

*Amended & adopted  
9-8-2020*

## NORTH COLLEGE HILL CITY COUNCIL

### Minutes for Virtual NCH Council Meeting, August 3, 7:00 pm

Persons wishing to address Council prior to its dealing with current legislation may do so by registering with the Clerk of Council. Please provide to the Clerk, your name, address and the issue you wish to discuss.

#### Prayer

Call to Order 7:04 pm

Pledge of Allegiance

**ROLL CALL** Ms. Bailey., Mr. Hedger, Ms. Underwood, Mr. Miller-Novak, Ms. Zorb, Ms. Hartman, Mr. O'Shea. All Present.

**AGENDA** Ms. Zorb moves to approve the agenda, Ms. Bailey 2<sup>nd</sup>. Agenda approved 7-0.

**Meeting Minutes 05-04-2020.** Ms. Zorb's moves to approve the minutes of 6-1-2020, 6-15-2020, 7-6-2020, 7-9-2020, 7-11-2020. Mr. Miller-Novak 2<sup>nd</sup>. Motion passes 7-0.

#### Communications:

- July Mayor's Court Report

#### Committee Reports:

**Budget and Finance:** As reported by Ms. Bailey. Not met since last council meeting. Next meeting 8-10-2020, 7:30 pm. Also see Ad Hoc reports.

**City Community and Development & Recreation:** As reported by Mr. Hedger. Not met since last Council meeting. Next meeting 8-10-2020, 6:30 pm.

**Public Safety:** As reported by Ms. Underwood. Experiencing technical difficulties this evening and the report is in her computer and is unable to access her report at this time. She will give an update at the next meeting, August 24 at 7:30 pm.

**Rules Public Policy:** As reported by Mr. O'Shea.

- Primary goal is to create an easily printable copy of the charter with amendments included. Mr. O'Shea has verified online information has been updated and compiled the information into a google doc and has sent to his colleagues to review. Hopefully by next meeting to have discussion to approve and make an official document that's printable.
- Mr. O'Shea and committee are working on outdated ordinances, particularly the ones related council's responsibility to approve the appointment of the building officer and the inconsistencies pertaining to parking motor vehicles, boats, trailers and recreational vehicles on private property.
- Briefly discuss making incremental update to Council Rules, rather than a complete rewrite
- Also standardizing electronic documents
- Next meeting is the 4<sup>th</sup> Monday in August at 6:30 pm.

#### AD HOC Report:

Mr. O'Shea reports for the NCH Chamber of Commerce.

- Chamber of Commerce will be participating in the World's Longest Yard Sale setting up tables at the NCH Perkins Restaurant. Proceeds will go to the NCH High Scholarship Fund. Donations and treasures accepted for the Chamber of Commerce to sell.

Ms. Zorb reports for I.C.R.C.

- She wants to make council aware that I.C.R.C. now offers a hybrid meeting so if anyone wants to sit in Council Chambers for the meetings they can allow that to occur. They also have the ability for a webinar. (Interactive meeting with residents).
- Ms. Zorb asked for clarification regard the city calendar shows 2 committee meetings Finance and Community and Development should have been held July 13, and asked if Ms. Bailey and Mr. Hedger's meetings were cancelled. Ms. Bailey reported they did have a meeting and had discussions on the following; Salary ordinance discussed in length, trying to find revenue for the city. Permissive vehicle tax and a fair asking price or value for the Dallas House.

Ms. Bailey reports for O.K.I.

- O.K.I. grantors had \$10,000.00 possibly for NCH to use energy savings measures for the city. Taking roots program and give 50 citizens free trees to plant. She will keep Council informed.

## O.K.I. report con't

Ms. Zorb asked if the money could be used to change the street lights to LED lights. Ms. Bailey was not sure and will forward information to council.

