

NORTH COLLEGE HILL CITY COUNCIL

Minutes for NCH Council Meeting, Monday February 07, 2022, 7:00pm

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

Swearing in Ceremonies for Cody Lee & Craig Cheney

PRAYER

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Dukes Dean	Dewald	Underwood	Miller Novak	Zorb	Blythe	Anderson
Present	Present	Present	Present	Present	Present	Present

AGENDA

Agenda approved, motioned by Ms. Underwood and 2nd by Ms. Zorb, motion passed 7-0.

MINUTES Council Meeting Minutes 01-18-2022

Motion to approve Council Meeting Minutes 01-18-2022 by Ms. Dewald and 2nd by Ms. Underwood.
Motion passed 7-0

COMMUNICATION

Certificate of Estimated Property Tax Revenue from Hamilton County Auditor

COUNCIL COMMITTEES

City Community and Development & Recreation: Ms. Anderson reports.

- Not met since last meeting.
- Next meeting Feb 14, 2022

Budget and Finance: Mr. Miller Novack reports.

- Not met since last meeting.
- Next meeting Feb 14, 2022

Rules & Public Policy: Ms. Underwood reports.

- Discussed the ODOT salt contact and OPWC legislation and referred to council. Discussed the council rules.
- Next meeting Feb 28, 2021

Public Safety: Ms. Underwood reports:

- Discussed the fire truck purchase and what is needed in the new truck.
- Next meeting Feb 28, 2021

ADHOC Report

- ICRC Meeting, Ms. Zorb reports the treasurer report and 2022 budget. Production Management team are trying to do commercials for the city. Next meeting 4/28/22 Unlimited commercials.
- CIC Meeting, Ms. Underwood reports there are a number of properties they are trying to purchase and ideas to encourage home ownership. Working on structure and bylaws for organization.

ADMINISTRATIVE REPORTS

Mayor Ms. Nichols reports:

- Gave recognition to the public works dept for the snow and ice removal from the past storm. Reported to Ms. Anderson that school board has appointed to recreation commission.

City Administrator Mr. Mosby reports:

- Congratulated the new and promoted officers. Gave recognition to the public works dept for the snow

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and ice removal from the past storm.

- Ms. Zorb asked for the update on the J&J opioid settlement, Mr. Mosby had no update at this time.
- Ms. Dewald asked for an update on the impound lot and possibly pause till the comprehensive plan is complete. Mr. Mosby explained if council motions to stop any more development, then he would stop. Ms. Anderson asked if impound lot will be started before the comprehensive plan gives recommendations. Mr. Mosby explained that they do plan to move forward prior to hearing a response. Ms. Nichols explained the potential revenue from the lot, Police Chief gave further details. Mr. Miller Novak expressed his thoughts that comprehensive plans take a longer time and are holistic, he is not sure if a plan can be put together that quickly for one property. Ms. Zorb read an email from Urban Fast Forward about a driving tour and timing of the impound lot (See below). Mr. Mosby expressed desire of council. The email explained the land behind the impound lot is not the best location.
 - Ms. Dewald made a motion to ask the administration to wait one month before moving forward on the impound lot and 2nd by Ms. Zorb. Motion passed 7-0.

*Ms. Zorb's email:
Mary Jo and all -*

First, what Ron said in his email yesterday is essential: a city administrator works at the direction of their council. So once a direction has been given they can only change course with a different, council approved, mandate.

But the underlying issue raised by Mary Jo is important.

So answer in multiple parts.

If your consulting team had been asked before the decision was made, we strongly would have recommended that the area behind the admin building is not an ideal place for an impound lot.

First, that's far from the highest and best use for that land. It is almost certainly a possible future development site. At such time as that value is realized, the impound lot would have to be moved.

Meanwhile, some more immediate questions:

- Would having an impound lot there negatively affect the perception of NCH's administration building and thus of city leadership?

If, for example, the lot is visible to City Hall visitors, or if the path into the lot is via the same road and access as the front door of City Hall, that creates a negative perception.

- Does having the impound lot on this site create any future problems for the development of the site?

Would, for example, there be new surface contamination from automotive oil and gas leaching into the soil? That might create the need for costly remediation later, especially if a future development is for residential use.

Such risks might be slight but should at least be considered.

- Is the city making a substantial investment in creating the lot on this site?

For example will it be paved and/or fenced? In which case at what cost? And if impound is not the final

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use for this land is that cost justifiable for what would be a shorter (2 - 4 years) use?

Generally for major expenditures, a city wants extended benefit.

- Lastly, is this the zoning example the city wishes to set. This land is on one of NCH's major arteries - a prominent position. This is an unattractive use at the best of times. As we talk about a positive way forward, does this initiative set that tone?

On the other hand, is it even possible to move the lot elsewhere? It has been identified as a revenue source and it would also seem to be a problem solver.

- To both capture that revenue and solve that problem where else could it go?

- Is there a site with a more industrial character in a less visible location?

