

RECORD OF PROCEEDINGS

Minutes of VILLAGE OF CLEVES Council Meeting Held on February 8, 2023

Mayor Stephen Myers began the Council Meeting at 7:00 P.M. with the Pledge of Allegiance.

Roll Call was taken. Ms. Boyce, Mr. Williams, Ms. Meister, Mrs. Myers, Mr. Hume and Mr. Burns were present. Village Administrator Rahall and Solicitor Nicholas were also present.

Motion to Approve Previous Council Meeting Minutes from January 11, 2022 with corrections to the Date in the Header, the spelling of Mr. Ryan McDonald's name, and the addition of Committee to Ms. Boyce's Parks Committee comments, was made by Ms. Boyce; seconded by Mr. Burns. Roll Call Vote: Ms. Boyce, Yes, Mr. Williams, Yes, Ms. Meister, Yes, Mrs. Myers, Abstained, Mr. Hume, Yes, and Mr. Burns, Yes

A Motion to Adopt of Pay Ordinance #2-2023 was made by Mrs. Myers; seconded Ms. Boyce. **ALL IN FAVOR**

HEARING OF THE PUBLIC

Mr. Chuck Birkholtz, 604 Coleberry Court, stated that he didn't make threats to Council about recent Resolutions. He said he felt it was important for everyone to know why they arrived at this situation. He said the lawsuit against the Village Council was for the July 2020 Minutes that reflected that Council did not enter Executive Session with the appropriate language, a violation of the Open Meetings Act. Mr. Birkholtz stated he assumed Mr. Nicholas drafted the language to enter that Executive Session. He said he feels Council does not discuss things in open meetings. He read an email sent from Ms. Boyce to the Mayor saying she supported of a raise for all employees including Administrator Mike Rahall. He stated he received this email as part of a public records request. Mr. Birkholtz continued with a statement about the number of Criminal Reports listed in Sgt. Carney's report to Council. He also commented on the Village Zoning as it refers to fencing. He stated he had requested the codified information regarding fencing permits and had not received it. He stated there should be a process in place for addressing fences. Mr. Birkholtz also said he had spoken with the Bailiff at the Housing Court in Hamilton County and he would be going there to observe the process. He said the only way someone from the Village would be referred to the housing courts is by being cited there by the Sheriff. After his comments were finished, Mayor Myers asked Ms. Boyce if she wanted to comment further from before. She said yes, stating there was nothing illegal about the email she sent to the Mayor.

SOLICITOR'S REPORT

RESOLUTION 3 – 2023: Resolution Revising Procedures Of Council

Solicitor Nicholas stated he had sent the proposed language to Council for their review, and it had been discussed extensively at the January meeting. After a short discussion,

A Motion to approve Resolution 3-2023 was made by Mrs. Myers. Seconded by Mr. Williams. **ALL IN FAVOR**

ORDINANCE NO. 1 – 2023: Annual Appropriation Ordinance

Mr. Brett explained the Annual Appropriations, saying that he had appropriated a larger percentage of the Funds available than he liked to, but it would reduce the number of changes required as we move forward. He explained the difference between Appropriations and a Budget, emphasizing that just because the money was appropriated, it does not mean it should be spent.

A Motion to Introduce Ordinance No. 1-2023, Approving the Annual Appropriations for 2023 was made by Mrs. Myers; seconded by Ms. Meister. **ALL IN FAVOR.**

A Motion to Suspend the Rules and Read by Title Only for Ordinance No. 1-2023, Approving the Annual Appropriations for 2023 was made by Mrs. Myers; seconded by Ms. Meister. **ALL IN FAVOR.**

A Motion to Adopt Ordinance No. 1-2023, Approving the Annual Appropriations for 2023 was made by Mrs. Myers; seconded by Ms. Meister. **ALL IN FAVOR.**