## **ADMINISTRATIVE REPORTS**

### Mayor:

- Mayor Nichols was glad that Ms. Bailey informed her of the Taking roots program and glad to be a part of it.
- Maslow's Army was here. They went to the corner where the young man was hit by a car. While there she noticed that traffic still did not slow down. They had yard signs that say 25 MPH Slowdown that residents were interested in.
- There was also a few emails and people in general asking about speed humps. She spoke with Mr. Mosby to see how they would affect our trucks especially in the winter time. No conclusion. Perhaps speed humps just for the summer and remove them in the winter. Speeding is an issue everywhere. Ms. Nichol said Maslow's Army would put in crosswalks free of charge. Ms. Underwood reports about a speed hump program Mr. Hedger brought up at his meeting and it is in discussion. Mr. Hedger reports. It is a resident lead program which allows residents to petition the city to have speed humps paid for private and public funding and the proposal is with the law director now.

City Administrator: Thank you to Ms. Dewald for working with the city as clerk.

- O.K.I grantors chose 8 communities to receive grant money and NCH was one of those communities. To be eligible the community had to have matching fund. Mr. Mosby was very clear with them that we would not be able to do that. At the end of the program there was \$10,000.00 that had not been used that does not require a match but needs to be used for energy savings. Mr. Mosby put in a proposal for an electric vehicle charging station. We should hear back from them by the 10 of August to see if the grantor will approve that.
- Speed Humps is with Mr. Deters now and are calming measures but still proves to be challenge for city vehicles especially emergency vehicles, every second counts. Mr. Deters is putting together a pro and con analyst of it. Mr. Mosby just wants to remind everyone of the challenges with installing speed humps.
- Wednesday, August 12 from noon until 4:00 pm is another pop up Covid testing site. Hamilton County likes the location and the way the traffic was managed while they were on the parking lot.
- For the next finance committee meeting in September Mr. Mosby and the department heads of the city will be prepared to present a preliminary 2021 budget. The goal would be to have a final budget passed before the end of the year.
- The city has been impacted by the loss of revenue due to the Covid shut down. However we are looking forward to the major renovation to Mc Donald's which has been pushed back to 2021.
- Good news DaVita dialysis has started work on their building on Goodman Ave which when completed could employ the equivalent of 13 fulltime employees.
- We want to remain very conservative with our budget projections. Keep in mind one of our biggest projection is personal and according to the last full time Police Officer contract there were three straight years of 4% increase in 2021.
- Road improvement program is being published now and we are accepting bids. Bid opening will Wednesday, August 19 at the City Center in council chambers. No time frame at this point. Sundale program is for 2021.
- Street sweeping will be taking place this month and, September and October.

### Discussion:

Ms. Bailey asked if we were registered for the Cares Act Funding. Mr. Mosby said the city has already received the funding. All the money has to be committed by October. Any monies not committed will have to be turned back, but we should have no problem with the commitment of that money. We received approximately \$104,000.00

### Discussion of Mr. Mosby's report con't.

Ms. Zorb asked about speed humps being temporary s to who places them and who monitors them. We need to find solutions for city wide speeding. Looking at the Mayor's court report she noticed we are down \$20,000.00 in revenue from fines. She inquired about stepping up patrolling to fine more speeders or look into temporary speed humps.

Mayor Nichols said she and Mr. Mosby had discussed removable speed humps but she also wants to see what Mr. Hedger and Ms. Underwood has to present on this issue. Mayor Nichols said she and Mr. Mosby has also talked about police issuing more tickets.

Mr. Mosby has already had this discussion with Chief Schrand about increased patrolling.

Mr. Hedger wants specific numbers of increased tickets issued. What the data is such as percentage of increase and a breakdown of tickets issued. Mr. Hedger asked if a goal could be set for ticket writing.

Ms. Underwood asked for status of the software for the police department. Mr. Mosby reports that Chief Schrand would most likely purchase the software by October.

### LAW DIRECTOR:

Mr. Deters spoke about the comprehensive ordinance regarding installation of speed humps. He will send this ordinance to Mr. Hedger for his committee to review and to forward to council for approval.

- He reminded council that setting ticket writing goals is a quota systems and they are held to be unconstitutional. They can ask for more patrols but not to set quota for writing tickets.

Mr. Mosby wanted to bring to Councils attention that tomorrow, August 4 is Election Day for the City of Mt. Healthy and they will be voting on whether or to increase their Fire Department tax levy establishing a more complete fire department. If Mt. Healthy passes this increased levy every municipality around us will have enough fulltime firefighters to staff a full time fire department. NCH does not. We will probably be more dependent on mutual aide.