If such a site exists and is not owned by the city, can it be rented at a reasonable rate? The idea of using free land is appealing but not always optimum. Paying rent would reduce revenues but might still be a better option.

- Alternately is there a site that could be acquired?

Ownership is generally better and if the location were in a more industrial zone, the lot could be placed there permanently rather than having to be moved later.

Owned or leased however, there would almost certainly be some additional cost for a better solution. But also, as noted, potentially significant long term benefits.

Impound lots fall into the category of a necessary evil for most communities. But there's a reason they're tucked away: it is truly hard to make this an attractive use.

So completely without detailed information about the work I'm sure your professionals have already done, if it is possible to locate the lot elsewhere, that could be preferable.

But given the degree to which planning has advanced I am also aware that it might be very difficult to change direction now.

Such are the challenges which always face community leaders.

Hope this helps.

" "
—

Cheers,

Kathleen Norris
Principal and Broker

Urban Fast Forward
1710 Elm Street
Cincinnati, OH 45202

Law Director

- Reported last week that state House authorized remote meetings but is awaiting the state Senate to pass it.

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Finance Director

- Not in attendance.

CALL OF MEMBERS:

Dukes Dean: Congratulated the new and promoted and police officers. Gave recognition to the public works dept for the snow and ice removal from the past storm. Who Dey!

Dewald: Gave recognition to the public works dept for the snow and ice removal from the past storm.

Underwood: Congratulated the new and promoted and police officers. Gave recognition to the public works dept for the snow and ice removal from the past storm. Who Dey! Gave a portion of her time to Deputy Fire Chief. He explained they need to approve the Fire Truck purchase and current quote, to get this price they need it passed within 15 days and with inflation the cost keeps rising. Ms. Underwood described several items that were left off to save around \$57,000.

- Mr. Miller Novak confirmed there are two more meetings before the quote expires. If not passed it could potentially lose the price quoted if not accepted. Council cannot just simply adjust the quote.
- Ms. Zorb asked about the initial increase from the original \$575,000 price allocated in the budget. Mr. Mosby explained there is prepayment discount that it would come close to the amount allocated in the budget.
- Ms. Dukes Dean asked if they added back things would it change the quote. He explained the quote presented is everything they need.

Miller-Novak: Congratulated the new and promoted and police officers. Gave recognition to the public works dept for the snow and ice removal from the past storm. Gave appreciation to all public employees.

Ms. Zorb: Nothing else to add.

Ms. Blythe: Expressed her thoughts about the current salary ordinance being proposed because she believes it violates the Charter of North College Hill. She stated that the council only has the authority to set salaries. She also expressed her belief in the conflict of interest of the city administrator setting his own salary.

Ms. Blythe read the following:

TO: NCH Citizens, Council and Administration
FROM: Ms. Luree A. Blythe, NCH Council Member
Re: NCH Salary Ordinance 01-2022 and the NCH Charter

I cannot support the above-mentioned Salary Ordinance, because it undermines and conflicts with the NCH Charter. Per NCH Charter section 3.06 (see page 2), "the Council of the City, by ordinance or resolution, shall determine the number of officers, clerks, and employees in each department of the City government, and shall fix, by ordinance or resolution, their respective salaries and compensation."

*Council has a fiduciary duty, oversight duty and most importantly serves as the "checks and balances" to the NCH Administration. The NCH Charter does not authorize NCH administration to determine salaries. Section 14.06 (see page 2) of the NCH Charter, states the proper procedure to update the charter, via a commission "for the purpose of reviewing this Charter to determine if amendments are necessary to conform to the changing needs of the Municipality or to recommend other additions." **Legislation should not override the NCH Charter.***

Furthermore, the inserted clause (top paragraph of page 3) in Salary Ordinance 1-2022, creates a conflict of interest for the City Administrator. The City Administrator should not be provided discretionary authority, by NCH Council or the NCH Mayor, to increase wages of individuals in section I, because the City Administrator's position is listed in Section 1 of Salary Ordinance 1-2022.

Conflict of Interest: a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity. [conflict of interest - Google Search](#)

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I hope that we do not start a precedent to subvert the rules of the Charter by "cutting and pasting" sections of the Charter into the ordinances/resolutions, and voting on them, to achieve an agenda or goal, outside of the NCH Charter. Council should reconsider our responsibility to adhere to the NCH Charter. When we vote to delegate Council duties and oversight to the NCH Administration, we are undermining the NCH Charter and NCH Council Rules.

Per Section 6.7 of Council Rules, I will present this document and attachment/Page 2 to the Clerk of Council to be included in the February 7, 2022 Council Meeting Minutes.

Thank you.

