

**President Kevin Hardman called the regular council meeting of August 12, 2003 to order at 7:00 p.m.** Martha Cross Funk led Council in prayer. The Pledge of Allegiance led by Bill Breyer followed the prayer.

### **ROLL CALL**

In attendance for Roll Call were Council Members: Bill Lewis, Jim Dygert, Bill Breyer, Janey Kattelman, Bob Taylor and Steve Tolbert. Kerry Rabe was absent with notice

### **MINUTES**

The Minutes from the previous meeting of July 8, 2003 were approved as distributed.

### **REPORTS AND COMMUNICATIONS**

#### **MAYOR – VIRGIL LOVITT**

**NEW POLICE OFFICER** - Mayor Lovitt introduced and gave the oath of office to a new full-time police officer, James E. Salyer, who had previously been an auxiliary police officer.

**MAYOR’S COURT REVENUE** - Revenue collected for the month of June included \$29,260 in fines, \$260 in bond forfeitures and \$7,320 in State costs for a total of \$36,840.

**PUBLIC WORKS DIRECTOR** – Twelve individuals have been interviewed for the Public Works Director position. The second round of interviews will occur over the next two weeks.

#### **SAFETY/SERVICE DIRECTOR - AL LEDBETTER**

**POOL** – The Community Center pool was closed as of Monday, August 11. The draining of the pool is beginning in anticipation of construction. Bids will be opened on Tuesday, August 26. The completion date that has been set is May 5, 2004. For each day that date is exceeded for the first fourteen days, there is a \$500 penalty. From there on there is a \$750 penalty per day. As an incentive, there is a \$500 per day bonus for finishing early up to a total of twenty days.

**CRESCENTVILLE BRIDGE** – The Crescentville Bridge will be closed from now through December.

**FIRE DEPARTMENT** – The Fire Department will be at one of the next Council meetings. The Fire Department has been very successful in getting a Homeland Security grant of approximately \$200,000 that will be used to purchase CVSA units.

**LEGISLATION** – The Administration has requested, due to the summer schedule, that Council allow three readings of all ordinances this evening. There will be a request to move some money around in capital at one of the next Council meetings. It may become necessary to do this more frequently.

#### **MAYOR’S ADMINISTRATIVE ASSISTANT - CHRISTINE THOMPSON**

**DEEP TUNNEL** – The Deep Tunnel, which has not been heard about in a long time, appears further away than ever. The Millcreek Conservancy District is trying to get our senators to pressure the Army Corps of Engineers into completing it. However, the Army Corps of Engineers is trying to add on a dozen new projects to study and start all over.

**PRESIDENT OF COUNCIL – KEVIN HARDMAN** – No Report

**CLERK OF COUNCIL – MARTHA CROSS FUNK** - No Report

### **AUDITOR - JANET NORTH**

The Auditor's reports for the months of June and July were submitted to Council. Janet North noted that the State Audit for 2002 has also been distributed to Council.

### **TREASURER - MARK PIEPMEIER**

The Treasurer's report for the month of July was submitted to Council.

### **LAW DIRECTOR - TOM KEATING**

EVICTION – There is a resolution this evening to initiate litigation to evict a business tenant of the City of Sharonville. Tom Keating noted that he knew of no reason to give the business more time.

ADA – Tom Keating reported that he had a discussion with a disabled Sharonville citizen who thought that perhaps the City of Sharonville Council would consider having a Web cam at the Council meetings to allow disabled individuals to observe the Council meetings. Tom Keating has requested Christine Thompson to check into this idea to determine the viability of this option and the actual costs for Council's consideration.

### **RESIDENTS DESIRING TO BE HEARD BEFORE COUNCIL**

Katrina Hawkins, of 4185 Crystalview Court, requested Council's assistance regarding a drainage problem on her street. She reported that her house is the most adversely affected due to her driveway going downhill and provided pictures of the problem. Katrina Hawkins' home flooded in July of 2001, the fall of 2002 and July 2003. She noted that some rains come down the street too quickly to enter the storm sewer. Mayor Lovitt stated that research would be conducted by the City of Sharonville to determine if the retention basins in the area are functioning properly and for potential solutions.

Audrey and Boyce Privett, of 10581 Lemarie Drive, presented Council with a petition with 124 signatures of residents of Sharonville, mostly from the hilltop. Some of the signatures are those of relatives and friends who are residents of other areas of Sharonville that visit hilltop residents. Audrey Privett noted that several of the hilltop residents were afraid to sign these petitions because they were afraid that there would be retaliation against them. Audrey Privett read the following petition:

“We, the undersigned, petition the elected officials of the City of Sharonville to stop the gang of juveniles who are hanging out at all hours of the day and night at 10580 Lemarie Drive. They are terrorizing the neighborhood, ruining the quality of life, lowering property values for the residents of the Hilltop area of Sharonville, and creating severe and dangerous problems in the community as a whole.