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Solicitor Nicholas said he would like to address a few items and some incorrect statements by Mr. Birkholtz. He said there was a question about a meeting with Duke regarding their proposed substation. The discussion revolved around a parcel of property at 133 Mt. Nebo. There was also a parcel at 133 New Pine which he believes was confused with the Mt. Nebo Property. He explained the process that had taken place for the zone change on Mt. Nebo. He also addressed two items brought up by Mr. Birkholtz earlier. First, he stated that he did not prepare the language which Council used to enter the executive session Mr. Birkholtz referred to. Second, he said he had discussed Mr. Birkholtz's comments about what the Housing Court Bailiff had said. The Bailiff told Mr. Nicholas that those comments were false and not what he said. Mr. Nicholas also said someone can be cited to Housing Court by the Zoning or Building inspector for the jurisdiction, not just the Police or Sheriff. The Sheriff or Police would normally be involved in serving the Notice.

DEPARTMENTAL REPORTS

POLICE

Sgt. Mike Carney presented the information on calls for service in January. The statistics for January, 2023 included 141 calls for service, 64 of which were considered non-billable. The calls included 9 criminal reports, 0 non-criminal, 7 auto accidents and 4 citations were issued for the month.

FIRE

Fire Chief Brien Lacey stated that the department run totals for the Village for January were: 4 Fire details, and 28 EMS details. The Chief reported that 7 people took the CPR and also a First Aid Training Class on February 4, 2023. He said they hoped to hold 4 of these classes each year. He will let us know when the next class is scheduled. Chief Lacey also said he was happy to report that 4 new part time employees had began their training with the Department. Mr. Rahall asked about the AED units Council planned to discuss and the security issues and issues with not having an adult as a Village representative trained to use them at the Park. The Chief discussed the training and lack of security at the fields. He said while he would like to say theft was not an issue, but an employee of the Township recently had their truck stolen from the parking lot. He also discussed the cost to provide an ASHI Card certifying an employee. Mr. Hume asked if any other Parks provided AED Units for general use. The Chief said he did not know of any. It was suggested that the organizations, sponsoring the groups using the field, might want to supply their own units and train their coaches to use them. Mr. Rahall asked about having a detail stationed at the Park during high use times. Mr. Nicholas noted that it's difficult to get volunteers to commit time to organizations, and asking them to take additional training could result in even fewer people helping out with youth sports. The Chief said they still do that for Taylor High School Football games, but it is difficult to commit a unit for a long period. Mr. Williams suggested the event organizers could contract with a private EMS Service. As a final note, the Chief said the final inspection for Roy Rogers was scheduled for tomorrow.

SERVICE

Service Director Mr. Knuf said they worked 17 hours of overtime and used 50 tons of salt during the snow falls on January 22 – 25, 30 and 31 events. He said that a plow was damaged when it struck a street plate. He said they had been working in the park cutting back trees and brush along the roadways/driveways. Mr. Hume asked about cutting back the brush at the entrance to Coleman Woods. Mrs. Myers asked if it is in the RoW or private property. Mr. Knuf said he would check to see if it is in the right of way. He said if it is he will cut it out. If it's on someone's private property we will try to work with the homeowner. Mayor asked and Mr. Knuf said we have approximately 225 tons of salt left. Mr. Rahall said they are looking at a grant for pouring a small concrete containment area for salt to be stored for after hours emergencies and for part loads of salt that are unused. He said we currently put it back in storage, however we do not have a way of calculating how much goes back, so we lose that returned salt.

WATER

Superintendent, Mr. Winhusen stated 22.5 million gallons were pumped in January. He also stated that approximately half of the third phase meters finally arrived. He said they should be installed early this spring.

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VILLAGE ADMINISTRATOR'S REPORT

Village Administrator, Mr. Rahall, stated the William Henry Harrison Memorial will be celebrating the 250th Birthday of President Harrison. He said the first of what he expected to be several meetings with Duke Energy as held regarding the proposed substation and landscaping. He is having our engineers look at a crosswalk and he had spoken with Duke about adding street lights on Cooper. He said he is meeting with the Holland Group about the crosswalk and sidewalks and will be looking at options for landscaping the round-a-bout. He said Roy Rogers is on schedule to open in 3-4 weeks. He reported that the survey on the riverfront property was complete and he hoped to close on the property with North Bend next week. He ended with the news that the Pickle Ball Court fencing was ready to be installed.

