayor Myers asked if anyone else had anything to bring before Council. There were no additions.

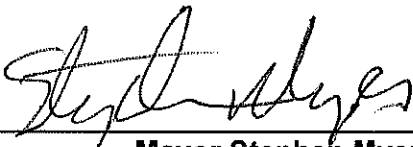
Mayors Report

Mayor Myers said he and Mrs. Myers had attended the Chevron CAP meeting, which conflicted with the Parks Committee meeting. He stated they will be placing some information on the website once received from Chevron, but said the plume is getting smaller and the outlook is better than in the past. Mr. Burns asked about the Air Pump System in the Park. The Mayor explained it still has to be run some of the time, but the flooding and weather in general dictated how often.


There being no further business:

A Motion to Adjourn the Council Meeting at 7:58 P.M. was made by Mrs. Myers; seconded by Mr. Williams

ALL IN FAVOR



Mayor Stephen Myers



James L. Brett, Clerk of Council