As many as 20 to 30 young people congregate at the above residence, screaming obscenities, harassing motorists, and terrifying walkers and neighbors, threatening residents and throwing garbage all over the street and yards. This behavior continues sometimes until 2 or 3 a.m. and makes this neighborhood an unpleasant place in which to live.

This gang has set fires and targeted nearby residences with bottle rockets. They bounce footballs, soccer balls, eggs, and other items off cars parked on the street and in driveways. Cars arrive and as many as 10 more people join the gang. They are loud abusive, urinate in the yard, and try to intimidate anyone not in their gang. They also fight among themselves. Residents are afraid to sit on their porches or walk down the street.

In addition, vehicles have been broken into and items stolen, including hubcaps, bicycles, yard ornaments and flowers. Many vehicles have been “keyed”; some reported, some not.

A Neighborhood Watch meeting was held July 22, 2003. Approximately 140 residents attended. 95% of the concerns raised dealt with this particular gang of juveniles. Still, the situation continues to escalate.

The police have made every effort to control this situation. They respond quickly, professionally, and use great restraint against verbal abuse by the juveniles. But in only a few cases have arrests been made. Even after being arrested, the offenders are back within a few hours, crowing: "We know how the system works. We're out before the paperwork's finished." The adults residing at this residence have been heard to compare their arrest record to those of the juveniles, belittling local law enforcement efforts.

No matter how hard the police try, if they can't control one small section of Sharonville, the juveniles are correct when they shout, "We control this city."

This neighborhood is of the opinion that this problem will only be solved when the property owners at the above stated address are held responsible and accountable. Since five elected officials are attorneys, we feel a legal solution can be found. Unless this problem is corrected, long-time residents will be moving away and property values in the entire city will decline.

Sharonville has always been a nice place to live and raise children. It is the responsibility of our elected officials to keep it that way."

Audrey Privett stated that the police have really done a good job and have made every effort. She noted that tonight apparently three people were arrested.

John Haynes, of 10697 Lemarie Drive, noted that he is employed with the Hamilton County Sheriff's Office as a patrol officer currently assigned to District 3 (Sycamore Township, Symmes Township and Columbia Township) and is familiar with the problems that are going on. Specifically, today his wife was threatened on their front porch. The Sharonville Police Department was called and responded. Three arrests were made. John Haynes stated that terming these kids as a gang only gives them status. He noted that there is absolutely a parental problem in the house and absolutely a parental problem with the kids. John Haynes stated that the comments and threats are intolerable. He commended the Sharonville Police Department noting that they have been very cooperative and are including extra patrols. However, there is a lack of willpower or resolve with some of the people in the community who are not willing to go to the extra effort to sign the charges and to go to court which is a necessity to get on top of this. John Haynes noted that these individuals know now that there is certain segment of the community that is afraid of them and have given them status. He stated that publicly airing this issue and getting the community behind it is the best thing that can happen.

Stacy Haynes, of 10697 Lemarie Drive, noted that she supported her husband. She identified that it makes her angry that she cannot stand on her front porch to speak with her neighbor without being threatened. Stacy Haynes stated that she was very proud of her husband and what he does for a living. She noted that she does not appreciate being targeted because of his position. Stacy Haynes stated that she did not believe this problem is a Council issue. She believes it is an issue of the residents of Lemarie Drive. She noted that very few people have actually come forward to sign complaints. The police can only do their job if citizens are willing to come forward to tell what happened and to be inconvenienced by going to court and being put through the process. We have a system and we need to work within it. Stacy Haynes noted that it is her job as a citizen to come forward and tell what she went through today to try to help others not to go through it in the future. Stacy Haynes stated that the Sharonville Police officers are very good, very professional, very concerned and are doing their best. She noted that the issues have escalated since the term "gang" has been used and agreed that this term has given these individuals status. Stacy Haynes

stated that this issue cannot be resolved unless the citizens of Lemarie Drive are willing to call the police, sign affidavits, go to court and stand up for themselves.