OLD BUSINESS

Resolution Addressing Posting of Notices. (Solicitor's Report)

Mayor Myers asked if there was any further discussion since this was addressed under the Solicitor's Report. There was no further discussion.

Village Flag. (Mr. Ben Mitchell)

Mr. Burns said he had found no issues with the design having an alternate meaning in his search. The closest symbol he found was an upside-down version of the center column and semi-circle, but it was a far reach to link it to the design Mr. Mitchell has. Mrs. Myers suggested it might be something to open up to other residents as a competition like was done with the Bicentennial Logo. Ms. Meister brought up the fact that the design referenced all points that are not located in the Village. She suggested the other Communities represented on the flag be offered the opportunity to review it. Ms. Boyce said she felt the Village should adopt it as the Village's. Ms. Meister asked Mr. Mitchell to explain the symbols for Mrs. Myers benefit since she was not in attendance at the previous meeting and was the first time seeing the design. Mr. Mitchell explained the symbols, which are: The Whitewater River, The Ohio River, Harrison's Tomb and the Canal. Ms. Meister's comments referred to the locations of the symbols which are: The Whitewater River (Located in Whitewater Township), The Ohio River (located in Addyston, North Bend and Mami Township, Harrison's Tomb (located in North Bend) and the Canal, which is in all of the other communities as well. Ms. Alejandro interrupted from the audience suggesting let Mr. Mitchell decide on placing the Cleves Logo on the Flag and letting the people at the meeting have input on it as well. She said the Council was spending too much time on the flag. Mayor Myers replied that Council had been accused of not discussing things long enough earlier in the meeting and now Council is being accused of having too much discussion, musing that you can't have it both ways. The discussion continued. Ms. Meister asked about Mr. Mitchell's feeling about speaking to the other communities. He said it was not his intent nor his preference to speak to other communities. Ms. Boyce suggested adding our Logo and not opening it to other Communities. After a continuing discussion: **A Motion to approve the flag design as the Village Flag for the next one-year time frame (2023) was made by Ms. Meister. Seconded by Mrs. Myers.** Ms. Boyce offered an amendment to the Motion which failed to receive a second and was not accepted by Ms. Meister. There being no further discussion, Mayor Myers called the Question, Roll Call Vote: Ms. Boyce, Yes, Mr. Williams, Yes, Ms. Meister, Yes, Mrs. Myers Yes, Mr. Hume, No, and Mr. Burns, Yes.

A short discussion regarding Roberts Rules of Order was held. Mayor Myers asked Mr. Brett for his understanding of the amendment of a motion. Mr. Brett replied that lacking a second to amendment and/or the acceptance of the amendment as a friendly amendment by the member originally making the motion, it could not be acted on. Ms. Meister again stated she would not have accepted the amendment. Mr. Mitchell asked if the year was for 2023. Ms. Meister said the intent of her motion was for the one year and it could be revisited in January of 2024, and could be considered for a new time period or not.

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NEW BUSINESS

Purchase of AED's and Training Employees. (Mr. Williams)