Letter from Ms. Luree A. Blythe
February 7, 2022
Page 2

NCH Charter

SECTION 3.06 COMPENSATION AND EXPENSES

*Council shall not increase or diminish the salary of an elected official of the City during the term for which the official was elected or appointed to fill an unexpired term. This section does not prohibit the payment of any increased costs needed to provide the identical benefits provided to an elected official of the City at the commencement of the term of the office. Unless otherwise provided, all fees pertaining to any office shall be paid into the City treasury. **The Council of the City, by ordinance or resolution, shall determine the number of officers, clerks, and employees in each department of the City government, and shall fix, by ordinance or resolution, their respective salaries and compensation, and the amount of bond to be given for each officer, clerk, or employee in each department of the government, if any is required.** Such bond shall be made by such officer, clerk, or employee, with surety subject to the approval of the City Administrator and the Mayor.*

SECTION 14.06 NCH CHARTER

***A Charter Review Commission shall be created not less than once each five (5) years, on or before December 1 of the year prior to the year of the Charter Review, for the purpose of reviewing this Charter to determine if amendments are necessary to conform to the changing needs of the Municipality or to recommend other additions.** The Commission shall consist of seven (7) members. The Mayor shall serve as a member of the Commission by virtue of his or her office and the Council shall elect one (1) of its own to the Commission. The Mayor shall appoint two (2) resident electors of the Municipality to the Commission and Council shall elect three (3) resident electors of the Municipality to the Commission. The Director of Law shall meet with the Commission in an advisory capacity. The Commission shall elect a Chairman, Vice Chairman, and Secretary at its first organizational meeting. Minutes shall be kept of the proceedings and all meetings shall be open to the public. The Commission shall consider any appropriate revision to the Charter and shall submit its recommendation to the Council upon 20 Accepted as the official compilation by City Council on September 8, 2020 approval by a majority of its members. The recommendations shall not be binding upon the Council. The Commission must complete its review of the Charter and present its report to Council within six (6) months from the date the Commission was created.*

Council Rules:

6.7 Dissents and Protests

Any Member shall have the right to express dissent from or protest against any ordinance, motion or

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resolution of Council and have the reason therefore entered upon the minutes of Council. To be entered upon the minutes of Council, such dissent or protest may be filed in writing and presented to Council not later than the end of the next regular meeting following the date of passage of the ordinance, motion, or resolution.

Ms. Anderson: She expressed her support for the new purchase of a fire truck. Congratulated the new and promoted and police officers. Gave recognition to the public works dept for the snow and ice removal from the past storm.

REMARKS FROM THE AUDIENCE

Glenda A Smith: She is running for Judge for Hamilton County Juvenile Court because she believes they are behind the times when compared to others. Go to GlendaforJudge.com for more information.

Mr. Miller Novak motioned for a 10-minute recess 2nd by Ms. Dewald. Motioned passed 7-0.

EXECUTIVE SESSION: Ms. Underwood made a motion to enter executive session to discuss the discipline, compensation and/or investigation of a public employee under ORC 121.22 and 2nd by Ms. Zorb. Motion passed 7-0.

Ms. Underwood moved to reconvene the meeting and 2nd Ms. Dewald. Motioned Passed 7-0.

LEGISLATION

FIRST READING RES. NO 05-2022, A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2022 AND DECLARING AN EMERGENCY

- Ms. Underwood moved to suspend readings and 2nd by Ms. Anderson. Motion failed 5-2.
 - Ms. Dewald discussed why should it be suspended or emergency clause since not due till April.

FIRST READING RES. NO 06-2022, A RESOLUTION AUTHORIZING THE CITY OF NORTH COLLEGE HILL TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

FIRST READING RES. NO 07-2022, AN RESOLUTION APPROVING THE PURCHASE OF VEHICLE FOR USE BY THE CITY OF NORTH COLLEGE HILL FIRE DEPARTMENT

SECOND READING ORD. NO 01-2022, AN ORDINANCE TO AMEND AND ESTABLISH SALARIES AND STAFFING LEVELS FOR CITY EMPLOYEES PURSUANT TO THE REQUIREMENTS OF SECTION 3.06 OF THE CITY OF NORTH COLLEGE HILL CHARTER

FURTHER REMARKS FROM THE AUDIENCE (as it pertains to legislation)

No remarks.

OLD BUSINESS

No old business.

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NEW BUSINESS

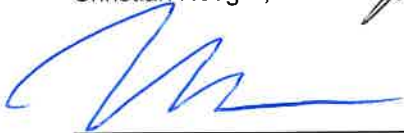
- Ms. Dewald suggested purchasing a new mic for Mr. Deters. Ms. Zorb will work on getting a mic for him.
- Ms. DukesDean asked about the food truck day about possibly doing the commercial and lining up trucks. Asked for an update about the J&J opioid lawsuit, no update currently. Asked if we will be meeting remotely. Mr. Miller Novak explained since it has not passed nothing to discuss currently.

ADJOURNMENT

Ms. Anderson motioned to adjourned and 2nd by Ms. Zorb. Passes. 7-0.



Christian Hedger, Clerk of Council



Mike Graver, President of Council

Matt Miller - Novak

Pro fan