Others expressing similar concerns, incidents regarding damage to property, stolen property, problems branching out from this area and that the problems are not isolated incidents included: Thurman Wright of 10600 Lemarie Drive, Rebecca Gaines of 10563 Lemarie Drive, Drew Forte of 10563 Lemarie Drive, Leesa Carr of 3854 Sharonview Drive, Sidney Shepherd of 10838 Willfleet, Della Halstead of 4086 Beaver creek Circle, Louis Sharpshair of 4078 Beaver creek Circle, Roger Seibel of 10926 Willfleet Drive, and Adrienne Larson of 10759 Willfleet Drive.

William Perkins, of 10580 Lemarie Drive, stated that the problem in Sharonville is not just because of the teens that hang out at this house. He stated that while some of the teens that do come up to the house cause problems, however, there are also teens that come from other communities that come out and do things in Sharonville. William Perkins stated that they do not intentionally cause problems. He noted that they may at times walk down the center of the street and may be a little loud. He stated that he has told the teens to keep it down so that the cops are not called to that house, because they have been called so many times even before he moved there. He has heard many stories about the cops being called and the trouble that has been caused by the teens not only from his girlfriend's little brother but by her friends when she was younger as well. Williams Perkins stated that he did not think it was right to blame it all on their house.

Diane Dietz, homeowner of 10580 Lemarie Drive, stated that their property has also been victim to egging and keyed cars. She feels that their house is targeted as the trouble any time any problems occur. She noted that while they do have problems, everybody has personal problems. Diane Dietz stated that the boys in the group that come to play on their computer are not the culprits in a lot of this stuff. She noted that some of the kids are not around anymore that were causing the problems as one is in Michigan and one is in jail. Diane Dietz stated that in the last three weeks, other than tonight, the police have not been called for anything on her property having to do with the "gang". She stated that they should not be called a "gang" as they are just a group of young children that are of juvenile age. Diane Dietz stated that she is doing what she can to try to curb it and to be a good neighbor.

Chief Schappa sincerely thanked members of the audience who have made very kind comments about the Sharonville Police Department. Chief Schappa stated that the Police Department was made aware of the situation up on Lemarie a couple of months ago. Since that time extra enforcement and education efforts have been taken in the area. Enforcement action has occurred on any violations where enforcement action can be taken. Chief Schappa stated that the Police Department has been working with the residents. A Neighborhood Watch meeting was held on July 22 that was well attended and where many of these same concerns were expressed. The detective division has been directed to provide more surveillance in the area. The different shifts have utilized officers in different capacities (unmarked cars, bicycles & different alternative means) to provide extra patrol in the area. An officer has been assigned to follow the court cases when people are arrested to provide insight to the magistrate so that the magistrate may make a better-informed decision as to what is going on. As a result of this proactive effort one juvenile's parole was revoked and he is still incarcerated pending another hearing. A second juvenile's probation was revoked and he is serving a 90-day sentence while awaiting another trial. Another subject identified is now in Michigan and there are traffic warrants out for this person. The police have met with the owners of the property to discuss the situation with them and elicit their cooperation as much as possible. Chief Schappa agreed that these individuals should not be referred to as a "gang". There are specific requirements in the Ohio Revised Code as to what a "gang" is and these individuals do not meet this definition. Chief Schappa stated that the Police Department is

devoting resources and efforts wherever and whenever possible to address this concern. Chief Schappa expressed appreciation to the community for their comments and support.

In response to questions by Council Member Steve Tolbert, William Perkins (age 22) identified that current residents of 10580 Lemarie Drive besides himself are the two homeowners, his girlfriend, his two children and her little brother (age 15). Steve Tolbert told William Perkins that he needed to assume responsibility for his life and what goes on there. William Perkins stated that they could not control the teens that visit after they leave. Steve Tolbert suggested that they not be allowed to come over in the first place.

Harry Dietz, homeowner of 10580 Lemarie Drive, questioned what the problem was with people coming over, visiting his son and playing on the computer. He identified that he goes to work each night at 10:00 p.m. He does not know what goes on but he does hear about it. Harry Dietz felt that favoritism by the Police Department was occurring when calls to the Police Department regarding other neighbors are resolved with just a phone call to the offending party.

Council Member Janey Kattelman asked what Harry Dietz intends to do, since it is his house, about the problems that are occurring from his house. He guaranteed that he would stop it by telling them that either they will listen to what he says or they can get you know what off his property.

Mayor Lovitt questioned Harry Dietz as to why so many teens were congregating at his house. Harry Dietz identified that they were coming to see his son and did not know why his son was so popular. Mayor Lovitt stated, bluntly, that his experience is when that number of teens congregate in a location on a regular basis there is something illegal going on. Harry Dietz stated that there were no drugs, alcohol or inappropriate Internet access occurring. Mayor Lovitt stated that these juveniles going to Juvenile Court are going to get real old for a lot of parents. Multiple offenders will get worse and worse sentences. Harry Dietz stated that is what they need. He also stated that if his boy does wrong, he should be punished.