**Finance Director:** Has nothing at this time but will be presenting a finance report at the next Finance and Budget committee meeting.

### Call of Members:

**Ms. Bailey:** Thanks to Ms. Zorb and NCH Serve organization for planting the sunflowers that brighten her day. And thank you to Mr. O'Shea for compiling the charter and getting it to council. It is much appreciated.

**Mr. Hedger:** Thanks to Ms. Underwood for letting him come to her committee meeting to propose the speed hump ordinance that gives residents a procedure and option to help slow down speeders on their street and to discuss traffic calming solutions such as increasing policing productivity.

**Ms. Underwood:** We need to figure out how to help our Fire Department. She understands our department was short staffed the day the young man was hit by the car. Our Police Department had to take him to the hospital. It's an "in your face" situation with regards to not having the staff we need for situations just like that. And also the importance of traffic calming resolutions.

**Mr. Miller-Novak:** Thanks to Mr. O' Shea and Ms. Underwood for holding such organized and productive meetings. Thanks to Mr. Hedger for bringing a plan for speed humps. Mask ordinance, even though the state has a mandate for usage, perhaps we should have a policy in place as well. He has noticed the sunflowers too and thanks Ms. Zorb and her group for doing that. He also told the mythological sunflower story of Clytie and Apollo.

**Ms. Zorb:** Is money available from the Safe Routes to School program. Mr. Mosby has met with O.D.O.T. and there is a plan which does include crosswalks for 2021.

Ms. Hartman: Expressed her concern after attending her church for her sons First Communion and a group of teenagers were yelling at them that black lives matter (amended) and that white people suck. She also reported the car show has been cancelled due to politics in the city.

Mr. O'Shea: Refers to a past meeting where multiple meetings on one date was discussed. Our charter does not specify if that is or is not an option. However, much of our charter comes from the Ohio Revise Code which states readings have to take place on 3 separate dates for future reference.

**REMARKS FROM THE AUDIENCE:** Removed for virtual meeting

## **LEGISLATION**

**First Reading: Resolution 13-2020**, A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF NORTH COLLEGE HILL ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS STREET LEVY FUND FOR THE SUNDALE RECONSTRUCTION, CB05X WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

**Discussion:** Ms. Zorb inquires about appendix A mentioned in both pieces of legislation. Mr. Mosby explains the appendices are the project themselves. The purpose of this legislation is to affirm with the state that the money will be used for the streets indicated. The money will be used only for the road fund.

Ms. Underwood asked if Mr. Mosby if could send the appendices to all of council. Mr. Mosby can do that

**First Reading: RESOLUTION 14-2020**, A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF NORTH COLLEGE HILL ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS STREET LEVY FUND FOR THE GALBRAITH AND GOODMAN RECONSTRUCTION, CB23X WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

**Discussion:** Ms. Underwood moved to amend the appendix to require all bids to do a traffic survey for traffic calming solutions on Galbraith Road. Ms. Bailey 2<sup>nd</sup>. Ms. Zorb asked if it already went out for bid. Mr. Mosby said the announcement already went out and bidders are now preparing their bids which include the specs which are on location at the engineer's office. Mr. Hedger believes changes can be made at this time in process so long as we haven't accepted any bids yet. After much discussion Pres. Garver asked for a vote to amend Resolution 14-2020. Motion to amend passes 6-1.

**Second Reading: Ordinance 07-2020** AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE NORTH COLLEGE HILL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

**Third Reading: Ordinance 04-2020**, AN ORDINANCE TO APPROVE AN ASSESSMENT AGREEMENT WITH THE CITY OF CINCINNATI, GREATER CINCINNATI WATERWORKS. Mr. O'Shea moves to adopt, Ms. Bailey 2<sup>nd</sup>. Motion to adopt passes 7-0.

**Third Reading: Ordinance 08-2020**, AN ORDINANCE REQUIRING THE USE OF FACIAL MASKS IN PUBLIC TO MITIGATE THE SPREAD OF COVID-19 AND DECLARING AN EMERGENCY.