Mr. Williams stated that in light of the recent events at Paul Brown Stadium during the Bengals – Chiefs game, he felt we should provide AED Units in our Village Facilities. He also said in his discussion with Mr. Brett, that he was told funds from the American Recovery Act could be used to pay for the units and the training of Village employees. Sgt. Carney said the Sheriff's Department now has a unit which is either at the Station or with the Duty Car, at the Duty Officers discretion. Ms. Meister asked about the units and their placement. Mr. Williams said he suggested 3, one for the Council Chambers/Police Station, one for the Water Works/Administration Building and one for the Service Department Building. Chief Lacy suggested requesting funding from the Kiwanians. He said former Fire Chief, Steve Ober would be the contact person. Mr. Williams shared the brochures he had on two units for everyone to review. Ms. Meister asked if these units were compatible with the pads used by the EMS Units. The Chief said he would check before a unit was purchased and that would be a good idea. Mr. Williams asked if the Fire Inspectors could check the units when they do their annual inspections of the buildings. The Chief said they would, but the units have indicator lights to indicate their status and were simple to check by our staff as well. Mr. Williams asked if Council was interested in purchasing the units. Ms. Meister asked about the accessibility and Mr. Rahall said he would check with Mr. Ober to see if there might be any assistance in funding the units. Ms. Alejandro again interjected, saying Council should ask Pfizer to buy the units for us saying they make too much money. She said she would ask them. Mr. Rahall will check on the Kiwanis possible assistance.

COUNCIL COMMITTEE REPORTS

Finance

Ms. Meister reported that Mr. Brett reviewed the Permanent Appropriations with the committee. She said Mr. Brett attended the OH Twp. Assoc. Conference and spent some time reviewing HB 140 and its current interpretation as it applies to Elected Officials and discussing and promoting Tax Levy's. Mr. Brett provided a brief overview. Mr. Brett plans to have an updated Credit Card Policy for the Committee's review and for Council. Other items she reviewed included: The Time Frame to place a levy on the November General Election Ballot; a blighted property fund, STAR funds being a good return on funds, newsletter finance items, 5 year budget and cleaning up dormant acct. funds.

Parks

Mr. Burns stated they focused on the upcoming baseball season and the Pickle Ball Courts fencing. He said the Committee would like to have a celebration of the new equipment in April or May. He said they discussed the field upgrades with Mr. Knuf keeping the goal of having at least 2 fields in Game shape in 2024. He said the Soccer group had asked about AED's being available at the Park. Mr. Burns said Ms. Boyce discussed the possibility of having a Farmers Market in the Village and if there were any limitations. Mrs. Myers asked if the Soccer group had considered having their coaches trained and having a unit of their own at the fields. Mr. Burns said he was not aware of their discussions of that possibility. Mr. Hume asked about baseball dirt and its placement. He also added that the existing dirt could be turned and reworked. Mr. Rahall said the fields had been tilled and reworked once this year and will be redone again before the start of the season. Ms. Boyce reported that the Beatification Committee was getting pricing for new flowerpots for along the streets. She said she feels their would-be enough vendors to support a Farmers Market. She said they wanted to look at possible locations. Mr. Burns suggested that the Village recognize Mr. Mitchell's time and effort in designing the Flag he presented to the Council. He suggested a letter. He said he thought it would stir up civic pride by recognizing him. The Mayor said he would be pleased to issue the Proclamation.

A Motion to issue a Proclamation recognizing Mr. Mitchell's time and commitment by designing the Flag was made by Mr. Burns; seconded by Mr. Hume.

ALL IN FAVOR

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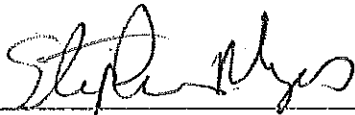
Mayors Report

Mayor Myers said he had nothing to add at this time.

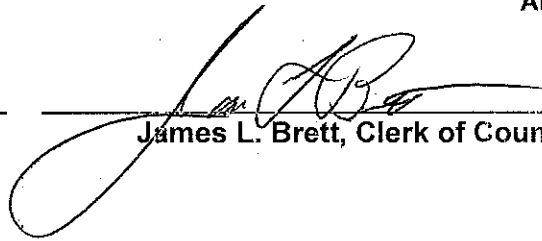
There being no further business:

A Motion to Adjourn the Council Meeting at 8:23 P.M. was made by Mrs. Myers; seconded by Ms. Boyce.

ALL IN FAVOR



Mayor Stephen Myers



James L. Brett, Clerk of Council