Chief Schappa identified to Council Member Jim Dygert that as much free time as possible is spent there in both marked and unmarked cars. Chief Schappa requested that this be referred to Law Committee to see if there is something that can be done at this time based on the information provided. He identified that he would be available to address the issue with Law Committee.

Council Member Bill Lewis asked what happens when the juveniles are arrested. Chief Schappa and Lt. John Cook identified that it depends on the offense. For minor offenses, such as disorderly conduct, the juvenile is arrested and either released to a parent or taken to 2020 Auburn Avenue to be held until the parent is contacted. The juvenile is then released to the parent.

In response to questions by Mayor Lovitt, Lt. Joe Witzman identified that Juvenile Court supplements parental authority. There are no set fines, etc. as in Mayor's Court. Juvenile Court magistrates have a lot of leeway in sentencing juveniles. The police do provide an advocacy program, the police will present facts at the trial, and the police would be available to advise the complainants.

Law Director Tom Keating stated that curfews are usually frowned on by most cities as they apply to good as well as bad juveniles. He noted that curfews only apply to the streets. Tom Keating identified that it is also difficult to write curfews so that they are clear. Therefore, courts often consider them to be unconstitutional because they are vague. Tom Keating noted that one of the things that he has seen and read about is a curfew that is done for a specific purpose and a

specific area. Chief Schappa identified that as a Department Manager, he would be willing to try anything and this might be a viable alternative. Curfews do consume a great deal of enforcement time and 2020 Auburn Avenue will not incarcerate juveniles for curfew violations (status crimes – curfew violation, underage smoking, truancy) only for criminal offenses.

Mayor Lovitt noted that he was not too excited with curfews since it affects the whole town and the whole town is not doing something wrong. There are a lot of laws on the books that need to be looked at and enforced. The Police Department cannot be everywhere at the same time. Community involvement is needed and the community needs to work together. It is necessary for more witnesses to file complaints to solve problems. Council will see what Law Committee can do to give the Police Department more teeth.

### **CITY & ENVIRONMENTAL SERVICES - KERRY RABE** – Absent with notice

#### **PLANNING & ZONING – BILL LEWIS**

- The Administration and the Economic Development Committee met with the Property Advisors on August 7. This meeting began the redevelopment plan for the Chester Road corridor.
- A concept site plan will be coming before the Planning Commission tomorrow evening showing the combining of the old Shell and Chevron gas station properties on Sharon Road into a store front strip that includes both offices and retail.
- There is still hope for Vincenzo's Italian Restaurant. They are still trying to locate in Sharonville.
- Drury Inn's new schedule for the Holiday Inn Express is to open in the spring of 2004. The Drury Inn is expected to open in 2005.
- It is expected that a signed contract for the purchase of the old Radisson Hotel facility by the end of the week. This purchase will bring a top name full service hotel, theme restaurant and a totally rejuvenated exterior with heavy landscaping.

#### **COMMUNITY RELATIONS – JIM DYGERT**

- The summer edition of the All About Sharonville newsletter was distributed to Council this evening and should be received by the residents within the next few days.
- Kevin Hardman commended Jim Dygert on a fine publication that people will want to read.
- Jim Dygert will be setting up a general schedule where the deadline for each issue is the first day of each season.

#### **LAW – BILL BREYER**

- Law Committee will meet next Tuesday at 4:30 p.m.

#### **RECREATION - JANEY KATTELMAN**

- The Fall / Winter brochure will be received by residents between August 20 and August 25.
- Shakespeare in Sharonville was held the last two weekends. There were approximately 1300 people in attendance. \$2700 in net receipts will be used for next year's performances. Appreciation was expressed to Tom Keating and Kerry Rabe for attending.
- The summer safety camp was a big hit. Paul Healey, Deanna Smith, Bob Menth and Steve Vanover from the Police Department and Ed Gault from the Fire Department handled the safety camp sessions that were filled.
- Summer Senior Games will be held on August 19 from 8:00 a.m. to 2:00 p.m. Elected Officials have been invited to lunch at Noon and/or the Awards ceremony at 2:00 p.m. Contact Carol Crawford to RSVP for lunch.

- There is new carpeting in the Recreation Department except in the lower level. That carpeting will go in around the beginning of September when the renovations are complete in the meeting room.
- SYO fall football and soccer practices have begun.
- The Sharonville fitness center has completed their 6<sup>th</sup> Annual Summer Fitness Frenzy incentive program. This includes collecting school supplies for kids that do not have sufficient school supplies. This project has collected 140 items for the kids.