**Discussion:** Mr. O'Shea questioned that the legislation was presented at a special meeting on July 9 and appeared on the agenda for a first reading which was the first time council was able to review the first draft and it not sent to committee for review and also for the public to review and discuss. This legislation has not been properly vetted through the committee process. Ordinance 8-2020 is not enforceable, unnecessary and should not move forward because wearing a mask is already mandated by the state. This is only a temporary mandate, and once the virus is mitigated a repeal of this ordinance would be necessary which when it's no longer needed. Mr. O'Shea moved to postpone indefinitely. Ms. Zorb 2<sup>nd</sup>. A very lengthy discussion ensued regarding legislation going to Council rather than committee first and legislative power versus action. Pres. Graver calls for a vote. Ms. Bailey, no, Mr. Hedger no, Ms. Underwood no, Mr. Miller-Novak, no, Ms. Zorb, yes, Ms. Hartman, yes, Mr. O'Shea, yes. Motion to postpone indefinitely fails with a vote of 4-3. Ms. Bailey moves to adopt. Mr. Miller-Novak ask for **Discussion** with questions for Mr. Deters and asked about the conflict of the age differences in our

**Con't discussion**

Ordinance versus the mandate from the state and wants to be sure that it's okay if our age requirement is Different than the state mandate. Mr. Deter responds, yes. Our laws can be more restrictive than the state so long as we meet the minimum that the state has presented. Pres. Graver points out that the school has their own protocol that they need to follow, then calls for the motion. Ms. Underwood 2<sup>nd</sup> the motion to adopt. Ms. Bailey, yes, Mr. Hedger, yes, Ms. Underwood, yes, Mr. Miller-Novak, yes, Ms. Zorb, no, Ms. Hartman, no, Mr. O'Shea, no. Ms. Dewald announces because of the emergency clause a vote of 5 or more votes to pass is needed and motion to adopt fails. Plea to Mr. Deters to respond with no response yet. Lengthy discussion occurred. Mr. Miller-Novak said the council rules and charter referred to, are for the emergency part of the legislation and since we don't have to have the answer now the record is the record. We can find out the answer and figure it out from there. That the legislation pass with a 4-3 vote. Mr. O'Shea, pertaining to the charter, it's very clear section 9.09 that legislation fails because it did not get 5 affirmative votes. Pres. Graver said we will follow through with Mr. Deters.

**Third Reading: Resolution 09-2020, A RESOLUTION TO DECERTIFY ASSESSMENTS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE**

Ms. Bailey moves to adopt and confirms resident was charged in error. This legislation refunds that fee. Ms. Zorb states she had also asked for information confirming the error and has not received any information and has no facts to go on with decertifying the property and refunding the fees charged. Mr. O'Shea 2<sup>nd</sup>. No further discussion. Motion passes 6-1.

**Third Reading: Resolution 10-2020, A RESOLUTION TO ASSESS UNPAID WATR SERVICE ACCOUNTS TO THE HAMILTON COUNTY AUDITOR.** Mr. O'Shea moves to adopt. Ms. Bailey says this is the second piece that is not need yet because there are no properties to assess. Mr. O'Shea withdraws his motion to adopt and moves to postpone indefinitely. Ms. Bailey 2<sup>nd</sup>. Motion to postpone passes 7-0.

**OLD BUSINESS:** Ms. Underwood would like to say again it would benefit Council if they could actually knew what the police department was doing in regards to the stats. She will try to procure a sample report so council will know what she is talking about.


Ms. Bailey would like to go on record saying the car show has not been cancelled because of any politics in the city at all. It was brought up at the last Public Safety meeting and it will be discussed at the next Community and Development meeting.


Ms. Zorb, if we await until the next Community and Development meeting it might be too late to get out the notices and getting gifts and other items for the car show. We need to be fair to Mr. Traut.

After discussion it was determined it is an administrative issue and not a legislative issue. Mr. Mosby said because of covid-19 the city had already been concerned about gatherings and determined the car show is a no go.

**NEW BUSINESS:** None

**ADJOURMENT:** Mr. Miller-Novak moved to adjourn. Ms. Zorb 2<sup>nd</sup>. Motion passes 7-0.

  
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Mary Dewald, Clerk of Council

  
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Mike Graver, President of Council