### **FIRE & POLICE - BOB TAYLOR**

- S.T.E.P. has 804 hours of overtime with 789 citations.
- Letters were received expressing appreciation to Officers Derek Broenner and Chad Griffith for their service.
- The Firemen's Festival tear down night was July 28. The festival was down financially this year.
- The Sharonville Fire Department Club meeting was held August 4 with 12 members present.
  - New firefighters will be hired August 18.
  - Amy Nutley gave a report on the festival and requested a committee to study the festival.
  - There is a car show Toys for Tots on September 27<sup>th</sup> at 11300 Mosteller Road. The club may do a good booth at this event that will be held at the BOC location.
  - A donation of \$430 to Girl Scout Troop 2989 towards their projects was approved.
- The Sharonville Fire Department has received a grant of approximately \$220,000 for equipment and training.
- Elected Officials have been invited to attend the Police Department dinner following their Golf Outing at the Sharon Woods Lakeside Lodge at 5:30 p.m.

### **FINANCE - STEVE TOLBERT** – No Report

### **RULE SUSPENSION MOTIONS**

#### **LATE DELIVERY**

The motion for suspension of the regular rules of Council to allow three readings on Ordinances 2003-55, 2003-56, 2003-57 and 2003-58 by Mr. Taylor was seconded. Voice Vote called. Motion approved unanimously.

#### **UNFINISHED BUSINESS** - None

### **NEW BUSINESS**

**ORDINANCE 2003-55** – Amending Codified Ordinances 139.02 (Service Department) And 139.03 (Safety Department) To Allow The Safety Service Director To Make Contracts Involving Expenditure Of Not More Than \$25,000.00 Without Prior Ordinance Authorization. The Clerk gave the three readings of the ordinance. The motion for passage by Mr. Lewis was seconded. Roll Call Vote on passage. Motion approved unanimously.

**ORDINANCE 2003-56** – Establishing A Motor Vehicle Allowance For Convention Center Manager. The Clerk gave the three readings of the ordinance. The motion for passage by Mr. Taylor was seconded. Roll Call Vote on passage. Motion approved unanimously.

**ORDINANCE 2003-57** – Authorizing Safety Service Director To Dispose Of 2000 Crown Victoria Automobile. The Clerk gave the three readings of the ordinance. The motion for passage by Mr. Dygert was seconded. Roll Call Vote on passage. Motion approved unanimously.

**ORDINANCE 2003-58** – Amending Ordinance 2002-86E To Make A Change In The Administration Department. The Clerk gave the three readings of the ordinance. The motion for passage by Mr. Breyer was seconded. Roll Call Vote on passage. Motion approved unanimously.

**RESOLUTION 2003-R-13** – Authorizing Litigation Against Adriatic, Inc. Concerning Lease Violation. The Clerk read the resolution. The motion for passage by Mr. Taylor was seconded. Roll Call Vote on passage. Motion approved unanimously.

**RESOLUTION 2003-R-14** – A Resolution Consenting To The Execution Of An Agreement Between The Board Of County Commissioners Of Hamilton County, Ohio And Smurfit Stone / Jefferson Smurfit Corporation And Kemper Road Partnership For An Economic Development Project Which Will Expand The Business Base In The City Of Sharonville And Create Employment Opportunities Within An Enterprise Zone Of Hamilton County. The Clerk read the resolution. Building and Planning Department Director Ted Mack was in attendance in the event Council Members had any questions regarding this legislation. The motion for passage by Mr. Breyer was seconded. Roll Call Vote on passage. Motion approved unanimously.

**RESIDENTS DESIRING TO BE HEARD BEFORE COUNCIL** - None

**OTHER MATTERS TO BE HEARD BEFORE COUNCIL**

Tom Keating reported that the Civil Service Commission today ruled that the second Recreation Department position does require a test. The occupant of the position, Carol Crawford, will keep the position on an indefinite basis. That testing will take place with the interviewing following shortly thereafter.

Bob Taylor reported that he would be attending the Fire Convention in Wadsworth, Ohio this Thursday through Sunday.

Jim Dygert, Bob Taylor and Christine Thompson advised Council that they would be unable to attend the August 26 Council meeting.

**ADJOURNMENT**

President Kevin Hardman adjourned the meeting at 9:10 p.m.

**ATTEST:**

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Martha Cross Funk, Clerk of Council

\_\_\_\_\_  
Kevin Hardman, President of Council

\_\_\_\_\_  
Date

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Date